

A King in All But Name: John, *dominus Hibernie, frater regis*, and
Unconsecrated Rulership in Two Kingdoms, 1185–99.

Richard Arthur Daines

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Abstract

This is a thesis of two parts, concerning aspects of the political structure of two kingdoms: Ireland and England. Its focus is the role of John, the youngest son of King Henry II, as a ruler whose 'sovereign' authority spanned both kingdoms during a period in which he was the anointed king of neither.

Part one, comprising chapters one and two, examines John's rulership in England as the younger brother of King Richard I. Chapter one establishes the dynastic context of John's vast collection of lands and rights in the kingdom and demonstrates how these rights – financial and judicial – were exercised. It argues that John operated an administration that was a discrete mirror of that of the king. Chapter two proceeds to analyse John's extant charters to establish the nature of his position as a ruler in England during the early years of his brother's reign. It demonstrates that his practical authority was often effectively royal in character.

Part two of the thesis examines John's rulership in Ireland as *dominus Hibernie*. Chapter three analyses John's Irish charters to establish how the nature of his authority in Ireland was communicated and understood before 1189. Chapter four explores the judicial prerogatives that John claimed in the kingdom and examines how Irish beneficiaries understood the continuity of their tenure after John became king of England. The chapter makes the significant conclusion that John's authority as *dominus Hibernie* was continuous before and after 1199 and was understood as equivalent to that of an anointed king elsewhere in Europe.

The thesis thus redefines earlier understandings of John before 1199 and challenges existing interpretations of the political structures of two late twelfth-century kingdoms, and the relationship between them.

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List of Abbreviations

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| <i>Angevin Acta</i> | <i>Acta of the Plantagenets</i> , ed. by N. Vincent, J.C. Holt, R. Mortimer, J. Everard (Oxford, Oxford University Press, forthcoming). Individual citations are to the research project's catalogue file reference numbers, pending the numbering of the final publication. Manuscript or publication references (where available) are provided in parenthesis upon initial citation where a catalogue number was not assigned. For ease of reference ahead of publication, a full index of citations to previously-published and manuscript material is provided in Appendix A. |
| <i>ANS</i> | <i>Anglo-Norman Studies</i> . |
| <i>Book of Fees</i> | <i>Liber Feodorum. The Book of Fees Commonly Called Testa de Neville</i> , 3 vols. ed. by H.C. Maxwell Lyte (London, 1920-1931). |
| <i>Cal. Chart. R.</i> | <i>Calendar of the Charter Rolls Preserved in the Public Record Office</i> , 6 vols. ed. by H. C. Maxwell-Lyte (London, 1903-1927). |
| <i>Cal. Docs. Ire.</i> | <i>Calendar of Documents Relating to Ireland Preserved in Her Majesty's Public Record Office, London, 1171–1307</i> , ed. by H.S. Sweetman, 5 vols. (London, 1875–86), i, 1171 –1251, (1875). |
| <i>Cal. Pat. R.</i> | <i>Calendar of the Patent Rolls Preserved in the Public Record Office</i> , (London, Public Record Office). References are provided to individual volumes, within series designated by monarch. |
| <i>Chronica</i> | Roger of Howden, <i>Chronica</i> , 4 vols. ed. by W. Stubbs (London: Rolls Series, 1868-71). |

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| Church, 'dominus Hibernie' | S.D. Church, 'Political Discourse at the Court of Henry II and the Making of the New Kingdom of Ireland: The Evidence of John's Title <i>dominus Hibernie</i> ', in <i>History</i> , 102 (2017) 808–23. |
| Church, John | S.D. Church, <i>King John: England, Magna Carta, and the Making of a Tyrant</i> , (London, MacMillan, 2015). |
| CIRCLE | <i>A Calendar of Irish Chancery Letters, c.1244–1509</i> , ed. by P. Crooks, < https://chancery.tcd.ie >. Individual citations are provided with reference to the specific original record. |
| CRR | <i>Curia Regis Rolls of the Reigns of Richard I, John and Henry III preserved in the Public Record Office</i> , 18 vols. (London, 1922–). |
| CUL | Cambridge University Library. |
| Devizes | <i>The Chronicle of Richard of Devizes of the Time of King Richard the First</i> , ed. by J.T. Appleby, (London 1963). |
| Diceto | Ralph Diceto, <i>Ymagines Historiarum</i> , in <i>Radulfi de Diceto Decani Lundoniensis Opera Historica</i> , 2 vols. ed. by W. Stubbs (London, Rolls Series, 1876). |
| Duffy, 'John' | S. Duffy, 'John and Ireland: the origins of England's Irish Problem,' in <i>King John: New Interpretations</i> , ed. by S.D. Church (Woodbridge, Boydell, 1999), 221-45. |
| EHR | <i>English Historical Review</i> . |

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| Flanagan, <i>Irish Society</i> | M.T. Flanagan, <i>Irish Society, Anglo-Norman Settlers, Angevin Kingship</i> , (Oxford, Clarendon, 1989). |
| Gerald, <i>Expugnatio</i> | Gerald of Wales, <i>Expugnatio Hibernica</i> , ed. by A.B. Scott and F.X. Martin (Dublin, Royal Irish Academy, 1978). |
| <i>Gesta</i> | Roger of Howden, <i>Gesta Regis Henrici Secundi Benedicti Abbatis: The Chronicle of the Reigns of Henry II and Richard I</i> , 2 vols. ed. by W. Stubbs (London, Rolls Series, 1867). |
| <i>Glanvill</i> | <i>Tractus de legibus et consuetudinibus regni Anglie qui Glanvilla vocatur</i> , ed. by G.D.G. Hall and M.T. Clanchy, repr. (Oxford, Clarendon, 1998). |
| <i>HSJ</i> | <i>Haskins Society Journal</i> . |
| Jones, 'Acta' | M. Jones, 'The Acta of John, lord of Ireland and count of Mortain, with a study of his household', (unpublished MA thesis, University of Manchester, 1949). |
| Newburgh | William of Newburgh, <i>Historia Rerum Anglicarum</i> in <i>Chronicles of the Reigns of Stephen, Henry II and Richard I</i> , 4 vols. ed. by R. Howlett (London, Rolls Series 1884-1890), i. |
| <i>ODNB</i> | <i>Oxford Dictionary of National Biography</i> , (Oxford, Oxford University Press, 2004, online edn. 2008). |
| Hudson, <i>OHLE</i> | J. Hudson, <i>Oxford History of the Laws of England</i> , ed. by J. Baker, 13 vols. (Oxford, Oxford University Press, 2012), ii, 871-1216 (2012). |

Orpen, *Normans*

G.H. Orpen, *Ireland under the Normans*, 2nd edn. 4 vols. (Oxford, Clarendon, 1968).

PR

Pipe Roll. References to the Pipe Rolls refer to the editions published in London by the Pipe Roll Society and are cited by regnal year, with the exceptions of *PR 2 Henry II*, *3 Henry II*, and *4 Henry II* (published in *The Great Roll of the Pipe for the Second, Third and Fourth Years of the Reign of King Henry II*, ed. by J. Hunter (London, Record Commission, 1844)) and *PR 1 Richard I*, (published in *The Great Roll of the Pipe for the First Year of the Reign of King Richard the First*, ed. by J. Hunter (London, Record Commission, 1844)).

Red Book

The Red Book of the Exchequer, 3 vols., ed. by H. Hall (London, Record Commission, 1896).

Rot. Chart.

Rotuli Chartarum in Turri Londinensi Asservati, ed. by T. Duffus Hardy (London, Record Commission, 1837).

Rot. Lit. Claus.

Rotuli Litterarum Clausarum in Turri Londinensi Asservati, 2 vols. ed. by T. Duffus Hardy (London, Record Commission, 1833, 1844).

Rot. Lit. Pat.

Rotuli Litterarum Patentium in Turri Londinensi Asservati, ed. by T.D. Hardy, (London, Record Commission, 1835).

Rot. Obl. Fin.

Rotuli de Oblatís et Finibus in Turri Londinensi Asservati: Tempore Regis Johannis, ed. by T. Duffus Hardy (London, Record Commission, 1835).

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| Strickland, 'Bones' | M. Strickland, 'The 'Bones of the Kingdom' and the Treason of Count John' in <i>Culture Politique des Plantagenêt (1154–1224)</i> , <i>Actes du Colloque tenu à Poitiers du 2 au 5 mai 2002</i> , ed. by M. Aurell (Poitiers, Centre d'études Supérieures de Civilisation Médiévale, 2003), 143–72. |
| TNA | The National Archives, London. |
| Torigni | Robert of Torigni, <i>Chronica de Roberti de Torigneio</i> in <i>Chronicles of the Reigns of Stephen, Henry II and Richard I</i> , 4 vols. ed. by R. Howlett (London, Rolls Series 1884-1890), iv. |
| Vincent, 'Jean' | N. Vincent, 'Jean, comte de Mortain: le futur roi et ses domaines en Normandie: 1183-1199' in <i>1204: La Normandie entre les Plantagenets et Capetians</i> , ed. by A-M. Flambard Hericher et V. Gazeau (Caen, Brepols, 2007) 37–59. |

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Introduction

By December 1189, the new ruler of the Angevin realms, King Richard I, had made extensive grants of lands and rights to his younger brother John, count of Mortain. In England, John was granted regal rights over the entire counties of Nottinghamshire-Derbyshire, Dorset-Somerset, Devon, and Cornwall and similar rights in the honour of Lancaster, in addition to further landed estates. John's comital title had recently been bestowed upon him by his brother and was derived from the lordship situated on the south-west frontier of Normandy which was traditionally given to cadet members of the ducal family. By 1189, however, John had already been a figure of outstanding prominence in the British Isles for several years. His father, Henry II, had made him king of Ireland in 1177 and John had borne the title *dominus Hibernie* since his abortive visit to the kingdom in 1185. As such, John had amassed claims to political authority that far exceeded those typically enjoyed by the youngest son of a royal dynasty, and he did so long before he became king of England. Between 1185 and 1199, therefore, John occupied a highly significant, if ambiguous, position. A member of the royal dynasty, although not an anointed king; yet a figure who could claim to be the autonomous ruler of an area that extended across two kingdoms, from Ireland across most of south-west and midland England. This authority set him apart from any other magnate. This thesis is the first detailed examination of the nature of John's rulership within these two kingdoms and its implications for our understanding of political authority in the late twelfth century.¹

A key body of evidence for the rulership of John, count of Mortain, is the corpus of *acta* issued in his name before his coronation as king of England on Ascension Day 1199. We know of at

¹ Since the focus of this thesis is on John as a ruler exercising 'sovereign' authority, his Norman county of Mortain – for which the evidence for his exercise of judicial and fiscal jurisdiction is sparse – is addressed only briefly for its contextual influence. See chapter 1.

least 370 such texts as of 2019. This corpus is comprised of sixty-seven single-sheet originals (or texts known from originals since lost or destroyed), together with others surviving only as later copies (including cartulary copies) or within subsequent *inspeximi*, while others still are known only from brief references made within other sources, for instance, exchequer and chancery enrolments. Count John's *acta* include notifications (of gifts and/or grants of land, rights, or protection), writs (instructions or mandates), letters and final concords made in his court, all of which will be published as a volume of the forthcoming edition of the *acta* of the Angevin kings.² An article by Nicholas Vincent, the current director of this publication project, gave an overview of the collection of Count John's *acta* and considered the implications of their witness lists for John's relations with the Norman baronage and is one of very few dedicated recent studies of John before 1199.³ Scholars of medieval Ireland have shown considerable interest in John's activities as *dominus Hibernie* before his English coronation, yet here too dedicated attention has more often centred on his expedition of 1185 (with some notable recent exceptions), with specific aspects of John's rulership in Ireland addressed only incidentally in more general surveys and studies with other focal points.⁴ A fuller

² N. Vincent, 'Jean, comte de Mortain: le futur roi et ses domaines en Normandie: 1183-1199' in *1204: La Normandie entre les Plantagenets et Capetians*, ed. by A-M. Flambard Hericher et V. Gazeau (Caen, Brepols, 2007) 37–59, 38–39. For the various types of royal document in use by 1199, see P. Chaplais, *English Royal Documents, King John - Henry VI, 1199-1461*, (Oxford, Clarendon, 1971) 4–20.

³ Vincent, 'Jean'; M. Strickland, 'The 'Bones of the Kingdom' and the Treason of Count John' in *Culture Politique des Plantagenêt (1154–1224)*, *Actes du Colloque tenu à Poitiers du 2 au 5 mai 2002*, ed. by M. Aurell (Poitiers, Centre d'études Supérieures de Civilisation Médiévale, 2003), 143–72.

⁴ W.L. Warren, 'John in Ireland, 1185', in *Essays Presented to Michael Roberts, Sometime Professor of Modern History in the Queen's University of Belfast*, ed. by J. Bossy and P. Jupp (Belfast, Blackstaff, 1976), 11–23 and 'King John and Ireland' in *England and Ireland in the Middle Ages*, ed. by J.F. Lydon (Dublin, Blackrock, 1981), 26–42; S. Duffy, 'John and Ireland: the origins of England's Irish Problem,' in *King John: New Interpretations*, ed. by S.D. Church (Woodbridge, Boydell, 1999), 221–45; C. Veach, 'King and Magnate in Medieval Ireland:

review of the Irish historiography appears at the outset of chapter 3. The majority of scholarly attention around John, however, has otherwise focused on him as king of England or as an antagonist to Richard I, with treatments of his activities before 1199 being necessarily brief and episodic in the context of biographies and surveys.⁵

Walter de Lacy, King Richard and King John,' in *Irish Historical Studies*, 37 (2010), 179–202; S.D. Church, 'Political Discourse at the Court of Henry II and the Making of the New Kingdom of Ireland: The Evidence of John's Title *dominus Hibernie*', in *History*, 102 (2017) 808–23. More general treatments of John's relationship with Ireland before 1199 also appear in G.H. Orpen, *Ireland under the Normans*, 2nd edn. 4 vols. (Oxford, Clarendon, 1968); A.J. Otway-Ruthven, *A History of Medieval Ireland*, (London, Benn, 1968); F.X. Martin, 'John, lord of Ireland, 1185-1216' in *A New History of Ireland*, ed. by F.X. Martin, F.J. Byrne, W.E. Vaughan, A. Cosgrove and J.R. Hill, 9 vols. (Oxford, Clarendon, 1982) ii, *Medieval Ireland, 1169-1534*, ed. by A. Cosgrove (1987); M.T. Flanagan, *Irish Society, Anglo-Norman Settlers, Angevin Kingship*, (Oxford, Clarendon, 1989), N. Vincent, 'Angevin Ireland', in *The Cambridge History of Ireland*, ed. by B. Smith (Cambridge, Cambridge University Press, 2018) i, 185–221.

⁵ K. Norgate, *John Lackland*, (London, Macmillan, 1902); L. Landon, *The Itinerary of King Richard I* (London, Pipe Roll Society, 1935) 196–209; Sidney Painter's *The Reign of King John* (Baltimore, 1949) began its treatment in 1199; J.T. Appleby, *England Without Richard*, (London, Bell, 1965); W.L. Warren, *King John*, 2nd edn. (New Haven, Yale University Press, 1978); R.V. Turner, *King John*, (London, History Press, 1994); J. Gillingham, *Richard I*, (New Haven, Yale University Press, 1999); R.V. Turner and R. Heiser, *The Reign of Richard Lionheart, Ruler of the Angevin Empire, 1189-99*, (Harlow, Pearson, 2000). The fullest treatment appeared in the recent S.D. Church, *King John: England, Magna Carta, and the Making of a Tyrant*, (London, MacMillan, 2015).

The Charters of Count John

Some 200 of John's charters were, nonetheless, known to and examined by Margaret Jones in an unpublished dissertation of 1949 in which she outlined their features and their implications for the composition of John's household. In this rare dedicated study, Jones identified a shifting core of household servants who consistently attended upon John and stood witness to the issuing of his charters, some of whom carried styles that indicated that they held official positions within the household, including the office of chancellor. The existence of this official role, together with the consistency of the form of the documents issued in John's name, is indicative of the employment of a chancery staff who produced many of their lord's *acta*.⁶

The majority of John's *acta*, as Jones noted, lack full dating clauses and can therefore be dated only to within certain periods, which are largely determinable with reference to the internal evidence of the formulary employed. The terms in which John was styled in his *acta*, for example, varied with respect to the date of issue. Those *acta* in which he was styled *filius domini regis Anglie et dominus Hibernie* (or a similar variant) may be dated to before the death of Henry II on 6 July 1189.⁷ Jones also contended that John's use of the title *dominus Hibernie* in his *acta* could not have predated the expedition to Ireland upon which he embarked on 31 March 1185 (despite the fact that his association with Ireland began with the Council of Oxford in 1177), because this date also marked John's entry into knighthood and majority, before which he could not have independently

⁶ M. Jones, 'The *Acta* of John, lord of Ireland and count of Mortain, with a study of his household', (unpublished MA thesis, University of Manchester, 1949), 31–40.

⁷ Jones, 'Acta', 15; W.L. Warren, *Henry II*, 2nd edn. (New Haven, Yale University Press, 2000), 626.

issued *acta*.⁸ Whilst such a limitation of the date range is possible and even likely, it cannot be certain. Those *acta* which contain Irish place-dates may, however, be dated with confidence to the period in which John was personally present in Ireland, between April and December 1185.⁹ *Acta* in which the style *comes Moretonii* (or a similar variant) was employed are datable to after John's investment with the county of Mortain on 20 July 1189.¹⁰ John ceased to be styled *comes Moretonii* upon the death of Richard I on 6 April 1199, and thereafter was styled *dominus Anglie* in two extant charters issued before his own consecration as king of England.¹¹

A pragmatic approach may also be taken to dating John's *acta* with respect to the periods during which he is known to have been in possession of certain lands and rights. Any *actum* which relates to possessions which are known from narrative or royal governmental sources to have been confiscated from John in 1194 – such as the honour of Lancaster, or the jointly-administered counties of Nottinghamshire-Derbyshire – and not later restored by Richard I may realistically, if not certainly, be dated no later than 1194, with a *terminus ante quem* of the first half of that year.¹² More precise dating of individual documents is also possible with respect to the presence of certain individuals in their witness lists (for example, Roger de Planes, a member of John's household who was killed in October 1191), and when John's whereabouts on certain dates are known from other sources.¹³

⁸ Jones, 'Acta', 28. For the genesis of John's title *dominus Hibernie*, see S.D. Church, 'Political Discourse at the Court of Henry II and the Making of the New Kingdom of Ireland: The Evidence of John's Title *dominus Hibernie*', in *History*, 102 (2017) 808–23.

⁹ Jones, 'Acta', 30; Orpen, *Normans*, ii, 94, 105.

¹⁰ Jones, 'Acta', 15.

¹¹ Jones, 'Acta', 25; Vincent, 'Jean', 40, 53–4.

¹² Jones, 'Acta', 28–30.

¹³ Jones, 'Acta', 30–1.

Jones' study also provided a description of the diplomatic trends of the body of documents to which she had access. Her outline made clear that, in diplomatic terms, John's *acta* strongly correspond with the formulaic norms of Angevin royal *acta*, especially those of the documents issued by his father Henry II, but later also some of those exhibited by the charters of his brother, Richard I. Such an influence is natural enough due to John's membership of the Angevin dynasty, but is also directly explainable by the fact that key members of his chancery and household were initially drawn from those employed in administrative service by Henry II.¹⁴ From the earliest date, therefore, John's *acta* typically – in the limited sense that it is possible to speak of a 'typical' twelfth-century charter – employed the same formulae as those of his father, with the formulaic clauses presented in the same order. This feature remained consistent into the reign of Richard I, when changes to the norms of royal diplomatic occurred; whilst Richard's royal *acta* began to utilise a full dating clause by day and regnal year, a majority of John's *acta* issued between 1189 and 1194 maintained a consistent approach by continuing to employ only a place-date, *apud X*.¹⁵ Those

¹⁴ Jones, 'Acta', 31–2.

¹⁵ Vincent, 'Jean', 42. There are twenty-five exceptions to this usage for the 1189 x 1194 period (with regard to notifications, rather than other forms of document such as final concords); see *Angevin Acta*, 732J [men of Dublin, surviving as an original], 532J [St. Thomas' Priory, Dublin, surviving as a copy], 565J [Archbishop John Cumin, surviving as a copy], 615J [a proto-*inspeximus*, of even date with 565J, confirming Archbishop John Cumin's grant to Geoffrey de Marsh, surviving as a copy], 743J [Eye Priory, surviving as a copy], 571J [Bishop Hugh of Coventry, dated by the incarnation and surviving in an original *inspeximus* of Henry III], 2148J [Glendalough Abbey, surviving as a copy], 376J [Gervase of Hampton, surviving as an original], 2532J [the church of Kells, surviving in an enrolled *inspeximus* of Richard II], 572J [the church of Lichfield, surviving as a copy and with an atypical address clause, but given *per manum Stephani Rid' cancellarii mei*], 5284J [St. Bartholomew's Hospital, London, surviving as an original], 557J [Montacute Priory, surviving as a copy], 558J [Montacute Priory, surviving as an original], 745J [Reading Abbey, surviving as a copy], 2150J [Henry Tyrel, surviving in an enrolled *inspeximus* of Edward III], 528J [Archbishop John of Dublin, surviving as an enrolled

originals which survive were also consistently written in a court hand that corresponds with the scribal practices of Henry II's chancery and were sealed in a way that was consistent with royal chancery practice, either by simple queue, double queue, or cords.¹⁶ John utilised an equestrian seal, on which he was styled *filius regis Anglie domini Hibernie*, with a counterseal portraying a female bust, with the legend *sigillum Iohanni*; this seal continued to be used even after the death of Henry II, without the addition of any reference to his comital title.¹⁷

After 1195, when John seems to have been in closer proximity to the king and his chancery in Normandy, his own household was seemingly depleted to the extent that Jones suggested it had merged into the *curia regis*, with the implication being that his documents began to be written by scribes drawn from the royal chancery. This conclusion was based both on changes in witness lists and on the contention that a full dating clause (by day and regnal year) became employed in John's *acta* with a much greater regularity and consistency than previously, alongside the formula *datum per manum*. Both of these features were, by this stage, consistent in royal diplomatic.¹⁸ This interpretation of the witness list evidence is suggested, for example, by the charter issued to Walter de Lacy in June 1195 – the first known to have been issued after his dispossession in 1194 – which was witnessed by a number of individuals associated with the king (such as William Longchamp)

copy and dated to 1193], 566J [St. Patrick's cathedral church, Dublin, of even date with 528J and surviving as a copy], 210J [men of Lancaster, surviving as an original], 261J [Margam Abbey, surviving as an original], 536J [notification of a treaty made with King Phillip, surviving as an original], 612J [Peter Pipard, surviving as an original], 9J [Hamo de Valognes, surviving as an original], 1841J [Richard de Vernon, surviving as an original], 2168J [Priory of Le Plessis-Grimoult, not dated by regnal year and possibly post-1194, surviving as an original] and Paris BN ms. nouv.acq.Francais 21861 fo.200r-v [Savigny Abbey, surviving in a copy from the original made by L. Delisle].

¹⁶ Jones, 'Acta', 33.

¹⁷ Jones, 'Acta', 35; *Earldom of Gloucester Charters*, ed. by R. Patterson (Oxford, Clarendon Press, 1973) 25.

¹⁸ Jones, 'Acta', 32, 79.

alongside more familiar members of John's following (such as Master Benedict), and is thus indicative of an act conducted in the royal court.¹⁹

With regard to the matter of variations in dating clauses we may now consider the fuller collection of John's *acta* that has been compiled by the editors of the unpublished edition of *Angevin Acta*, which includes thirteen surviving documents issued by Count John after 1194 which employed a full dating clause.²⁰ This statistic does not seem to indicate a wholesale change in diplomatic practice, especially if we consider it unlikely that only thirteen documents survive from the entire five-year period between 1194 and 1199 and that many undated documents could plausibly also have been issued in this period. Jones' impression that Count John's altered circumstances in this period had an influence on the diplomatic of his *acta*, however, remains plausible. A significant number (105) of John's undated *acta* were issued in England and there is no positive evidence that John set foot in the kingdom after 1194. Some of these undated documents also concern grants of English property to which John could entertain no claim to authority after 1194 because that property pertained to counties or honours which were not restored to him after confiscation in that year until he became king. Such undated documents, therefore, are most plausibly datable to the period 1189 x 1194, before John was dispossessed.²¹ It would appear, therefore, that fewer of the undated documents are plausibly datable to after 1194 than to before. It may well be the case that the thirteen documents dated after 1195 are representative of a diplomatic form that became more predominant once John was in regular proximity to the king and his chancery, which may in turn have influenced scribal practice by way of an exchange of personnel. Crucially, however, Jones' interpretation of a wholesale shift in practice did not account sufficiently for those documents

¹⁹ Church, *John*, 58–9, note; *Angevin Acta*, 2162J.

²⁰ *Angevin Acta*, 2162J, 2691J, 2166J, 2164J, 436J, 533J, 534J, 724J, 2167J, 211J, 372J, 4088J, 2169J.

²¹ Vincent, 'Jean', 42, 50–1.

datable by regnal year that were issued before 1194.²² Those documents dated by regnal year to before 1195 may, indeed, themselves be products of moments of interaction between Count John's chancery and that part of the royal chancery which did not accompany the king on crusade; that is, they may have been written by scribes usually employed by the royal chancery and thus accustomed to royal formulaic norms.²³

That the circumstantial involvement of royal chancery scribes – rather than a more simplistic change in overall practice after 1194 – might have been the most influential factor in the variable inclusion of a dating clause in John's *acta* is also suggested by the likely date of some documents that lack such a clause. Certain undated charters carry witness lists which might be suggestive of dates after 1194, since they feature witnesses who are prominent attestors of those post-1194 documents which do carry full dating clauses. John de Gray, for example, was a relatively frequent witness to dated post-1194 charters – several of which also employ the formula 'per manum Iohannis de Grai' – yet also appeared as a witness to other undated charters issued exclusively in Normandy, the witnesses of which can also be found alongside John de Gray in the dated documents.²⁴ That the same group of individuals who stood witness together for *acta* issued after

²² See above, n.15.

²³ Church, *John*, 58–9, note.

²⁴ *Angevin Acta*, 3815J [which John de Gray witnessed alongside William and Fulk de Cantilupe, Hubert de Burgh as *camerario*, and Reginald de Wassenvill, at Lyre], 2179J [alongside Roger de Amundville, Hubert de Burgh, Master Benedict, Roger de Montbegon, at Yvrande], ???J [grant to William fitz William fitz Ellis] [*Western Manuscripts* (Sotheby's Sale Catalogue, London, 8 December 2009), lot no.19., to William fitz William fitz Ellis, given at Rouen, with other witnesses including Reginald de Wassenvill, Hubert *camerario*, Alexander de Lucy]. For dated post-1194 documents witnessed by John de Gray see *Angevin Acta*, 2167J, 2162J, 2691J, 533J, 534J, 2168J [only day and month, no year, witnessed alongside Roger de Amundville], 4088J [with Roger de Amundville, William de Cantilupe, Master Benedict and Hubert de Burgh], 3888J [with

1194 also attested undated documents suggests that some of these latter charters which lacked dating clauses may, in fact, have been issued around the same time as those dated by regnal year to years after 1194. If these undated charters were indeed issued after 1194, the inclusion of a dating clause in the thirteen dated documents would appear to be less a product of a systematic shift in stylistic norms than a consequence of John's more frequent contact with – and possible employment of – the king's chancery scribes. After all, political circumstances meant that John's interaction with Richard after 1194 was much more consistent than it had been with the king's representatives before that year. Yet there had been some interaction during – and the employment of the full dating clause was not exclusive to – the period after 1194.²⁵ Whilst Jones' characterisation of a uniform shift in diplomatic form after 1194 was, therefore, oversimplified, the reasons she identified for the introduction of a full dating clause may have been broadly accurate. This variation in diplomatic form may, however, have been more contingent upon chance interactions with royal scribes and their availability for employment on a given occasion than her analysis allowed.

Jones' study nonetheless made clear that the surviving body of John's *acta* which she studied was consistent with the diplomatic tradition of English royal documents due to varying degrees of royal influence on John's own chancery. The possibility that a significant minority of John's *acta* were produced by beneficiary scribes who were not attached to his chancery or that of King Richard should, however, also be emphasised. The overall rate of beneficiary production of royal documents had declined by the late twelfth century. By the death of Henry II, a majority of royal *acta* were being produced 'in-house' by the royal chancery. Those documents which continued to be beneficiary-produced were predominantly issued for monastic beneficiaries, and for

Roger de Amundvill and Hubert de Burgh], 368J [with Fulk de Cantilupe and Hubert de Burgh], 2164J [with Roger de Amundvill].

²⁵ For the possible impact on diplomatic form of John's interaction with Walter of Coutances during the period in which the archbishop of Rouen acted as the king's justiciar, see below, chapter 2.

beneficiaries outside England.²⁶ Given the clear influence of Henry II's chancery on that of John in terms of both documentary form and personnel, it seems reasonable to suppose that chancery production of documents would have been considered a norm in John's household, and that this norm was reflected by routine practice. That certain charters were beneficiary productions is, however, a feature that significantly impacts upon our interpretation of the agency behind the issuing of those specific documents.

Beneficiary production impacts upon our reading of the agency that laid behind the issuing of a document, both in respect of the act in general and, more specifically, in the choice of formulae employed in the diplomatic of the charter-text. A document written by a beneficiary scribe might indicate that it was drafted in advance and presented to the donor for sealing, with the donor's active involvement in the transaction potentially – but not necessarily – reduced to the provision of perfunctory approval. Such approval could still represent a calculated political act, but the emphasis of the agency of such an act would be shifted to an active and enterprising beneficiary. Similarly, the appearance of formulae in a beneficiary-produced text might indicate certain pretensions, claims or aspirations that say more about the beneficiary than the donor, or else might be part of a mutually-recognised discourse. The production of a document by a beneficiary scribe, therefore, potentially, but not necessarily, shifts the tone in which the transaction that laid behind the text might be understood.

Such questions, indeed, draw attention to the wider question of interpreting John's charters as texts which represent the recorded outcome of actions taken and transactions negotiated by individuals. The texts themselves necessarily obscure the reality of the interactions that lay behind them, which ultimately resulted in their being written up and sealed. John's *acta* are, in short,

²⁶ N. Vincent, 'Scribes in the Chancery of Henry II, King of England 1154-1189', in *Le scribe d'archive dans l'Occident médiéval: formations, carrières, réseaux. Actes de colloque international de Namur, 2-4 mai 2012*, ed. by X. Hermand, J.-F. Nieus et É. Renard (Turnhout, 2015).

written records of political actions which mostly (in the case of gifts and grants confirmed by charter) took place in public assemblies, as their witness lists indicate (although the size and significance of each assembly is by no means made clear). Assemblies remained typical of the way that political business was conducted in the contemporary medieval West and comprised formal 'staged occasions...of celebration and persuasion' typically characterised by ceremonial and liturgical elements including litanies, the taking of the Mass, processions and receptions. The liturgical character of assemblies even of predominantly secular individuals can be seen in their regular scheduling on feast days, and the regular presence of ecclesiastics.²⁷ Whilst gatherings must have differed in scale and composition, that elements of staged ceremony were inherent to public assemblies of elites is clear. When considering the public forums in which John made gifts and grants to his beneficiaries, therefore, it is also important to note the symbolic utility of the conveyance of a privilege by a donor upon a beneficiary in the form of a charter. As Timothy Reuter has emphasised, the physical presentation in a formal assembly, in full public view, of a visually-impressive document adorned with a seal was itself a powerful act that could symbolise authority and preferment (albeit the visual impact of charters of variable size and appearance varied between documents). It is also clear from other contexts that charters were often recited aloud for an audience – a practice which could presumably be repeated and might have been accompanied by subsequent display of the document – suggesting that the document could have the function of representing the donor and his authority in his absence.²⁸ The public context in which John's gifts and grants were made, therefore, likely conveyed lasting symbolic messages about his relationship with the beneficiary and his own

²⁷ T. Reuter, 'Assembly Politics in Western Europe from the Eighth Century to the Twelfth' repr. in *Medieval Politics and Modern Mentalities*, ed. by J.L. Nelson (Cambridge, University Press, 2006), 193–216, 201–2.

²⁸ Reuter, 'Assembly Politics', 205; 'The Medieval German *Sonderweg*? The Empire and its Rulers in the High Middle Ages' repr. in *Medieval Politics and Modern Mentalities*, ed. by J.L. Nelson (Cambridge, University Press, 2006), 388–412, 400; '*Regemque, quem in Francia pene perdidit, in patria magnifice recepit*: Ottonian Ruler Representation in Synchronic and Diachronic Comparison', repr. in the same volume, 127–46, 142.

image and authority, both upon the assembled audience and upon the wider audience of the document, whether or not the actual charter-text that survives to us had been finalised at that moment of presentation.

Charters that were written by scribes employed in John's chancery are thus the recorded outcomes of transactions that took place in public and were composed to represent their lord's actions in the form of a document that had practical legal implications. Chancery-produced documents, therefore, represent the approved record of John's transactions as interpreted by the individuals who served him directly and were accountable to him for their work. The agency behind such documents might reasonably be interpreted as belonging primarily to the donor, especially when documentary form was employed consistently. The choices of diplomatic formulae deployed in a chancery production, for instance, might be attributed to scribal decisions that were intended to reflect John's self-representation, claims to authority and political aspirations (the communication of which was made effective by the public nature of the preferment of charters, especially the possibility of their being recited). A transaction recorded by a chancery-produced charter, nevertheless, cannot be dissociated from beneficiary agency, since the acquisition of favour from an authority necessitated petitioning for their patronage. John's charters were issued in response to petitioners coming into his presence to ask for favour, which was presumably extracted for a price, financial or political. The interests and requirements of the beneficiary are, therefore, a necessary element of the agency that laid behind any of John's documents that recorded gifts and grants and such beneficiary interests may also have informed the choices of diplomatic employed even in charters written by chancery scribes. John's charters were written as the outcome of complex transactions and, as such, must in all cases be interpreted as reflections of an interplay between donor and beneficiary agency, however they were produced. The interests of either party or both might have been served by the use of certain diplomatic and the written representation of a transaction might be mutually-beneficial in some cases, whilst lexical decisions might be the outcome of negotiated settlement or beneficiary acceptance in others. Charters, in other words,

could attempt to speak to a diverse audience beyond the people present when a transaction was made, and could be flexible in representing the interests and agency of donor and beneficiary.

If the transactions recorded in John's charters were made in public assemblies, then who was present? The witness lists of these documents are a valuable source of evidence that can be utilised to draw conclusions about the specific context in which individual grants or confirmations were made, and the particular manner in which they were intended to be received. The information they offer with regard to identifying the composition of John's household and wider affinity has already been exploited by Jones's study, and by Nicholas Vincent in an article considering the nature of John's relationship with Norman magnates before 1199.²⁹ Yet witness lists have their limitations as sources and must be approached cautiously, with the condition that they not be treated as exhaustive records of every person who was present at a given moment, or indeed as definitive evidence that an individual was necessarily personally present at all, especially in the context of variable forms of documentary transmission and survival.³⁰ These potential difficulties are especially relevant to John's charters because most of the corpus includes only a place-date, making it challenging to identify a precise occasion of issue and determine whether the people who stood witness were present together at the same place at the same time, or indeed who else, if anyone, was present when the transaction confirmed by charter was completed.

As Jones showed, it can at least be discerned that a core of individuals were regularly present in John's entourage and acted as household servants, some with official titles that indicate

²⁹ Jones, 'Acta'; Vincent, 'Jean', 37–59.

³⁰ D. Bates, 'The Prosographical Study of Anglo-Norman Royal Charters' in *Family Trees and the Roots of Politics*, ed. by K.S.B. Keats-Rohan (Woodbridge, Boydell, 1997) 89–102; D. Broun, 'The Presence of Witnesses and the Making of Charters' in *The Reality behind Charter Diplomacy in Anglo-Norman Britain: Studies by Dauvit Broun, John Reuben Davies, Richard Sharpe and Alice Taylor* ed. by D. Broun (Glasgow, University of Glasgow Press, 2011) 235–87, 235–7.

an organised administrative structure: Stephen Ridel, for example, regularly witnessed John's charters styled as chancellor from 1189, whilst John de Gray also appeared with this title in documents dated after 1194; William de Wenneval witnessed as dapifer in 1185, while Bertram de Verdun appeared as seneschal initially in 1185, but also later in 1189. Perhaps most significant for this discussion are the clerks who appeared regularly as witnesses, implying their routine presence in John's household. Clerks such as Master Benedict (who on one occasion was styled as John's seal-bearer), Master Richard, William de Flamar, Master Alan, Master Alard (fitz William), – whether or not these names represent the exact same individuals – regularly appeared as witnesses to John's charters and therefore were likely a consistent presence in his company, implying their consistent participation in the business of the household.³¹ These were people who can be understood to have been active participants in the production of John's documents, who would thus be familiar with the image their lord sought to project in his charters. Other witnesses were named as attestors on a more varied and contextual basis, including both secular and ecclesiastical magnates of varying degrees of prominence, such as Hugh de Lacy, Albin, archbishop of Ferns, Gilbert Basset, Richard de Vernon, Robert, count of Meulan, Roger de Montbegon, Bishop Savaric of Bath, or William Marshal. Whilst some of these individuals witnessed more regularly and others are found in John's company on a more sporadic basis, all were members of the political communities of the realms in which John held authority and therefore formed the wider audience to his acts of patronage.³²

It is possible, in a minority of cases, to discern that some of John's *acta* were likely issued during the same assembly. The evidence for occasions upon which several charters were issued is limited by the lack of a full dating clause in a majority of the documents, but some indication can be gained by comparing the witnesses and place-dates of different texts (those that survive with a

³¹ Jones, 'Acta', 44, 49–50, 51, 53–4, 58–9, 67.

³² Jones, 'Acta', 53, 70, 73; S.D. Church, *The Household Knights of King John*, (Cambridge, University Press, 1999) 20–1; *Angevin Acta*, 3191J.

place-date), an exercise which itself is complicated by the possibility of amendments and additions made in the copying process when a charter does not survive as a single-sheet original. Grants in favour of the Hospital of St John, Waterford, and its sister institution at Cork, for example, seem likely to each have been issued at the same assembly at Marlborough sometime between summer 1189 and October 1191, based on the overlapping (if not identical) witness lists that accompany each document.³³ That each were likely made at the same gathering is, in this case, explicable given the association of the beneficiaries concerned, while from the perspective of the donor there would have been sense in dealing with a series of similar or related petitions at the same time, possibly originating from the same petitioner. Further such cases of multiple documents being issued in favour of the same beneficiary on the same occasion can likely be seen, for example, in groups of charters issued at Burford (in favour of Furness Abbey, 1189 x 1190), at Bristol (for Robert fitz Robert fitz Harding, 1189 x 1199), at Leicester (the only two extant charters issued there, in favour of Jerpoint Abbey and likely issued 1189 x October 1191, albeit one of the two documents was attested by only a single individual) and at Ludgershall (a notification and associated writ in favour of the men of Chester, issued 1189 x October 1191).³⁴ That some variation in the ordering of witness lists could nonetheless occur even between documents issued for the same beneficiary at the same assembly is exemplified by these two Ludgershall documents for the men of Chester, which survive as single-sheet originals and were attested by three common witnesses who were nonetheless listed in different orders, whilst the writ had an additional named witness in Richard de Vernon. This example serves to highlight the potential differences in the composition of witness lists even between two documents that were expressly linked by their beneficiary, purpose and likely moment of issue; the possibility that the documents themselves were written up at different times despite the transaction they describe having already been completed should also be considered and might explain the

³³ *Angevin Acta*, 523J, 920J, 2177J, 522J.

³⁴ *Angevin Acta*, 371J and 2134J, 623J and 354J, 2176J and 2135J, 262J and 263J.

variation in witness lists. That such scribal variation could occur even in this case should sound a note of caution when considering documents that are less obviously congruent, which could be mistakenly attributed to the same assemblies with relative ease. On the other hand, charters issued at the same place at ostensibly different moments might easily have their contemporaneous origin obscured due to the selection of different named witnesses from the wider audience of those present, or from their being written up subsequently at different times by different scribes. The point is underlined by the example of two charters given at Wareham and both dated 26 July 1193, the witness lists of which share only their first three attestors in common with significant variation thereafter; the contemporaneous date of these two charters is only made clear because both were written by a scribe – possibly the same individual – who included a full dating clause.³⁵ Attempts to identify a common moment of issue between charters based on place-dates and witness lists alone are, therefore, necessarily fraught with ambiguity.

Whilst heeding these difficulties we might, nonetheless, identify other examples which are likely suggestive of assemblies during which a wider range of transactions were conducted and exchanges of favour concluded. Such assemblies seem, in some cases, to have included the execution of transactions to different beneficiaries who were apparently unconnected by a clear political or geographical context. Three charters issued at Canterbury, for example, share several witnesses, including the uncommon attestor Robert of Breteuil (whose presence limits the potential dating of the documents to 1189 x 1190), but were given in favour of beneficiaries – William Marshal, Robert fitz Reiner of London, and the cathedral church of Wells – with no obvious coherent association.³⁶ Three more charters issued at Clipstone also share a number of attestors in their witness lists, although there are also some variations between the three. The presence of Robert of Breteuil and his father, Earl Robert of Leicester, as witnesses to two of these documents, together

³⁵ *Angevin Acta*, 528J, 566J.

³⁶ *Angevin Acta*, 607J, 608J, 2131J.

with the coherence of the rest of the witness lists of those two with the third, suggests that all three may have been issued at the same assembly held sometime between summer 1189 and 1190. The beneficiaries of the three charters – Maurice de Berkeley, Furness Abbey, and Hugh le Norreis – have no clear relationship, although the latter two beneficiaries' interests were local to the north-west midlands, if not Nottinghamshire, perhaps indicating that they sought John out when he was in a relatively opportune place.³⁷ Similarities can also be found between the witness lists of two charters issued at Portsmouth in favour of the Knights Hospitaller and Theobald Walter, notably in the appearance of another otherwise uncommon witness, Geoffrey, count of Perche, although the two documents also have a number of distinct attestors.³⁸ The presence of Theobald Walter as the beneficiary of one charter in the witness list of the other, however, gives more cause to suppose that the two documents were indeed issued at the same assembly, despite the lack of obvious coherence between the grants. That these various diverse transactions seem to have been concluded on common occasions might indicate that these were moments when a broad range of people had come into John's presence to petition his favour, especially when the possibilities of documentary loss are considered.³⁹

Whilst some assemblies, therefore, seem to have included petitions and grants involving diverse beneficiaries, others can be identified as having been regional affairs that seem to have attracted local petitioners to John's court in a manner that was consistent with wider patterns of royal behaviour when rulers visited more peripheral regions of their territories.⁴⁰ An example of this

³⁷ *Angevin Acta*, 355J, 2130J, 209J.

³⁸ *Angevin Acta*, 2132J, 996J.

³⁹ A further, if more tenuous, example might be inferred from the partial coherence of the witness lists of two charters issued to different beneficiaries at Tewkesbury some time before October 1191; see *Angevin Acta*, 5023J and 4955H.

⁴⁰ Reuter, 'Assembly Politics', 199.

type of assembly can be seen in two charters issued before October 1191 at Dunwich in favour of local religious houses, the witness lists of which cohere in their mutual inclusion of some attestors with local associations – members of the Glanville family – alongside members of John's household.⁴¹ Further assemblies during which multiple local petitioners received charters in their favour also seem to have taken place at Bristol between summer 1189 and October 1191, and at Salford during the same period, albeit the sample size here is limited.⁴² Such coherence between documents is suggestive of assemblies intended to attract the loyalty of local political communities when John's itinerary took him to these regional centres.

Cohesion between the witnesses lists of dated charters and undated documents issued at the same places also allows for the identification of participants in assemblies held on specific dates. The two known witnesses of a charter for Malmesbury Abbey, given at Winchester sometime between 1189 and 1199, were also present at the issuing of another grant in favour of Gervase of Hampton, issued at Winchester on 22 August 1192.⁴³ Whilst the two beneficiaries appear not to share an obvious association, it seems plausible that representatives of the monks of Malmesbury were present at the same assembly as Gervase on that day, and that a range of transactions were concluded. The witness list of a charter for Henry Tyrel issued at Shaftesbury on 21 July 1192 also coheres sufficiently closely with that of an undated charter issued at Shaftesbury to another Irish beneficiary, Holycross Abbey, to suggest a common date.⁴⁴ That the Holycross charter was likely issued on the same occasion might give the assembly at Shaftesbury the flavour of a gathering of the representatives of John's Irish subjects during which a range of Irish business was conducted,

⁴¹ *Angevin Acta*, 524J, 1204J.

⁴² *Angevin Acta*, 179J and 641J [Bristol], 445J and 2140J [Salford, being the only two extant documents issued there].

⁴³ *Angevin Acta*, 2154J, 376J.

⁴⁴ *Angevin Acta*, 2150J, 613J.

although the lack of any further corresponding evidence makes it impossible to tell whether non-Irish matters were also addressed on the same occasion. This example thus highlights a possibility, but also a potential case in which the bigger picture might be obscured by a paucity of evidence. These documents also raise further questions about the production of charters apparently issued in close proximity but departing from one another in their diplomatic form in the deployment or exclusion of a full dating clause. Was the difference in form a consequence of their being written up by different scribes at different times, despite the same staff presumably being present at the time of issue? The survival of Henry Tyrel's charter only in an *inspeximus* makes this question impossible to answer definitively, although the likelihood of variations in production and, more generally, beneficiary expectation might have been increased by the fact that Holycross charter was for a monastic beneficiary.⁴⁵

Further complexities are introduced by another example of up to four charters that were potentially all issued at the same assembly in Nottingham on 27 December 1192.⁴⁶ Two charters, issued in favour of Archbishop John Cumin and Geoffrey de Marsh – beneficiaries with interests centred upon Irish property – carry a full dating clause and feature witness lists that are very similar, but not identical.⁴⁷ The witness list of another charter, surviving as a copy without a place-date and issued in favour of Theobald Walter, is strongly congruent with the witness lists of both dated documents yet is identical to neither; certain attestors also witnessed only Archbishop John's charter, whilst others only attested that of Geoffrey de Marsh.⁴⁸ There is nothing inherently problematic about this imperfect coherence; some variation in the choice of attestors of different charters is to be expected and the three witness lists give the impression that all three acts were

⁴⁵ The Holycross Abbey charter survives as a damaged single-sheet original; see *Angevin Acta*, 613J.

⁴⁶ *Angevin Acta*, 565J, 615J, 734J.

⁴⁷ *Angevin Acta*, 565J, 615J.

⁴⁸ *Angevin Acta*, 734J.

issued in front of the same audience at the same assembly. Yet the witness list of Theobald Walter's charter is problematic because the beneficiary himself appears as a witness to his own charter, just as he does for the document issued to Archbishop John. The most likely explanation for this discrepancy is that the witness list to Theobald's own charter was altered in the form in which it survives to us. It would be tempting to assume that the list of attestors had simply been directly copied using Archbishop John Cumin's charter as a model were it not for the fact that it includes witnesses found exclusively as attestors for Geoffrey de Marsh's document. The charter for Geoffrey de Marsh, conversely, survives only as a copy in the same manuscript – the Red Book of Ormond – as Theobald Walter's charter; yet whilst the common provenance of these two charter-texts makes direct copying from one to the other more likely, Theobald Walter did not himself witness Geoffrey de Marsh's charter. The three texts, therefore, have a complicated relationship and it seems most likely that the witness list for Theobald Walter's charter represents an amalgamation of those of the other two documents (even though the charter for Archbishop John was preserved elsewhere), whether or not the charter actually was issued by John at Nottingham on 27 December 1192. If the grant was issued to Theobald on this date, the copyist may have known that it was made at the same assembly as other charters to which they had access and thus used them to supply a representative witness list; alternatively, the copyist may have sought to convey greater legitimacy on the grant by associating it with a known assembly during which other significant Irish charters were issued. In either case the significance of the assembly in John's presence on 27 December 1192 was appreciated by the copyist. On a more straightforward (although no more definitive) note, a fourth charter, issued by John at Nottingham in favour of Welbeck Abbey, shares up to three of its five witnesses with the dated Nottingham-issued charters, and may thus also have originated from this same assembly.⁴⁹ If so, this charter highlights the possibility that gatherings during which John heard

⁴⁹ *Angevin Acta*, 2613J.

petitions for favour and issued grants might have functioned as flexible occasions during which a variety of regional and more distant business could be done.

In certain cases, however, the nature of the assemblies at which some of John's charters were issued cannot satisfactorily be illustrated via place-dates and witness lists alone. The limitations of this approach are most apparent with regard to groups of charters issued in Ireland during John's expedition of 1185. In the case of the seven extant charters that were issued at Dublin, for example, many of these texts have a number of witnesses in common, and some can likely be attributed to the same assembly.⁵⁰ It is possible that all seven were issued *en masse*, but difficult to ascertain with certainty. Two of the seven charters are associated versions of the same grant to St Mary's Abbey, Dublin, whilst another was issued in favour of the abbey of Buildwas. Another two – those in favour of the Priory of St Thomas, Dublin, and of Archbishop John Cumin – have distinctive witnesses in the abbots of Buildwas and St Mary's, Dublin, the presence of whom indicates that all five were issued contemporaneously, since the abbots were effectively the beneficiaries of the two they did not witness.⁵¹ The remaining two Dublin-issued charters did not, however, record the presence of such distinctive participants, yet are not necessarily precluded from having been issued at the same single assembly.⁵² The witnesses of these remaining two charters were drawn from a relatively exclusive group of people, dominated by John's household, and the combination and order in which they appeared varied. Their witnesses were thus individuals who were likely ever-present in their lord's company. Whilst William le Fleming and Alard (styled chamberlain) attested both and William de Wenneval witnessed one and was the beneficiary of the other – and whilst these three individuals were all present at the assembly at which the other Dublin-issued charters were given – it is, therefore, impossible to judge with any certainty whether these two documents were issued at

⁵⁰ *Angevin Acta*, 162J, 476J, 3239J, 731J, 730J, 2119J, 529J.

⁵¹ *Angevin Acta*, 730J, 731J, 162J, 2119J, 529J.

⁵² *Angevin Acta*, 476J, 3239J.

the same time as one another, or at the same Dublin assembly attended by the abbots of St Mary's and Buildwas.⁵³ The charters issued by John at Dublin, therefore, could plausibly have all been made at the same assembly on a single day, across a number of days, or at up to three discreet assemblies held across several months in 1185 at which different people attended but did not witness. It is impossible, in short, to clearly distinguish between variations in the employment of a witness and that individual's outright absence, especially when considering recurring individuals.⁵⁴

Calculations based on the proximity of grants to one another can, in summary, be a useful analytical tool, although the potential of this approach is limited in the case of John's *acta* by the uncertainties of dating and the difficulties in attributing overlaps in witness lists to the documents being issued on the very same occasion. Whilst many of John's charters do not have a place-date (at least not in the form in which they survive), several of those which do might, therefore, usefully be sorted into contemporaneously-issued pairs or groups.⁵⁵

⁵³ *Angevin Acta*, 476J [in which Alard is rendered Alex, chamberlain], 3239J.

⁵⁴ The same ambiguities are present when considering groups of charters which carry other place-dates, each of which have witness lists comprised of a rotating cast of many of the same individuals, making the attribution of any individual charter to the same occasion as another difficult to establish. For these other ambiguous assemblies see *Angevin Acta*, 583J, 567J, 465J [issued at Wexford], 609J, 2117J [Kildare], 351J, 3043J, 624J [Cranbourne].

⁵⁵ For more examples of charters which were likely issued at the same assemblies see *Angevin Acta*, 2123J, 2124J [given at Winchester to the same beneficiary] and 611J [with more witnesses; all three relate to Ireland and were issued before 1189]; 4551J and 2121J [given at Bristol before 1189]; 558J and 557J [given at Dorchester to the same local beneficiary, the latter dated 6 May 1192]; 2151J, 1841J and 9J [issued at Dorchester and the latter two both dated 11 July 1193]; 2114J and 2115J [given at Tibberaghny to the same beneficiary].

A further methodological clarification must be made with regard to the language deployed within the formulae of John's *acta* in respect of the verbs *dare*, *concedere*, and *confirmare* when used within the dispositive clause. John Reuben Davies has recently clarified the technical meanings of these terms and their practical legal implications when deployed within the dispositive clauses of Scottish *acta*. In doing so, he was following the unpublished work of Richard Sharpe, who initially made the same points with respect to documents emanating from Anglo-Norman donors in the twelfth century.⁵⁶ For Sharpe and Davies, particular diplomatic formulae were not deployed without pragmatic purpose, for instance, for purely stylistic or imitative reasons. Rather, specific words and phrases such as *dare*, *concedere* and *confirmare* were used in documents with discretion: charters were legal documents, and the words used within them were selected by practiced draftsmen when they sought to express a particular meaning and thereby achieve a purposeful legal implication that could be utilised to practical effect in the future.⁵⁷

In the context of this scholarship, the precise meanings of the words *dare*, *concedere* and *confirmare* when they appear in the dispositive clauses of notifications of gifts or grants need to be considered carefully. Davies – in accordance with Sharpe's definitions – showed that *dare* was used to designate an original gift of land or rights to a donee; *concedere* should be understood to mean 'to grant', in terms of the donor providing assent or permission; *confirmare* was used to describe the role of the written instrument itself in confirming a completed transaction at a later moment, as in the phrase *hac presenti carta mea confirmasse*. In practice, these definitions mean that a charter which deploys *dare* and *concedere* together should be interpreted to have been intended as a record of an original gift of property, whereas the use of the *concedere* alone should generally be read as a

⁵⁶ J.R. Davies, 'The Donor and the Duty of Warrandice: Giving and Granting in Scottish Charters' in *The Reality behind Charter Diplomacy in Anglo-Norman Britain: Studies by Dauvit Broun, John Reuben Davies, Richard Sharpe and Alice Taylor* ed. by D. Broun (Glasgow, University of Glasgow Press, 2011) 120–65, 126.

⁵⁷ Davies, 'Duty of Warrandice', 165.

case in which assent was given to the beneficiary's continued enjoyment of something which they or a predecessor had been given on an earlier occasion, either by the same donor or by another individual, such as the donor's predecessor or dependant (a 'confirmation').⁵⁸ The latter reading of *concedere* is also consistent with Delisle's comment that the issuing of a royal confirmation does not itself inherently show that the king had verified and guaranteed the validity of the original grant, but merely had consented to the beneficiary's continued possession.⁵⁹ The understandings of Sharpe and Davies are employed within this thesis when examining the diplomatic of John's *acta* and are used to inform whether a document under discussion was an original gift of property or a confirmation in which assent was being granted for the continued enjoyment of property already conferred.

The derivation of the practices of John's chancery from those of the royal chancery of Henry II allows for the diplomatic employed in John's *acta* to be considered with direct reference to Henry's charters as a source of influence. Comparisons with the diplomatic formulae of Henry II's *acta* are, therefore, relevant to understanding those employed in John's documents, and are made where appropriate throughout the thesis to place the diplomatic of John's charters in its wider context. Useful reference may also be made to scholarship focused on Henry II's *acta* and the development of English royal documents more generally in the twelfth century, because their influence on John's *acta* was so immediate. The work of Leopold Delisle remains prominent in this regard. In the introduction to his *Recueil des Actes de Henri II*, Delisle commented on the forms of Henry II's *acta* and outlined their most regularly-employed formulae based on the trends he observed in editing his substantial but incomplete collection. Variations in the diplomatic deployed

⁵⁸ Davies, 'Duty of Warrantice', 126.

⁵⁹ L. Delisle, *Recueil des Actes de Henri II roi d'Angleterre et duc de Normandie concernant les provinces françaises et les affaires de France, Introduction* (Paris, Imprimerie Nationale, 1909) 154–5.

in Henry II's *acta* certainly did occur, especially with respect to points of detail relating to the context of the individual act that each document was drafted to record, and to the geographical provenance within Henry's diverse territories of the individual or institution for whom it was drafted.

Furthermore, the issue of documentary survival must be kept in mind, as those *acta* which survive only in copies may not have been preserved in the original form in which they were drafted.⁶⁰

Nonetheless, Delisle was able to characterise some key features that generally held true with regard to his sample. He noted that Henry's *acta* were drafted with precision, with the vast majority of those definable as 'charters' (as opposed to letters patent or letters close) utilising certain formulaic clauses: a contextually-variable address clause, devoid of a religious invocation, consistently listing each of Henry's titles⁶¹ and addressing generally the recipients to be notified of his act (but most often specifying archbishops, bishops, earls or counts, and royal officials such as justices and sheriffs), all within in a regimented order⁶² and ending with a salutation;⁶³ a dispositive clause beginning *Sciatis...* in which the object of the gift or grant is summarised;⁶⁴ in cases of confirmations, a *sicut* clause describing the earlier charter being confirmed;⁶⁵ an injunction beginning *Quare volo et firmiter precipio...*;⁶⁶ a witness list, indicated by an abbreviated capital for *testibus*, with the names

⁶⁰ N. Vincent, 'Regional Variation in the Charters of King Henry II (1154–89)' in *Charters and Charter Scholarship in Britain and Ireland* ed. by M.T. Flanagan and J.A. Green (Basingstoke, Palgrave, 2005) 70–106, 74–5.

⁶¹ Delisle, *Introduction*, 196–207.

⁶² Delisle, *Introduction*, 207–221.

⁶³ Delisle, *Introduction*, 221–2.

⁶⁴ Delisle, *Introduction*, 151–2.

⁶⁵ It should not be assumed, however, that by issuing an act containing such a clause that the king meant to acknowledge that he had physically seen the original charter, or that his confirmation validated an original grant that was itself spurious. Delisle, *Introduction*, 151–5.

⁶⁶ Delisle, *Introduction*, 151–3, 156.

typically written in the ablative and consistently ordered in a strict hierarchy that is reminiscent of the address,⁶⁷ a dating clause, consisting of a place-date only, in the formula *apud X*.⁶⁸

Unsurprisingly, notifications of gifts or grants issued by John in general followed the diplomatic template provided by Henry II's *acta* very closely in regard to the above features, adapted where appropriate. As Jones noted, John's *acta* also commonly employed *Sciatis* in the dispositive clause, a *sicut* clause in confirmations that referred back to earlier grants, and *Quare volo et firmiter precipio* in the injunction, as well as following the same pattern of ordering addressees in the address clause.⁶⁹ John's *acta*, therefore, display a predictably strong consanguinity with those of Henry II in terms of diplomatic and are approached as such in this thesis. The charters of Henry II are thus referred to regularly throughout to provide comparative context on the forms deployed by John's chancery.

⁶⁷ Delisle, *Introduction*, 225–9; the appearance of the *teste me ipso* clause in nine of the *acta* in his collection was also noted by Delisle, who considered that their provenance was too diverse to suspect systematic forgery, despite some of these being of questionable authenticity; 225–6.

⁶⁸ Delisle, *Introduction*, 230–1; Delisle also noted that sealing clauses appeared only exceptionally in Henry's *acta*, 224.

⁶⁹ Jones, 'Acta', 37.

Part 1

The Kingdom of England

Chapter One

The Lands and Jurisdiction of Count John

Grants

According to the narrative of Roger of Howden's *Gesta*, one of Richard's first acts upon being invested as duke of Normandy in July 1189 was to make a grant to his brother John of:

omnes terras quas dominus rex pater suus ei dederat; scilicet quatuor millia librarum terrae in Anglia, et comitatum Morethonii cum pertinentiis suis. Concessit etiam ei filiam comitis Gloucestriae cum honore illo.⁷⁰

Howden dated these events to 20 July 1189, placing them among other early acts of patronage made by the new duke: those to the son of Geoffrey, count of Perche; to Gilbert fitz Roger fitz Reinfrey; to William Marshal; and to Richard's illegitimate half-brother, Geoffrey Plantagenet. Two things are immediately striking about this account. Firstly, that these grants were described by Howden as having occurred in immediate succession to the duke's investiture highlights the significance that the author thought was attached to them. These grants were examples of the new duke distributing patronage to men of key future political significance, including two of his three surviving brothers, all of whose support would be important in establishing his rule in Normandy and ensuring his smooth accession as king of England. In this account, therefore, John was placed among the leading magnates of the political community of the Plantagenet domains as a potentially key supporter of the new duke. Secondly, it is notable that

⁷⁰ Roger of Howden, *Gesta Henrici Secundi Benedicti Abbatis: The Chronicle of the Reigns of Henry II and Richard I*, 2 vols. ed. by W. Stubbs (London, Rolls Series, 1867) ii, 73.

Howden described Richard's grant to John (excluding his marriage to Isabella of Gloucester) as the confirmation of longer-standing promises made by their father, Henry II. Richard 'concessit et dedit' the county of Mortain and four thousand pounds of land in England, but these were 'terras quas dominus rex pater suus ei dederat': lands which Henry II had given to – that is, promised to or set aside for – John in the past. Howden, therefore, presented this grant as a case of Duke Richard giving his assent to his brother's planned provision, with the county of Mortain being specified as his designated endowment. This detail also further explains the prominence of the grants so soon after the Richard's ducal investiture; the new duke was fulfilling promises and proposals of patronage that his father and predecessor had previously made in order to bind key men to him in support.

This collection of grants, therefore, formed the background to Richard's succession in Normandy and England. It was necessary for a candidate as duke and king to obtain the support of key individuals in the political communities of these polities to ensure their success because succession to the Angevin realms in the twelfth century remained a matter of (limited) choice within the ruling dynasty. The decisive factor was the securing of enough support to ensure a swift coronation.⁷¹ The natural price of securing such support was the giving of favour and patronage. Richard's succession might be perceived as less unstable than preceding cases because his position had been strengthened by the campaigns he had conducted against Henry II before his father's death.⁷² This relative strength did not, however, change the fundamental reality that to become duke and then king, Richard needed the acceptance of the leading magnates of his realms. Individuals who were dissatisfied always had the option to throw their support behind an alternative

⁷¹ S.D. Church, 'Succession and Interregnum in the English Polity: The Case of 1141' in *Haskins Society Journal*, 29 (2018), 181–200, 182–4.

⁷² The terms imposed on the defeated Henry by Richard and his ally, King Phillip, included the requirement that Henry's subjects swear allegiance to Richard; see Gerald of Wales, *De Principis Instructione*, ed. by R. Bartlett (Oxford, Clarendon, 2018), 678.

candidate and the most plausible such candidate was John.⁷³ In the event, John seems to have pledged his support to Richard at the eleventh hour of Henry II's reign; John was included on a list of those who had turned against Henry which was received by the king immediately before his death.⁷⁴ John's eventual concord with his brother did not, however, mean that Richard had no need to reward loyal followers and dispense favours to new supporters. The favour Richard showed to William Marshal – a grant of the marriage of the prominent heiress of Striguil – was the culmination of a pledge first made by Henry II in the king's dying days, but Richard was reportedly quick to emphasise that it was he who had actually fulfilled the grant.⁷⁵ Gilbert fitz Robert fitz Reinfrey had also been promised marriage to the heiress of the honour of Kendal by Henry shortly before the old king's death and, whilst Richard chose to break with Henry II's promise to Baldwin of Bethune of the heiress to the honour of Chateauxroux, his reason for doing so was that he had promised her marriage to his loyal follower and kinsman, Andrew de Chauvigny.⁷⁶ When Roger of Howden wrote his *Chronica*, he also placed Andrew of Chauvigny's grant in his narrative beside these others, thereby associating it with them as another promise first made in the 'horse trading' environment of the negotiations that must have taken place between Richard and his potential supporters in the interregnum.⁷⁷

⁷³ This plausibility is demonstrated by the reports of chroniclers that Henry II sought to promote John as his successor in favour of Richard, this context being the very reason that the latter had turned against his father. Gillingham, *Richard I*, 95–6, n.69.

⁷⁴ Roger of Howden, *Chronica*, 4 vols. ed. by W. Stubbs (London, Rolls Series, 1868-71), ii (1869), 366; Gerald of Wales, *De Principis*, 678.

⁷⁵ D. Crouch, *William Marshal: Knighthood, War and Chivalry, 1147-1219*, 3rd edn. (London, Routledge, 2016) 67.

⁷⁶ N. Vincent, 'William Marshal, King Henry II, and the honour of Chateauroux' in *Archives: The Journal of the British Record Association*, 25 (2000), 1–15, 11–15.

⁷⁷ *Chronica*, iii, 6–7. 'Horse trading' is the characterisation of N. Vincent, 'William Marshal', 11–15.

The provisions which were subsequently granted to John by Richard should thus be seen in the context of John's decision to support his brother shortly before the death of their father. The two brothers had clearly reached an accommodation shortly before their father's death, with the relatively smooth succession that ensued in summer 1189 being a testament that a settlement to the succession question had already been reached. This settlement, made in the knowledge of Richard's impending crusading commitment, ensured that John would receive the lands which he must have considered his due, and thereafter caused him to be placed in a position of unmatched prominence in England. John was, however, the most prominent among several individuals whose support Richard acted to secure through the disposal of patronage, and Howden's presentation of a list of grants makes this clear. That John was, by this stage, already *dominus Hibernie* and a potential rival for the succession made him the most significant among these supporters and thus the recipient of the greatest rewards.

Richard's initial act of patronage towards John in July was followed by its fulfilment in the shape of a block of grants, made once the two brothers reached England, which gave definition to his English endowment. Roger of Howden related that:

Ricardus dux Normannie dedit Johanni fratri suo filiam comitis Glocestriae cum comitatu Gloucestriae et castellum de Merleberg cum honore illo, et castellum Lutegarshale cum honore illo et castellum de Pech cum honore illo et castellum de Bolshoveres et totam terram quae fuit Willelmi Peverel et villam Notingham cum honore illo et castellum de Lounecastre cum honore illo et Derebisiram et honorem de Walinford et honorem de Tikehil et multa alia quae longum est enumerare per singula.⁷⁸

⁷⁸ *Gesta*, ii, 78.

This extensive block of grants was placed in Howden's narrative only a few days before John's marriage to Isabella of Gloucester, in late August 1189. The marriage and the grants were necessarily linked in the case of the honour of Gloucester, but it seems from Roger's account that John received the majority of his English lands simultaneously, very shortly after arriving in England. This detailed list of lands, therefore, represents the fulfilment of the £4000 of land which Richard had initially granted to John in July as a result of their settlement, alongside the already-specified heiress and honour of Gloucester. As such, these grants may be identified as the bequests which had long been promised to John by Henry II, which Richard had agreed to fulfil in the interregnum period whilst he negotiated his succession.

This great collection of lands included possessions of varying size and importance which were spread across large areas of the kingdom. Notable among the lands given is the honour of Gloucester, which was granted to John alongside his marriage to Isabella, the daughter of the previous earl; the background to this grant will be discussed in detail below. The Wiltshire castles of Marlborough and Ludgershall and the Derbyshire castles of the Peak and Bolsover provided John with some fortified strategic centres, although castles in his other territories were specifically excluded from the grant as recorded by Howden.⁷⁹ More significant in terms of his presence in these localities would have been the landed base provided by the honours of Wallingford, Peverel of Nottingham, and Tickhill. Whilst the granting of this great collection of estates was undoubtedly important in establishing John in a position of prominence, however, his tenurial lordships were not the key to his significance after 1189. This thesis is, therefore, only selectively concerned with these honours. Howden's description also alluded, without emphasis, to the most substantial element of Richard's grant: the whole county of Derbyshire, which can be understood as the jointly-administered shire of Nottinghamshire-Derbyshire, and the honour of Lancaster, in which John was to enjoy equivalent rights. These, too, were possessions that had been promised to John at least in

⁷⁹ 'Sed quaedam castella praedictorum comitatum et honorum retinuit dux in manu sua.' *Chronica*, iii, 6.

some form during Henry II's reign.⁸⁰ In Roger of Howden's representation of the block grant, therefore, the endowment given to John in August 1189 was already substantial and represented much (although not all) of what had been intended for him by his father.

John's acquisitions in 1189 were completed by his receipt of a final grant in December, which comprised a swathe of territory in south-west England in which he was allowed extensive rights of the same type as he had already been given in the midlands. The way in which this grant was recorded by the chroniclers of the day, however, presents an imprecise picture of what John was actually given in these counties. Roger of Howden, perhaps unsurprisingly for a man with links to the royal court, provides the most detailed account.⁸¹ Dating the grant to December 1189, he reported that:

Ricardus rex Angliae dedit Johanni fratri suo in augmentum comitatum Cornubiae, et comitatum Devoniae, et comitatum de Dorseta, et comitatum de Sumerseta.⁸²

The grant is therefore set apart from John's previous English acquisitions of the year.⁸³ Furthermore, the account emphasises that the grant was given 'in augmentum', therefore framing it as an additional increase in territory and authority, given by King Richard to his brother as something additional to the first block of grants. It should also be noted that this account specifies that the

⁸⁰ The context of both grants is examined below, 68–9, 70–1.

⁸¹ For Roger of Howden's authorship of the *Gesta Regis Henrici Secundi* and his links with the royal court, see D. Corner, "The *Gesta Regis Henrici Secundi* and *Chronica* of Roger, Parson of Howden" in *Historical Research*, vol. 56, No. 134, (1983), 126–44.

⁸² *Gesta*, ii, 99.

⁸³ *Gesta*, ii, 78.

grant was given to John by King Richard, as if it were an original act of patronage that was previously not anticipated. Howden's impression may, however, have been based more on his observations on the timing of the grant than on an intimate knowledge of the king's motivations, and it remains possible that they had been part of the negotiations between Richard and John that had taken place in the interregnum. If the chronicler's interpretation is accepted, however, the implication is that Richard's reliance on John had grown by December 1189 to the extent that the king decided to further increase his brother's position in the kingdom.

As for the actual substance of the December grant, Howden records that John was given the 'comitatum Cornubiae', that is, the county of Cornwall, and the counties of Devon, Dorset and Somerset. The specificity of this description for all four counties and its contrast with Howden's previous description of John's receipt of, for example, a 'castellum...cum honore', 'terram' or a 'villam...cum honore' across the various territories which he received in August 1189 suggests that the chronicler saw these grants differently.⁸⁴ The one grant made in the initial August block which Howden did describe in the same terms was that of the 'comitatu Glocestriae'. Since the word 'comitatus' may be understood to denote either 'county' or 'earldom', Howden therefore seems to have been indicating that what John received in Cornwall, Devon, Dorset and Somerset (and indeed earlier in Gloucestershire) included at least some aspect of authority over these counties in a jurisdictional sense in relation to the county (or shire), or perhaps related to the 'earldoms' of these counties. Whether the chronicler meant to imply that John's position in these counties was that of an earl or, indeed, the extent of any jurisdictional authority that John was given, cannot be inferred from this brief account. The intonation of the description nonetheless remains notable.

A rather different view of the nature of John's receipt of Cornwall is provided by the Norman chronicler Robert of Torigni. This account does not cover the actual grant to John itself; the

⁸⁴ *Gesta*, ii, 78.

chronicler was dead by 1189 but had lived long enough to record Henry II's actions in the aftermath of the death of Reginald, earl of Cornwall, in 1175. Torigni's account places the grant to John into a different context when it relates that, upon the earl's death, 'Comitatum Cornubiensem et totam terram, quam habebat tam in Anglia quam in Normannia et in Walis, retinuit rex in manu sua, ad opus Johannis filii sui junioris.'⁸⁵ Rather than the impression of an original, supplementary, grant of King Richard given by Roger of Howden, this account therefore provides a contrary picture of the circumstances of John's acquisition of the 'comitatum Cornubiensem'. Torigni stated that Cornwall had been set aside for John by Henry II. A parallel may therefore be drawn here with John's acquisition of the honour of Gloucester, which Henry II took into his own hand on the death of Earl William in 1183. Although in this case John's betrothal to Isabella of Gloucester was an additional factor, the basic principle remained the same: Henry II had taken the lands of the deceased earl into his own hand and reserved them for John when he came of age.⁸⁶ Cornwall, and all of the land of Earl Reginald, had been treated in much the same way; Torigni notes that they were set aside for John 'excepta parva portione, quam dedit filiabus ipsius comitis.'⁸⁷ Earl Reginald had had legitimate daughters who, it has been argued, could be seen as having been effectively disinherited by Henry II in favour of John.⁸⁸ In light of Torigni's account, it is not difficult to see a parallel between Henry II's arrangement of a provision for John in Cornwall and in Gloucester, both of which occurred within a year of each other.⁸⁹ These two lordships which were set aside for John had something else in

⁸⁵ Robert of Torigni, *Chronica de Roberti de Torigneio* in *Chronicles of the Reigns of Stephen, Henry II and Richard I*, 4 vols. ed. by R. Howlett (London, Rolls Series 1884-1890) iv, 268; for Robert of Torigni's death and the termination of his chronicle in 1186, see A. Gransden, *Historical Writing in England*, 2 vols. (London, Routledge, 1974-1982) i, c.550 to c.1307, repr. (London, Routledge, 1998), 233.

⁸⁶ *Gloucester Charters*, 5.

⁸⁷ Torigni, 268.

⁸⁸ Church, *John*, 18.

⁸⁹ Taking John's betrothal to Isabella of Gloucester as the moment at which King Henry executed his plans.

common, however, which goes some way to explaining Henry II's actions as coherent and reasonable, rather than arbitrary: both Earl Reginald and Earl William were descended from King Henry I through illegitimate lines. Earl Reginald was a bastard son of Henry I, and therefore Henry II's uncle.⁹⁰ Earl William was the son of Earl Robert of Gloucester, another of Henry I's illegitimate progeny, and therefore a first cousin of Henry II.⁹¹ That the lands of both men, in the absence of surviving legitimate male heirs of their bodies, were reserved for his son John by Henry II can perhaps therefore be better understood by the existence of this family connection.⁹² Seen in this context, the denial of Cornwall to Earl Reginald's daughters in favour of John may be viewed as a case of inheritance by a male heir of the same family, rather than a simple matter of outside interference by the king that resulted in the denial of property to which they had the best claim.

Robert of Torigni's account therefore gives an impression that stands in contrast to that of Roger of Howden in terms of the context of the grant of Cornwall to John, suggesting the culmination of a long-anticipated inheritance originally conceived by Henry II, rather than a new grant made by King Richard to supplement what he had previously given. In terms of the substance of what was granted, Torigni also placed the grant of Cornwall very much in the context of a succession to the lands and rights that had been held by Earl Reginald. There is no legal sense that John was Reginald's heir *per se* but, read together with Howden's account, the suggestion is that what John received was that which had previously been held by the earl in Cornwall; the 'comitatum Cornubiensum' and all of Reginald's lands, both of which had been kept in the hand of the king until December 1189. Whilst this account does not mention Devon, Dorset or Somerset, it does therefore

⁹⁰ D. Crouch, 'Reginald, earl of Cornwall (d.1175)' in *ODNB*.

⁹¹ R.B. Patterson, 'William, second earl of Gloucester (d. 1183)' in *ODNB*.

⁹² Earl Reginald was survived by an illegitimate son, Henry fitz Count, who eventually did gain possession of Cornwall by the later grant of John as king. See P. Latimer, 'Rebellion in South-Western England and the Welsh Marches, 1215-17' in *Historical Research*, 80, (2007) 185–224, 200.

indicate that the block of grants which John received in December 1189 was not a supplementary gift of King Richard given ‘in augmentum’, at least in respect of Cornwall. That Roger of Howden perceived matters differently is notable and could suggest either that the chronicler was simply misled by a lack of knowledge, or that the grants could have seemed to contemporaries to have represented a purposeful act of additional royal favour, an impression that could well reflect how King Richard chose to present them at the time.⁹³

Robert of Torigni’s testimony is also informative as to the background of the county of Mortain and how it was managed during Henry II’s reign, and his account coheres with the evidence provided by Roger of Howden. Torigni related the following on the death of William of Blois, count of Mortain, in 1159: ‘Guillelmus, comes Moritonii decessit autem absque liberis et retinuit Henricus rex comitatum in manu sua.’⁹⁴ Whilst there is no indication here that Henry II had any express intentions for Mortain at this point, it does confirm that he took the county into his own hand upon the death of Count William. Thereafter, Henry seems to have retained the county in his own hand for the remaining thirty years of his life.⁹⁵ Despite Henry’s decision – made with other strategic concerns in mind – to facilitate a marriage between Matthew of Flanders and Mary, a daughter of King Stephen, which gave Matthew a claim on the county of Mortain in right of his wife, the king

⁹³ As already noted above, the latter possibility is reminiscent of King Richard’s reported attitude to the gift of the heiress of Striguil to William Marshal: that she had been merely promised to William by Henry II, but ultimately given by Richard himself. See Crouch, *Marshal*, 67. It could well be that the king viewed and portrayed these grants in a similar way, which could explain Howden’s understanding of the matter.

⁹⁴ Torigni, 206.

⁹⁵ Lands and revenues pertaining to the county were accounted for at the Norman exchequer at Michaelmas 1180, the only extant complete roll for Henry II’s reign, which shows that Mortain remained in ducal hands in that year. See *Pipe Rolls of the Exchequer of Normandy for the reign of Henry II, 1180 and 1184*, ed. by V. Moss (London, Pipe Roll Society, NS 53, 2004) 6-7, 10–13.

thereafter sought to compensate Matthew's claim with a payment.⁹⁶ Torigni dated this promise of compensation, by way of the payment 'per annum maximam partem pecuniae' to 1168, in exchange 'pro calumnia relaxanda comitatus Moritonii.'⁹⁷ That Henry II should have wished to have taken steps to retain Mortain in his hand in preference to allowing Count Matthew to take possession, and thereafter retained it for the remainder of his reign, is itself suggestive that the king had another purpose in mind for the county. Indeed, it is circumstantially striking that Torigni dated the compensation of Count Matthew to 1168, only one year after his dating of the birth of John.⁹⁸ Indeed, when Torigni's account is read in conjunction with evidence from Roger of Howden's *Chronica*, the suggestion that Henry II may have had the intention of designating Mortain for John as early as 1168 is given more credence. Howden's *Chronica* is a later work than his *Gesta*, with the former being largely based on the latter, but with important additions and revisions in some areas.⁹⁹ One such case where the two works differ is in their description of the bequest made by Henry II to his sons when he fell ill (incidentally, within the county of Mortain) in 1170. Whilst the *Gesta* simply notes that Henry II gave John – who at this time would have been an infant – to his eldest son, the Young King, to provide for, the *Chronica* differs, instead specifying that 'Johanni filio suo adhuc minimo dedit comitatum Moretunii.'¹⁰⁰ Whilst this addition may potentially be merely the spurious retrospective assumption of an author writing in the knowledge that John did indeed become Count of Mortain, it cannot be dismissed out of hand. The possibility is therefore suggested that Henry II

⁹⁶ C. Groud-Cordray, 'Mortain, chef-lieu d'un comté normand de 933 à 1412' in *Revue de l'Avranchin et du Pays de Granville*, lxxvii (2000), 277–313, 302; H.J. Tanner, *Families, Friends and Allies: Boulogne and Politics in Northern France and England, c.879–1160*, (Leiden, Brill, 2004), 203.

⁹⁷ Torigni, 238.

⁹⁸ Torigni, 233.

⁹⁹ The *Chronica* was composed 1192-3 x 1201-2, whilst the *Gesta* was completed in its surviving form by 1192-3. See Corner, 'Gesta and Chronica', 126.

¹⁰⁰ *Gesta*, ii, 7; *Chronica*, ii, 6.

had set Mortain aside for John by 1170, and perhaps before. Moreover, regardless of the degree of reservation with which this evidence must be treated, the *Chronica's* account further emphasises that near-contemporary observers perceived that the county of Mortain had long been set aside by Henry II as the designated provision for John; whether or not Henry II had actually made such a bequest in 1170, the point is that Roger of Howden, writing 1192 x c.1201, thought that this was plausible.¹⁰¹ The most likely explanation for the plausibility of the *Chronica's* account is that it was by that time recognised that Henry II had specifically reserved the county of Mortain for John for the last two decades of his reign.

Whilst the date at which Henry II set aside the county of Mortain for John cannot therefore be determined with reference to a specific piece of evidence with absolute confidence, there can be little doubt that this is what happened. Moreover, it seems most probable, in light of Henry II's promise of compensation to Matthew of Flanders in 1168 and Roger of Howden's later dating of the grant in his *Chronica* that this occurred around the year 1170. Indeed, the notion that Henry II may have designated Mortain as a provision for his youngest son relatively early in John's life is supported when the wider context is considered; Henry II had evidently already begun to make reservations of lands for John during the 1170s. This process had certainly begun with the promise of the castle and county of Nottingham and castle of Marlborough in the aftermath of the 1174 rebellion (as well as other undefined lands and castles amounting to specific values), and continued when the king set aside the lands of Earl Reginald of Cornwall upon the latter's death in 1175, and made the agreement with Earl William of Gloucester to make John his heir and betroth him to his

¹⁰¹ For the dates of Roger of Howden's *Chronica*, see M. Staunton, *The Historians of Angevin England*, (Oxford, Oxford University Press, 2017), 54–5.

daughter, Isabella, in 1176.¹⁰² These designations were augmented by the provision of the kingdom of Ireland in 1177.¹⁰³ The suggestion that Henry II may first of all have set aside Mortain in the same way does not, therefore, seem out of place.

The account of King Richard's grants to John provided by William of Newburgh differs from those discussed above in what it suggests about their nature. He wrote that:

Denique Cornubiam, Devenesiram, Notingehamesiram, Loncastrum cum adjacente province, atque alia plurima de regio dominico contulit.¹⁰⁴

The first point to notice about this account is that no precise date is provided for the grants and, compared with Roger of Howden's lists, some of the grants of English lands received by John in 1189 are not mentioned. Whilst Howden placed John's receipt of the vill and honour of Nottingham and castle and honour of Lancaster in August 1189, Newburgh included both alongside Cornwall and Devon along with the summary 'alia plurima de regio dominico', thus appearing to amalgamate all of King Richard's grants into one description. Given Roger of Howden's association with the royal court and the briefer nature of Newburgh's account, it seems reasonable to take the latter's version as a

¹⁰² For the 1174 settlement see *Gesta*, i, 78; For Cornwall, see Torigni, 268; For Gloucester, see *Gesta*, i, 124, Ralph Diceto, *Ymagines Historiarum*, in *Radulfi de Diceto Decani Lundoniensis Opera Historica*, 2 vols. ed. by W. Stubbs (London, Rolls Series, 1876) i, 415.

¹⁰³ *Chronica*, ii, 100, 133; *Gesta*, i, 161–65.

¹⁰⁴ William of Newburgh, *Historia Rerum Anglicarum* in *Chronicles of the Reigns of Stephen, Henry II and Richard I*, 4 vols. ed. by R. Howlett (London, Rolls Series 1884-1890) i, 301.

summary and accept Howden's dating of the two separate blocks of grants.¹⁰⁵ Further contrasts between Newburgh's description and those of both Howden and Torigni, however, provide pause for thought. Newburgh made clear that he considered these grants to have been made to John by King Richard, drawing a contrast with those previously provided to John by Henry II, namely Ireland and the county of Mortain: 'Nam praetor paternae in Hibernia acquisitionis plenitudinem, et comitatum in Normannia Moritanensem, de quibus scilicet paternam donationem ratam habuit.'¹⁰⁶ Regardless of the circumstances of John's acquisitions of Ireland and Mortain, it is notable that Newburgh did not agree with Torigni's account by including Cornwall as a pre-existing grant of Henry II. Perhaps William of Newburgh, writing about the events of 1189, was unaware of Henry II's actions to secure Cornwall for John upon the death of Earl Reginald some fourteen years previously. Alternatively, Newburgh's perception may have been influenced by the possible contemporary presentation of the grant by King Richard as having been made at the king's own volition, rather than by the pre-existing arrangement of Henry II. In this sense, William of Newburgh's account is not so far removed from that of Roger of Howden.

Newburgh's second departure from Torigni's account is also worthy of note. He described the grants, by implication, as being 'de regio dominico.'¹⁰⁷ This description could indicate that Newburgh understood the counties given to John as including royal lands. Such a description was not inconsistent with Torigni's account, however, even though it placed John's acquisition of Cornwall in the context of his lands and rights there being those of Earl Reginald. It is possible that this divergence between the two accounts is a simple consequence of William of Newburgh's perception that the lands of Earl Reginald had long been held in the hand of the king, without

¹⁰⁵ William of Newburgh was also, however, a near-contemporary, who finished his work by 1198. See Staunton, *Historians*, 83.

¹⁰⁶ Newburgh, 301.

¹⁰⁷ Newburgh, 301.

acknowledging that this was in anticipation of their transmission to John. It may, therefore, have seemed to William of Newburgh that what was being given were royal lands, in the sense of land held in demesne by the king. It could otherwise be that Newburgh's description was intended to convey that jurisdictional authority had been granted to John in Cornwall, Devon, and Dorset-Somerset – including authority over any lands there which had previously been in the hand of the king – since the account made reference to the names of whole counties, such as 'Cornubiam', rather than specified lands within them.¹⁰⁸ Indeed, the way that William of Newburgh chose to specify what was given to John is more generally indicative of the importance of what John received. Many of the lands which John was given – such as the honours of Eye, Wallingford, or Tickhill – were not specified by name in the same way that Roger of Hodwen had specified them. Those grants which William of Newburgh deemed significant enough to be worthy of specific mention were exclusively entire counties, or else the honour of Lancaster, which John held on the same basis as his counties. William of Newburgh specified only Cornwall, Devon, Nottinghamshire, and Lancaster, in a way that indicates that the chronicler viewed these as the most significant aspects of what John had been given. Since an awareness of the depth of John's authority in his English counties is apparent in an adjacent passage of William of Newburgh's account, which compared John to a tetrarch (about which more later), it seems that the choice to specify only counties – rather than honours or lands – in this passage should be taken as an indication of their relative importance in the eyes of the chronicler.¹⁰⁹

The differences between these accounts of the grants which John received serve to highlight the necessary subjectivity of the testimony of narrative sources. A closer examination is, therefore, necessary to determine the background to these grants and to place the lands and rights which John received into their full context. Administrative sources must be considered to explore the nature of

¹⁰⁸ With its implied status as royal demesne referring to those lands in Cornwall which were being farmed for the king between the years 1176 and 1189. See *PR 22 Henry II*, 151 and *PR 1 Richard I*, 111.

¹⁰⁹ Newburgh, 301.

the rights which John received in these places, and how John sought to manage them. Before doing so, however, it is necessary to contextualise the lands and rights which John received by examining in detail their immediate tenorial backgrounds in 1189.

John's Lands and their Context

Some of the possessions which John received in 1189 had a wider context that goes some way to explaining why Henry II and Richard chose those particular lands to form an endowment for a collateral member of the Angevin dynasty. Certain lands John received had formed estates that had previously been held by the close relatives of kings, and their reservation for John indicates that successive rulers were influenced by a perception that these lands had the customary purpose of enriching and empowering members of their dynasty; as such, Henry and Richard determined to keep them within their family. The tenorial backgrounds of some of these lands – notably of Mortain, Cornwall, Lancaster and Eye – therefore places the patronage shown to John by his father, and fulfilled by his elder brother in 1189, into the context of a wider dynastic custom.

It has already been established that Richard's actions towards John had been foreshadowed by the plans made by Henry II, but that the new king nonetheless took ownership of this patronage for himself. It is no surprise, therefore, that some of John's other gifts came to him with much less of a precedent attached, particularly the grants of the whole counties of Devon and Dorset-Somerset. The king's decision to grant these counties to his brother is much more explicable with reference to the special circumstances of 1189 and the accession of a new ruler who had a pre-existing crusading commitment, who sought to divide the responsibilities of rulership in parts of the kingdom with his only surviving legitimate brother. John's lands and rights, therefore, formed an overall package that came to him as the result of a combination of different royal expectations, pressures, and motivations on the part of Henry II and Richard I.

Mortain and Cornwall: The Honour of Mortain

The context of both the county of Mortain itself, and of Norman counties in general, explains why Henry II should have chosen to set aside this particular provision for his son John at an early stage in the latter's life. The title of count in a Norman context had consistently been reserved for close members of the ducal family since the emergence of its wider usage in the duchy in the early eleventh century. The use of the title *comes* had initially been kept as the monopoly of the duke, who before the later eleventh-century was more regularly styled 'count of Rouen', and thereafter those styling themselves count were almost exclusively junior members of the ducal family, being either younger sons or brothers, or else descended through such men.¹¹⁰ The counties that these titled men held were located on the frontier of the duchy, typically based upon a key castle, and they therefore fulfilled a trusted military role with which came at least some degree of jurisdictional authority and administrative independence.¹¹¹ The counts of Mortain had been no exception, and indeed, by the later twelfth century, Mortain was one of only three of these Norman counties that was still in the hands of a count.¹¹² It is, therefore, entirely coherent that such an honour and title should have been chosen by Henry II to be set aside for his own son, rather than alienated to an individual outside of his immediate family. Mortain had been in the king's hand since the death of

¹¹⁰ D. Douglas, 'The Earliest Norman Counts' in *English Historical Review*, 61, (1946), 129–156, 130, 153. See also C. Potts, 'The Earliest Norman Counts Revisited: The Lords of Mortain' in *Haskins Society Journal*, 4 (1993), 23–35.

¹¹¹ D. Bates, *Normandy before 1066*, (London, Longman, 1982), 156, and see now M. Hagger, *Norman Rule in Normandy, 911–1144*, (Woodbridge, Boydell, 2017), 559–69, especially 568.

¹¹² Although other men who styled themselves as counts had emerged in Normandy by the twelfth century, of those counties that had originally existed as endowments for members of the ducal family in the eleventh, only Mortain, Eu, and Evreux remained. See D. Power, *The Norman Frontier in the Twelfth and Early Thirteenth Centuries*, (Cambridge, Cambridge University Press, 2004), 55.

William of Blois in 1159, and upon the birth of his youngest son, the county must have seemed to Henry II to have been an entirely natural endowment. These had always been family lands and, as such, it was appropriate that they be passed on to a member of the ducal family.

Henry's decision was, nonetheless, made at the expense of other potential claimants from outside of his nuclear family, whose claims the duke had for a time encouraged for strategic purposes. Following the death of Count William, Henry had attempted to influence the inheritance to the county of Boulogne by arranging the controversial marriage of William's sister Mary – the abbess of Ramsey – to Matthew, son of the count of Flanders and Henry's cousin. This action was likely intended to block the claim of Constance, countess of Toulouse and widow of Count William's brother Eustace, to Boulogne, but it also gave Matthew and the two daughters who were born to his marriage a claim on the county of Mortain.¹¹³ In the earlier 1160s, therefore, Henry seems to have been willing to be flexible in regard to the succession to Mortain in order to pursue his other strategic goals.¹¹⁴ It is notable, however, that Robert of Torigni tells us that Henry acted to block any Mortain succession outside his immediate family as early as 1168, when he pledged to compensate Matthew, now count of Boulogne, 'per annum maximam partem pecuniae... pro calumnia relaxanda comitatus Moritonii'.¹¹⁵ This dating is circumstantially remarkable in Torigni's account because it follows the author's dating of John's birth, which he placed only one year before.¹¹⁶ Given that Roger of Howden also recorded – albeit retrospectively, in his *Chronica* – that Henry assigned the county of Mortain to John in a bequest made in 1170, an appealing interpretation would be that Henry acted

¹¹³ Tanner, *Families, Friends and Allies*, 203.

¹¹⁴ It should, nonetheless, be noted that Matthew remained Henry's cousin, meaning his succession to Mortain would not have been a break with Norman comital tradition.

¹¹⁵ See above, 47–9. Torigni, 238.

¹¹⁶ Torigni, 233.

to secure Mortain very soon after John was born.¹¹⁷ This course of events would suggest that Henry maintained a perception that the customary purpose of the county of Mortain was the endowment of a close member of the ducal family, and that this is why it was assigned to John at the expense of Matthew, his wife Mary, and their heiresses.

There are parallels between Henry's dismissal of alternative claims to the county of Mortain and his reservation of the lands of the earls Reginald of Cornwall and William of Gloucester. The honour of Gloucester will be treated separately below, but in each of these cases more immediate claimants with whom Henry II had consanguinity were compensated – to a greater or lesser degree – to ensure that the estates were retained within the king's immediate family for the use of John.¹¹⁸ The county of Mortain is the example for which a customary family association is clearest due to the exclusive retention of Norman counties within the ducal family. The case of the lands of Earl Reginald should, however, be viewed in close association with Mortain. These two superficially-separate endowments, in fact, had a common historical association as constituent parts of the greater cross-Channel honour of Mortain as it had once existed under counts Robert and William.

It is entirely unsurprising that the lands of Earl Reginald were managed by Henry II in a similar way to the county of Mortain, because these lands shared a tenurial background which explains Henry's likely perceptions in ensuring they were reserved for John. Earl Reginald acquired his lands in Cornwall and Devon during the struggle between King Stephen and the Empress Matilda, by the grant of the latter.¹¹⁹ The majority of Cornwall had, however, originally belonged to the honour of Mortain following the Norman Conquest. These lands, centred on Launceston, had been held by Robert, count of Mortain, half-brother of William I, and are recorded as being held by him as

¹¹⁷ *Chronica*, ii, 6.

¹¹⁸ For the endowment of the daughters of Earl Reginald, see Torigni, 268. For the Gloucester co-heiresses, see *Gloucester Charters*, 5.

¹¹⁹ D. Crouch, 'Reginald, earl of Cornwall (d.1175)' in *ODNB*.

a tenant-in-chief of the king in Domesday Book. They subsequently passed to Count Robert's son, William, count of Mortain, until they were forfeited when he sided against Henry I at the battle of Tinchebrai in 1106. The honour of Mortain subsequently remained in the hand of the king thereafter until Stephen's reign.¹²⁰ The implication of this succession is that the lands in Cornwall and Devon that had once made up the honour of Mortain – still in principle held in the hand of the king – were acquired by Earl Reginald by grant of the Empress Matilda in 1141, alongside any land in the county that could have been categorised as royal demesne.¹²¹ That this was in fact the case is suggested by a reference to the honour of Earl Reginald in the Pipe Roll of Michaelmas 1194, which records scutage levied against the lands following John's own forfeiture. The entry records scutage levied on 215 ½ knights' fees 'de honore comitis Reginaldi in Cornubia et Devon' qui reddunt scutagium ad feodum Moriton'.¹²² The lands referred to are evidently those which had been held by Earl Reginald, which had subsequently passed to John, but were also specified to render scutage as 'fees of Mortain'. Mortain fees rendered scutage at a reduced rate of 12s. 6d. per fee, since they were recognised to be smaller than a regular knights' fees. As their name suggests, these were fees that had originally been created by the enfeoffment of tenants by Count Robert or Count William of Mortain in their honour of Mortain, and had since survived as units for the assessment of military service, despite the fact that the lands that comprised the honour itself had passed into escheat and

¹²⁰ I. J. Sanders, *English Baronies: A Study of their Origin and Descent, 1086-1327* (Oxford, Clarendon, 1960), 60.

Despite Stephen himself having been made count of Mortain by Henry I, there is no evidence that he received these English lands of the honour of Mortain while he was count; see E. King, *King Stephen* (London, Yale University Press, 2010) 12.

¹²¹ Whilst in practice King Stephen's hold on lands which had been in the hand of Henry I at his death would have been determined by the realities of the civil war on the ground, it seems likely that the king would have viewed such land as rightly held in his own hand in principle. Similarly, it seems likely that the Empress Matilda, viewing herself as the rightful *rex*, would equally have seen such lands as her own to grant.

¹²² *PR 6 Richard I*, 174.

under other lordship.¹²³ It may reasonably be concluded, therefore, that since scutage for the honour of Earl Reginald was assessed as fees of Mortain, the lands that comprised the honour of Mortain in Cornwall had fallen under the lordship of Earl Reginald in 1141 as part of the grant the earl received from the Empress.¹²⁴ This suggestion is strengthened when it is noted that part of the borough of Launceston (along with the castle), which had been the *caput* of the honour of Mortain in Cornwall and Devon, was accounted for by Henry II's sheriff of Cornwall after Earl Reginald's death.¹²⁵ It seems clear, therefore, that it remained well-recognised that the lands of the honour of Earl Reginald – those 215 ⅓ fees for which the earl acknowledged service in the *Cartae Baronum* – which Henry II had reserved for John in 1175 had also once pertained to the honour of the counts of Mortain.¹²⁶

The identification Earl Reginald's honour as a constituent part of the greater honour of Mortain is a significant piece of context to the grant of these lands to John, especially given Henry's pre-existing reservation of the county of Mortain for his son some five years before the death of the earl.¹²⁷ It is plausible, therefore, that the grant of Reginald's lands – and indeed, the whole county of Cornwall – was seen by Henry II and later by Richard I as an entirely natural accompaniment to the county of Mortain, which re-established the core territories of the cross-Channel honour of Mortain

¹²³ *PR 33 Henry II*, xxvii; J.C. Holt, 'The Introduction of Knight Service in England' in *Anglo-Norman Warfare: Studies in Late Anglo-Saxon and Anglo-Norman Military Organization and Warfare* ed. by M. Strickland (Woodbridge, Boydell, 1992) 41–59, 45–46, 55.

¹²⁴ Sanders, *English Baronies*, 60. It is also interesting in itself to note the unnecessary survival of these Mortain fees in the record, which is suggestive of the survival of the idea of the honour of Mortain as a coherent body of lands in the contemporary imagination, several decades after they had last been held as a single entity by a Count of Mortain, Count William.

¹²⁵ *PR 30 Henry II*, 88.

¹²⁶ *The Red Book of the Exchequer*, 3 vols., ed. by H. Hall (London, Record Commission, 1896) i, 261–2.

¹²⁷ Newburgh, 301.

as it had once existed before Count William's forfeiture, and subsequently re-shaped and divided in the reigns of Henry I and Stephen. Crucially, the exclusive association of the title 'count of Mortain' with the Norman ducal family is inherent to understanding the motivations that laid behind these grants.¹²⁸ That the lands of 'the honour of Earl Reginald' were reserved for and later granted to John, a junior member of the Norman ducal family who was also promised and granted the title of count of Mortain, therefore suggests that their historic customary purpose continued to be influential in determining how the estates and their utility were perceived within the Angevin dynasty.

In the case of Earl Reginald's honour in Cornwall, the close family association that these estates carried had never been forgotten and can be observed with a significant degree of continuity from the immediate post-Conquest period through to 1189. In the minds of successive rulers, the customary purpose of these lands does not seem to have changed since they were granted to Count Robert of Mortain, half-brother of William I. Despite a period following Count William's dispossession during which Henry I determined to keep the Cornish Mortain estates in hand – but notably not to alienate them, despite his creation of a remodelled honour of Mortain for Count Stephen – the Empress Matilda's grant to Earl Reginald should be seen with exactly the same assumptions and motivations in mind. As Matilda's illegitimate half-brother, Reginald's relationship to the woman who at the time regarded herself as rightful *rex* was precisely the same as that between Count Robert and the Conqueror. The very same paradigm was recreated between John and King Richard in 1189, and the precedents for this must have been obvious and influential to all concerned, not least to the respective two kings who first reserved and then granted the honour.

The way in which the honour of Earl Reginald was treated after John's lands were confiscated in 1194 also indicates that, within the Angevin dynasty, these estates maintained a strong association with their former membership of the honour of Mortain which influenced how

¹²⁸ Bates, *Normandy before 1066*, 156; Power, *Norman Frontier*, 56.

they were managed. The existing assumption that the lands of the honour of Earl Reginald remained in the hand of the king between 1195 and 1199, together with the financial and jurisdictional rights that John had previously held in the county, is based on the testimony of Roger of Howden. Howden's account makes clear that John had had all of his lands and counties confiscated in 1194, but was allowed by the king to regain lordship of his county of Mortain and earldom of Gloucester – as well, the chronicler claimed, as the honour of Eye – upon his return to Richard's favour in 1195,¹²⁹ whilst John's own grant to Walter de Lacy of 15 June 1195 shows that he remained ruler of Ireland for the rest of the reign and beyond.¹³⁰ It might be assumed, therefore, that John never again held land in Cornwall after 1194, were it not for the Pipe Roll entry concerning the scutage he was deemed to owe for the honour. In the roll of Michaelmas 1196, account was rendered by the sheriff for 215 ½ knights' fees of the honour of Earl Reginald, under which is entered 'Et Johanni comiti Moriton' c et xxxiiii li. et xi s. et viii d. de scutagio militum suorum per breve Regis.'¹³¹ Even though the honour had been seized from John in 1194, this account shows that by Michaelmas 1196 he was once again considered to owe the military service attached to it, and the full amount due on 215 ½ fees of Mortain at that. This entry makes clear that John, by this time restored to the king's peace,

¹²⁹ *Chronica*, iii, 286. Whilst Howden's account specified that the 'honorem de Eia' was included in what Richard returned to John, the Pipe Rolls indicate that the whole honour was not, in fact, initially restored alongside the other lands, but was eventually given over to John at Easter 1196; see *PR 7 Richard I*, 79, *Chancellor's Roll 8 Richard I*, 121, *PR 9 Richard I*, 234, *PR 10 Richard I*, 94. The telling entry is the latter, which specifies that the debts still owed from the eighth year of the reign (Michaelmas 1196) relate to the whole *honoris* for half the year (that is, before it was returned to John) and the *uillate* of Eye for the whole year. The vill of Eye itself was not restored and continued to be accounted for in the Pipe Rolls during Richard's reign.

¹³⁰ Church, *John*, 57–9; *Angevin Acta*, 2162J.

¹³¹ *Chancellor's Roll 8 Richard I*, 143.

had had the lands of the honour restored to him.¹³² What in fact seems to have happened in 1195 is that John was restored to the lands of the honour of Earl Reginald, but not to the rights of the whole *comitatus* which he had previously held; this much is clear from the continued appearance of Cornwall in the Pipe Rolls for the rest of King Richard's reign. The accounts rendered for Cornwall show that the revenues associated with tenorial and jurisdictional rights in the county, which had previously been in John's hand, thereafter remained under the control of the king's sheriff and officers.¹³³ John had, therefore, regained his previous possessions in Cornwall only in part. After 1195, it seems that he occupied the role of a major tenant-in-chief of the king in the county, holding the honour of Earl Reginald. Possession of the honour might, indeed, have been seen as a perquisite that was customarily appropriate for the count of Mortain. This position was, of course, much-reduced from that which John had occupied in Cornwall before 1194, but the king's decision to allow the restoration of the honour suggests that King Richard viewed it as a necessary accompaniment to the Norman county to which John had also been restored. The Pipe-Roll evidence, therefore, reveals further details about the lands to which John was restored in 1195 than can be seen from Roger of Howden's account alone. Howden's description may have made no mention of the restoral of the lands of Earl Reginald, yet perhaps an astute understanding – if we are to discount simple ignorance – led the chronicler to omit further specification. King Richard's decision suggests that he thought that the honour of Earl Reginald should pertain to the count of Mortain not as an additional benefit, such as the counties which John had been given in 1189, but as a core part of the cross-Channel Mortain estates that he had re-formed in John's hand. John had, after all, been restored to the rest of the lands that were most closely associated with his comital titles, but not to the rights attached to those counties he had received in 1189 at the king's additional discretion. King Richard's

¹³² John seems to have been received back by King Richard after a year of exile in June 1195. See Church, *John*, 51.

¹³³ *PR 7 Richard I*, 132; *Chancellor's Roll 8 Richard I*, 139; *PR 9 Richard I*, 1; *PR 10 Richard I*, 172; *PR 1 John*, 182.

management of the lands of Earl Reginald from 1195 suggests, therefore, that the king continued to be influenced by a perception that these estates were the customary due of the counts of Mortain; that is, of a collateral member of the Angevin dynasty.

The Honour of Gloucester: Kingship or Kinship?

On 29 August 1189, John, newly created as count of Mortain by his brother Duke Richard, married Isabella, the daughter of Earl William of Gloucester, at Marlborough and came into possession of the honour of Gloucester.¹³⁴ The honour brought with it not only English lands, but also the Welsh Marcher lordship of Glamorgan and lands in Normandy including the honours of Evrecy and Ste. Scholasse-sur-Sarthe.¹³⁵ The former was located in the Bessin, and comprised ten knight's fees of land held of the Bishop of Bayeux, with its chief centre being Torigni-sur-Vire.¹³⁶ This and other territories in the Bessin had been acquired by Earl Robert of Gloucester by September 1146, in addition, it seems, to the Norman lands of the honour of Eudo Dapifer, including the fees of Matheiu (Calvados) and St-Claire-sur-L'Elle (Manche).¹³⁷

The nature of John's acquisition of the honour of Gloucester was described by Roger of Howden as a gift of Duke Richard: 'Ricardus dux Normaniae dedit Johanni fratri suo filiam comitis Gloucestriae cum comitatu Gloucestriae'.¹³⁸ As far as Roger of Howden was concerned, therefore,

¹³⁴ *Gesta*, ii, 78.

¹³⁵ *Gloucester Charters*, 3. For Evrecy, see Power, *Norman Frontier*, 295.

¹³⁶ *Gloucester Charters*, 31.

¹³⁷ *Gloucester Charters*, 6. For the honour of Eudo Dapifer, see D. Crouch, 'Earl William of Gloucester and the End of the Anarchy: New Evidence Relating to the Honour of Eudo Dapifer' in *EHR*, 103, (1988) 69–75, 73.

¹³⁸ *Gesta*, ii, 78.

the marriage to Isabella had been in Richard's gift – notwithstanding that the duke was not yet king of England, and so technically was not yet in a position to dispose of English lands, and heiresses in English royal wardship – and she brought the honour of Gloucester with her. William of Newburgh also described Richard's grant as constituting the marriage to Isabella, with the Gloucester lands being specified as the inheritance she brought with her.¹³⁹ Both writers, therefore, suggested that the honour of Gloucester came to John in right of his new wife, as her inheritance from her father, Earl William.

The matter of the Gloucester inheritance and the way that the honour came to John was not, however, quite as simple as these chroniclers represented it. John's marriage to Isabella was, in fact, the culmination of a lengthy betrothal which had first been arranged by Henry II to provide for his youngest son in 1176, in expectation of Earl William's lack of a son to succeed to his possessions. Isabella, furthermore, was the youngest of three co-heiresses and her two sisters had been promised an income by King Henry as compensation for their effective disinheritance.¹⁴⁰ Despite the death of Earl William in 1183, however, it was not until the succession of Richard six years later that the marriage actually took place; in the interim, the earl's property had been kept by Henry II in his own hand.¹⁴¹ The revenues of Earl William's lands had, therefore, continued to be accounted for throughout this period by a royal custodian, and continued to be accounted for at the exchequer up to Michaelmas 1189, when Hugh Bardulf accounted for three quarters of the year, a period which corresponds approximately with the dating of John's marriage offered by Roger of Howden. The

¹³⁹ Newburgh, 301–2.

¹⁴⁰ *Gesta*, i, 124–5.

¹⁴¹ *PR 30 Henry II*, 109, *PR 31 Henry II*, 154, *PR 32 Henry II*, 200, *PR 33 Henry II*, 14, *PR 34 Henry II*, 13, *PR 1 Richard I*, 7.

possibility that the honour was transferred in late June or July – that is, before John married Isabella – is, however, suggested by the account.¹⁴²

This possibility may simply be a consequence of the imprecision of the dating formula entered onto the Pipe Roll, but if the honour was transferred to John ahead of his marriage, there may have been an implication that his tenure was not wholly dependent on a claim in right of his wife. Such an implication does not exist in isolation. Roger of Howden also related that, in 1176, upon the agreement of the betrothal of John and Isabella between Henry II and Earl William, the earl also agreed to make John his heir, a view that is supported by the narrative provided by Ralph Diceto.¹⁴³ Whilst Henry II had subsequently held the honour of Gloucester in his hand after the earl's death without granting it to John as had been anticipated, the Pipe-Roll evidence would seem to indicate that Richard acted swiftly after his father's death to grant the honour to John, perhaps even more swiftly than he moved to enact John's long-expected marriage. Whilst the chroniclers, when writing on the events of 1189, connected the grant of the honour of Gloucester to John's marriage, happening as it did only a month later, the Pipe Roll would appear to indicate that Richard, and perhaps Henry II before him, considered John's rights to the honour of Gloucester to be independent from the betrothal to Isabella as Earl William's co-heiress. Richard's actions, rather, would seem to indicate that he considered John to be the earl's sole heir, just as Henry II had negotiated.

That links between John and the honour of Gloucester had already begun to be forged in the 1180s is clear. The honour's revenues were drawn upon by Henry II to support John's 1185 expedition to Ireland, and John secured a cash loan from the burgesses of Bristol, the key centre of the honour, to support his venture across the Irish Sea.¹⁴⁴ Whilst these preparations were very much

¹⁴² *PR 1 Richard I*, 7.

¹⁴³ *Gesta*, i, 124; Diceto, i, 415.

¹⁴⁴ P. Latimer, 'The Earls in Henry II's Reign' (unpublished PhD thesis, University of Sheffield, 1982), 237-8; *PR 32 Henry II*, 200; *PR 31 Henry II*, 154.

directed by Henry II, rather than by John himself – and whilst it is difficult to separate assumptions of John's eventual possession of the honour in right of his wife from his status as the earl's declared heir – they indicate that Henry II (and perhaps John himself) cultivated his son's links with the honour of Gloucester before 1189 and treated it as a source of revenue to be properly directed to John's use. The use of the honour to help finance John's Irish expedition also serves to highlight its coherence as an endowment for John alongside Ireland, especially given the pre-existing link between Bristol and Dublin that Henry II had personally sought to strengthen whilst in Ireland in 1171–2.¹⁴⁵ The way that the honour of Gloucester was managed by Henry II, therefore, indicates that he saw it as an estate that could be drawn upon to service the needs of his youngest son, in accordance with how he had manoeuvred John to be Earl William's heir.

Treating the honour of Gloucester as John's rightful inheritance would have made more sense to Henry, and later Richard, than it might for some of the other estates John was to receive. Just as in the case of the lands of Earl Reginald centred on the county of Cornwall, the honour of Gloucester was an estate that had belonged to a collateral line of the royal dynasty. Earl William's father, Earl Robert, had been another of Henry I's bastards and, as such, he was Henry II's cousin. Henry II's manoeuvring of the inheritance to the honour of Gloucester, in order that John emerged as the heir of the earl at the expense of the claims of legitimate co-heiresses is, therefore, directly comparable with the arrangements the king made after the death of Earl Reginald.¹⁴⁶ Such manipulation by Henry II is easily characterised as predatory kingship, a case of royal power exercised to deny the rights of legitimate heirs in the face of customary legal process.¹⁴⁷ Yet it is equally valid to view these two transactions in the context of kinship, as cases in which Henry II (as

¹⁴⁵ *Angevin Acta*, 2596H.

¹⁴⁶ See above, 56–9. For Earl William's background, see R.B. Patterson, 'William, second earl of Gloucester (d. 1183)' in *ODNB*.

¹⁴⁷ Church, *John*, 18.

head of the family) utilised his royal power to ensure that estates of his kinsmen remained within the male line of his dynasty, rather than allowing them to be divided and alienated among the husbands of co-heiresses. John's own treatment of the honour of Gloucester as king also seems to cohere with such a view that the lands held within his dynasty should not be easily released; he tightly controlled the lands of the honour – and his former wife, Isabella – against the possibility of wholesale alienation.¹⁴⁸ Henry II, and later John, may have manipulated their royal power to break with custom in achieving such an end, but this does not make the process any less explicable, for the royal dynasty was a family like any other.

It would, therefore, seem that when John received the honour of Gloucester in 1189, he did so from an understanding that had been propagated by Henry II and apparently followed by Richard I: that the honour was his right as the heir to Earl William. John's marriage to Isabella of Gloucester was, nevertheless, important in setting the seal on the matter of the inheritance and no doubt in investing John with increased legitimacy in his new earldom. Yet the royal perspective on the honour of Gloucester seems clear; it had come to John by inheritance and had long been treated as his due.

Lancaster and Eye: Lands of the Counts of Mortain

By the time that the honours of Lancaster and Eye came to John in 1189 they had long been in the hand of the king. They had, indeed, remained in Henry II's custody even longer than the lands of the earls of Cornwall and Gloucester. Like the estates of Earl Reginald and Earl William, the honours of Lancaster and Eye also had longstanding associations that explain why, in royal eyes, these particular lands should have been given to John.

¹⁴⁸ *Gloucester Charters*, 6-7; *PR 9 John*, 221, *PR 10 John*, 24-5, *PR 11 John*, 187, *PR 12 John*, 110, *PR 14 John*, 146.

The two honours had a shared tenurial history, having been held together since the late eleventh century, and may be seen as a package. After the brief tenure of William Malet in the immediate post-Conquest period, the lands that came to form the honour of Lancaster had been held by Roger the Poitevin, the third surviving son of the Conqueror's close follower Roger de Montgomery. The younger Roger had obtained the Lancaster lands by 1086, securing those north of the Ribble after the Domesday Survey, and held them together with the lands centred on East Anglia that became the honour of Eye. These estates were, therefore, unified as a single significant holding a century before they came to John, unified in the possession of a close supporter of the king.¹⁴⁹ The importance of the Lancaster and Eye holdings was of an extent that, when Henry I sought to make a provision of English lands for his nephew, Stephen, count of Mortain, to accompany the Norman county, the king chose these two honours which he had previously confiscated from Roger the Poitevin.¹⁵⁰ Count Stephen, positioned by Henry I as a key supporter as a close member of the king's kin, held Eye by 1113 and Lancaster by no later than 1115, with the likelihood being that the two honours were given to him alongside the county of Mortain as a 'package deal'. These lands, therefore, formed a new cross-channel fee of the counts of Mortain by the early twelfth century, created by Henry I in preference to granting Stephen the original English Mortain fee centred on the south-west.¹⁵¹ Whilst Henry I's reasons for creating a new and more geographically disparate trans-maritime honour of Mortain cannot be discerned – his negative experience of the disloyal Count William perhaps was a factor – the king's action marked Lancaster and Eye as lands associated with the counts of Mortain, and therefore the royal dynasty.

Whilst the tenure of the honour of Lancaster was complicated after Count Stephen himself became king by incursions in the north of England by the king of Scots, and by the necessity for

¹⁴⁹ C.P. Lewis, 'The King and Eye: A Study in Anglo-Norman Politics', in *EHR* 104 (1989), 569–89, 571, 578.

¹⁵⁰ Lewis, 'The King and Eye', 584.

¹⁵¹ E. King, 'Stephen of Blois, count of Mortain and Boulogne', in *EHR*, 115 (2000), 271–96, 274–5.

Stephen to make subsequent territorial concessions to Earl Ranulf of Chester¹⁵², the two honours continued to be treated as a united territorial endowment for Stephen's surviving son, William of Blois, in the settlement the king made with the future Henry II in 1152. The agreement allowed that William would succeed to everything which Stephen had held at the death of Henry I, including the county of Mortain, and thus theoretically envisaged the continued association of Lancaster and Eye with the counts of Mortain and the collateral royal kin, however estranged that kin-group had become as a result of the succession dispute between Stephen and Matilda.¹⁵³ Count William thus held the honours of Lancaster and Eye after the succession of his father's dynastic rival, Henry II. Any tension, however, between customary claims to these honours and political expediency was simplified for Henry II by the death of William of Blois in October 1159, after which the lands went into escheat and remained in royal custody until after the king's death.¹⁵⁴

In 1189, therefore, there was good reason for Lancaster and Eye to have been perceived by King Richard as a natural accompaniment to the other lands he settled upon the new count of Mortain. The two honours had long formed a tenurial package that carried similar associations to the county of Mortain – and thus the royal kin – as the former Mortain lands in south-west England which Earl Reginald had held. The divisive history of royal succession in the twelfth century meant that Lancaster and Eye had not been held by a close relative of the king since the reign of Henry I. King Richard's grants to John, however, restored the tenurial order as it had once been organised under Henry I; they might be seen as part of the culmination of his dynasty's long-term extension of control over the kingship and resources of the royal dynasty, deferred to the generation that followed Henry II.

¹⁵² J. Green, 'Earl Ranulf II and Lancashire' in *The Earldom of Chester and its Charters: A Tribute to Geoffrey Barraclough*, ed. by A.T. Thacker (Chester, Chester Archeological Society lxxi, 1991) 97–108, 97–101.

¹⁵³ Tanner, *Families, Friends and Allies*, 199.

¹⁵⁴ Tanner, *Families, Friends and Allies*, 202.

Devon, Dorset-Somerset, and Nottinghamshire-Derbyshire: A Share in Rulership

When Richard and John crossed from Normandy into England in September 1189, contemporaries expected that both brothers would play key roles in the government of the kingdom. Roger of Howden, writing between 1192 and c.1201, noted that Richard and John were jointly received with celebration by people in England upon their joint arrival in their 'kingdoms'.¹⁵⁵ Richard of Devizes, who completed his chronicle no later than 1198, noted that the prominence of John's position caused people to openly speculate that 'the king did not intend to return to his realm', and, furthermore, acknowledged that John was 'already no less powerful' than Richard.¹⁵⁶ William of Newburgh was in agreement with Richard of Devizes that there was a general perception in 1189 that King Richard might not ever return to England from his crusade.¹⁵⁷

Such expectations provide context to Richard's decision to grant John the counties of Devon, Dorset-Somerset, and Nottinghamshire-Derbyshire to administer as his own. John was to share in the government of the kingdom by ruling certain shires. Richard's choice of these particular counties for his brother, despite being an original scheme, appears to have had some coherence with Henry II's planned provisions for John which Richard had previously begun to enact. Henry's intended provisions did not include the administration of the south-western counties of Devon and Dorset-

¹⁵⁵ *Dux itaque et Johannes frater suus cum eo venerunt in Angliam. De quorum adventu gavisus sunt regna, quia se per illos in meliorem statum reformari sperabant.* Howden, *Chronica*, iii, 5. For the dates of Roger's *Chronica*, see Staunton, *Historians*, 54–5.

¹⁵⁶ *in tantum a fratre ditatus est et dilatatus in Anglia quod et priuavtim et publice predicabatur a pluribus regem de reditu in regnum non cogitare quem frater iam eo non impotentior.* *The Chronicle of Richard of Devizes of the Time of King Richard the First*, ed. by J.T. Appleby, London 1963, 6. For the date of the work, see Staunton, *Historians*, 130, n.8.

¹⁵⁷ *Denique in hac distractione desipere videbatur: eoque proclivius emebant plurimi quo nunquam repatriaturus credebatur.* Newburgh, 306.

Somerset, but the promised lands of John's comital kin, earls Reginald of Cornwall and William of Gloucester, included lordship over many estates across these shires.¹⁵⁸ Richard's decision to transfer these whole counties built upon the prominent tenorial position that John was already set to enjoy in the south-west and ensured that his position there went beyond mere feudal lordship to encompass rulership. John's dominance of south-western England as count of Mortain, indeed, was also reminiscent of the concentration of influence that the earlier post-Conquest counts of Mortain had possessed, a parallel which seems unlikely to have been lost on anyone at the time, not least Richard and John themselves. John's position in the south-west was founded upon his possession of a core of lands that had once belonged to the counts of Mortain, but the king built upon this base to create for his brother something greater than had been seen in England since before the Conquest: an effective sub-kingdom.¹⁵⁹

Richard's selection of Nottinghamshire-Derbyshire as part of this creation, on the other hand, whilst it had some geographical coherence with John's honour of Lancaster, appears to have been consistent with Henry II's intended provision of 'castellum de Notingham cum comitatu', which was set out in 1174 as part of the settlement that followed the rebellion against the old king.¹⁶⁰ In

¹⁵⁸ Many of Earl Reginald's fees were described as 'tam in Devoniam quam in Cornubiam' in 1166, whilst his honour was defined as being 'in Cornubiam et Devon' in the Pipe Rolls. See *Red Book*, i, 261–2; *PR 6 Richard I*, 174. Lands were held of the honour of Gloucester in Somerset and Devon by William fitz John, in Devon by Robert de Reigny, and in Dorset by Roger Waspail; *Red Book*, i, 288–9; K.S.B. Keats-Rohan, *Domesday Descendants: A Prosopography of Persons Occurring in English Documents, 1066–1166*, 2 vols. (Woodbridge, Boydell, 1999–2002) ii, *Pipe Rolls to Cartae Baronum* (2002) 659, 920, 1142.

¹⁵⁹ The situation in September 1189 is reminiscent of how the circumstances of 1041 were portrayed by the authors of the *Encomium Emmae* and the CD version of the Anglo-Saxon Chronicle, which present Edward the Confessor as having been invited to join his brother Harthacnut in England to share in the kingdom. See F. Barlow, *Edward the Confessor*, 2nd edn, (New Haven: Yale University Press, 1997) 48–50.

¹⁶⁰ *Gesta*, i, 78.

this case, therefore, Richard's response to the expediencies that confronted him following his accession cohered well with an aspect of Henry II's stated intentions for John some fifteen years previously. The decision to allow John the county of Nottinghamshire-Derbyshire ultimately rested with Richard, as his retention of Nottingham castle made clear¹⁶¹, but his choice of this county as part of John's effective sub-kingdom had its roots in Henry II's intentions.

John's Dynastic Role

The English lands and counties which John received in 1189, therefore, were given in part because of the arrangements that Henry II had made to position him as heir to the lands of his collateral kin, and in part because Richard I, in the circumstances of his planned crusade, sought to include his brother in a share of the government of the kingdom. The manoeuvres of both kings reveal much about how they saw John's place in the dynasty and, more generally, the motivations and imperatives that governed how kings managed their family's resources. Both kings recognised an obligation to provide John with the status that his standing demanded, as the son and brother of the king. Henry II's efforts suggest that, by the late twelfth century, certain lands were perceived to be associated with the dynasty, with their appropriate purpose being for the provision of a member of the king's close kin; as such, they were not to be alienated beyond the immediate family.

Richard's provisions for John show that collateral and junior membership of the dynasty could also carry an expectation that the kin would share in the rulership of the kingdom and support the ruler as head of the family. In John's case, this potential function was maximised to a point not seen in England since before the Norman Conquest when Richard made him an effective sub-king, or as William of Newburgh was moved to describe it with disapproval, a tetrarch.¹⁶² John's position, therefore, underlines the continuing importance of collateral kin within the royal dynasty and the

¹⁶¹ *Chronica*, iii, 6.

¹⁶² Newburgh, 301.

fluidity with which the rulership of the kingdom could be distributed and devolved among the king's close kin.

What makes a *comitatus*? Jurisdiction in John's Counties

When John was given the *comitatus* of each of Cornwall, Devon, Dorset, Somerset, Nottinghamshire and Derbyshire and the honour of Lancaster, what exactly did these grants include? The word *comitatus* denotes a county or an earldom. In this context the former translation is to be preferred, since John did not proceed to style himself earl of any of these shires, nor did he collect the earl's due of the third penny of these counties from the royal exchequer. What John received in these counties, on the contrary, was something much greater in terms of jurisdictional rights. This situation is evidenced by the disappearance of each of John's counties from royal oversight, and consequently the Pipe Rolls of the royal exchequer, after 1189; they re-appeared only after they were confiscated from John in 1194. The jurisdictional situation in John's counties between 1189 and 1194 was, therefore, reminiscent of an understanding of the term *comitatus* derived from earlier Norman practice and found in other examples in twelfth-century England: as the collection of all the regalian rights held in the shire by the king, which were typically administered by the royal sheriff.¹⁶³ A closer examination of the rights John received in his English counties illustrates that he received jurisdiction over finance, the lands and castles that were previously in the hand of the king, as well as the administration of justice.

¹⁶³ For this understanding of the grant of a *comitatus* in twelfth century England, see P. Latimer, 'Grants of "Totus Comitatus" in Twelfth Century England: their Origins and Meaning' in *Bulletin of the Institute of Historical Research*, lix (1986) 137–145.

Lands and Castles

Receiving the *comitatus* in each of his counties meant that John obtained custody of certain lands and properties that had previously been in the hand of the king. Land in most counties in England was farmed by royal sheriffs, with the profits rendered at the exchequer each year as 'county farm'. Royal sheriffs often also managed and accounted for the profits of lands held in escheat, if their custodies were not otherwise granted to others. In the counties granted to John in 1189, such lands would previously have been kept by a royal sheriff, who was the king's representative and reported to the king's exchequer. All such land that was held in the hand of the king, regardless of provenance, was considered royal demesne, whether it had been in royal hands since the Conquest or had belonged to a recently-deceased tenant-in-chief. Once the *comitatus* was granted to John the king no longer maintained an official to represent him in the shire, as shown by the disappearance of these counties from the Pipe Rolls. Whether this meant that the royal sheriff simply began to report to John's exchequer, and otherwise continued his duties unabated, cannot be known, although this remains a possibility in some cases. It would not be surprising, however, if John wished to dispense patronage to some of his own followers by appointing them as his sheriffs or officials.

That the revenues of lands that were formerly in the royal demesne were transferred to the hand of Count John as part of the *comitatus* of his shires can be shown from the available Pipe-Roll evidence. At Michaelmas 1189, for example, William Brewer rendered account as the sheriff of Devon, whilst Dorset and Somerset, which were administered by the same sheriff and accounted for jointly at the exchequer, were accounted for by Hugh Bardulf.¹⁶⁴ Among the revenues that both sheriffs accounted for were a series of incomes that were quite typical of those that appear in the contemporary Pipe Rolls in other counties, and made up the 'farm of the county'; that is, the fixed

¹⁶⁴ *PR 1 Richard I*, 130, 146.

revenue arising from the exploitation of the landed resources in the hand of the king, alongside income arising from business undertaken in the county court. John, therefore, received seisin of all the lands that had previously been in the hand of the king in Devon, Dorset and Somerset. These lands were not his fief to hold of the king in the same manner that he held, for example, his honour of Gloucester. Rather, the complete custody and administration of these lands became John's prerogative, just as they had previously been the prerogative of the king. Since John was not required to account for the revenues of these lands at the king's exchequer, they were, in practice, his to exploit. All of the lands in Devon and Dorset-Somerset that had been subjected to royal tallage at Michaelmas 1189 would thus have passed from the hand of the king into John's keeping the following December. This group was substantial; in Devon, it included Whitford, Buckland, Longacre, Holne, Diptford, Lifton, Dartington, Wyke, Addiscott, Callington, Axminster, Hempston, Kerswell, Washfield, Lideford, Stockley, Bradeham, Venn Ottery, Braunton and Kenton.¹⁶⁵ Of these, Longacre and Holne appear elsewhere in the account, referred to as the lands of Aelesie de Nonant, whilst Hempston is referred to as 'terra Rad' de Boisrohard', indicating that these lands had been held by the king in escheat.¹⁶⁶ In the jointly-administered counties of Dorset and Somerset, a similarly extensive list of lands were subjected to royal tallage at Michaelmas 1189, and must have passed from the keeping of the royal sheriff into the hands of an officer who reported to John in December of that year; this included land at Dorchester, Wareham and Shaftesbury in Dorset, and Axbridge in Somerset.¹⁶⁷

The Pipe Roll of Michaelmas 1194 also provides some more explicit evidence of the lands in Dorset and Somerset which had been in John's hand until their confiscation from him that year. Various lands which are specified as having belonged to named men, and were therefore escheats,

¹⁶⁵ *PR 1 Richard I*, 133.

¹⁶⁶ *PR 1 Richard I*, 131.

¹⁶⁷ *PR 1 Richard I*, 149–50.

are listed under the heading 'Exitus de terris comitis Johannis saisitis ad predictum terminum.'¹⁶⁸ It is evident, therefore, that the grant of the *comitatus* in the shires granted to John included the independent custody of all the lands in these counties which had previously been in the hand of the king, whether they were long-held demesne, or recently-acquired escheats.

Charter evidence relating to lands granted by John in the counties of Nottinghamshire-Derbyshire also confirms that when he was granted the *comitatus*, he had obtained rights over lands that had previously formed the royal demesne in these jointly-administered shires. There are several surviving charters which record grants made by John of lands that seem to have previously been administered by royal sheriffs as part of the king's demesne, yet were freely alienated by John after 1189. A charter in favour of a Roger de Laneham, for example, recorded a grant that included 'quicquid habeo de molendino in Tilna'.¹⁶⁹ That Tilne was considered by the royal exchequer to be part of the county farm is shown by the inclusion of a grant of land there as a *terrīs datis* deduction from the farm account rendered early in John's reign.¹⁷⁰ John's custody of Tilne, despite its previous status, was not perceived to have been temporary, or in any way contingent. The charter described the mill as being a possession that John had (*habeo*), and the grant was made to Roger de Laneham to hold of John and his heirs, and was thus envisaged as a permanent gift.¹⁷¹ Similar conclusions may be drawn from a grant of land at Oswaldbec to Roger de Montbegon, known only from a reference in a later charter; Oswaldbec had been accounted for as part of the county farm in the reign of Henry II, and yet John's gift was made to Roger to hold for the service of one knight (as opposed to

¹⁶⁸ *PR 6 Richard I*, 194.

¹⁶⁹ *Angevin Acta*, 3090J.

¹⁷⁰ *PR 2 John*, 7. Tilne seems to have been part of Oswaldbec; see *Book of Fees*, i, 150–1. Alms from Oswaldbec were deducted from the county farm at Michaelmas 1187; see *PR 33 Henry II*, 165.

¹⁷¹ *Angevin Acta*, 3090J.

as a temporary custody), implying that permanence of tenure was intended.¹⁷² Given that no royal official had financial involvement in Nottinghamshire-Derbyshire during John's tenure of the counties, it can reasonably be supposed that Roger de Montbegon's knight service would have placed him in the effective position of John's own tenant-in-chief in the county, since no scutage could be collected on the behalf of the king during this period. The same Roger de Montbegon also received a grant from John of lands in Leverton, Stratton, Littlebury and Toftes (*Cotes*), which is also known only from a later reference made during John's reign. These gifts were also granted for knight service, and included lands which were accounted for as royal demesne by the royal exchequer.¹⁷³ Further charters which testified to John's grants from the former royal demesne of Nottinghamshire-Derbyshire – both in these estates and in other lands – also survive.¹⁷⁴ It may be concluded, therefore, that when he received the *comitatus* of his various shires, John likely took possession of

¹⁷² *Angevin Acta*, 4981J; *PR 33 Henry II*, 165.

¹⁷³ *Angevin Acta*, 5633J. South Leverton seems to have been part of the soke of Oswaldbec, which was considered part of the county farm in *PR 33 Henry II*, 165; see also *Book of Fees*, i, 151. Another part of Leverton pertained to the lands of the Archbishop of York, and so may have come to John in 1189 as the temporalities had been in the hand of the king during the archepiscopal vacancy; R. Thoroton, *Thoroton's History of Nottinghamshire: Volume 3, Republished With Large Additions By John Throsby*, ed. J. Throsby (Nottingham, 1796), 270–2, <<https://www.british-history.ac.uk/thoroton-notts/vol3/pp272-273#fnn3>> [accessed 31 August 2018]. Toftes was in South Leverton; *PR 2 John*, 19, 345.

¹⁷⁴ See, for example, *Angevin Acta*, 3043J [a grant to Henry le Norreis of lands at Wiston, Stratton, Leverton and Greenleigh], 4784J [a grant to the sick men of Chesterfield of an annual rent from the farm of the manor of Chesterfield], 2613J [a grant to Welbeck Abbey of whatever rights John has in the church of Littlebury]. For these lands as likely county farm, see *Book of Fees*, i, 151 [Leverton], Thoroton, *History of Nottinghamshire*, 270–3, [the lands of Henry le Norreis]; *PR 34 Henry II*, 193 [Chesterfield]; Thoroton, *History of Nottinghamshire*, 292–95, [Littlebury].

all lands that had previously been in the king's hand, and was able to dispose of them freely. His rights over these lands were unmitigated, just as the king's had been.

The status of the royal castles that were situated in John's counties remains an open question, but one that is of obvious relevance given that the custody of castles proved to be a focus of conflict between John and William de Longchamp.¹⁷⁵ Roger of Howden's *Chronica*, which was composed after and closely follows the account of his *Gesta*, includes an additional comment on the castles that were given to John by Richard in 1189.¹⁷⁶ Here Howden followed a summarised description of all of the grants made to John in 1189, including the places in which he received the *comitatus* (although not here specifying Devon), with the comment 'Sed quaedam castella praedictorum comitatum et honorum retinuit dux in manu sua.'¹⁷⁷ This unspecified statement superficially indicates that John received no castles in Dorset-Somerset and Cornwall (and presumably also Devon, given that we know from the *Gesta* that Howden was aware of this grant), as well as in Nottinghamshire-Derbyshire. Yet it must be emphasised that, in this section, Howden recorded all of the grants given to John by Richard, irrespective of the month of 1189 to which he had previously attributed them in the *Gesta*; as Stubbs noted, the description in the *Chronica* reads very much like a composite overview of the earlier, more specifically dated, account from which it was drawn.¹⁷⁸ This composite list of Richard's grants specified the castles that Howden thought that John did receive, namely Marlborough and Ludgershall; the comment that Richard retained certain

¹⁷⁵ *Chronica*, iii, 135. For the conflict see Strickland, 'Bones', 144–51.

¹⁷⁶ The *Chronica* was composed 1192-3 x 1201-2, whilst the *Gesta* was completed in its surviving form by 1192-3. For the relationship between the two works, and the authorship of both by Roger of Howden, see Corner, 'Gesta and Chronica', 126.

¹⁷⁷ *Chronica*, iii, 6.

¹⁷⁸ *Chronica* iii, 6.

castles in his hand therefore clearly did not refer to these two, given in August 1189.¹⁷⁹ The impression that Richard retained some other castles situated in these lands does seem to bear out with regard to some of the other 'comitatum et honorum' that Howden lists in the *Chronica*, namely 'comitatum de Nottingham', the 'honorem de Tikehil', the 'honorem de Walingford' and the 'comitatum de Gloucestria'; this much is clear from John's subsequent efforts to gain possession of these castles between 1191 and 1194, and from the Pipe-Roll evidence.¹⁸⁰

Since the passage in which Howden states that certain castles were kept back by Richard refers to a composite description of all of the grants made at different times in 1189 (as recorded in the *Gesta*), it remains possible that the chronicler conflated the two tranches of grants in his later account and that Richard's specific retention of certain castles occurred only in August 1189 and therefore applied only to the honours and counties given to John on that occasion, excluding those south-western counties apparently granted later.¹⁸¹ Howden's account in the *Chronica* summarised two blocks of grants made at two separate moments in time, something only made clear by the *Gesta*. It should, therefore, by no means be assumed from Howden's account that Richard also made a point to retain the castles situated in Devon, Dorset and Somerset, and Cornwall when he granted these counties to John in December 1189, just as he had when granting the other honours and counties in August 1189. Indeed, our caution should be especially heightened given that Howden's

¹⁷⁹ *Chronica* iii, 6; the dating to August 1189 may be found at *Gesta*, ii, 78.

¹⁸⁰ *Chronica*, iii, 6; For the subsequent struggles between John and William Longchamp over the former's attempts to gain possession of castles including Nottingham, Tickhill and Wallingford, including evidence that John had seized the former two by the summer of 1191, see *Chronica*, iii, 135; Strickland, 'Bones', 146–150. Gloucester castle was given to the custody of William Marshal as sheriff of Gloucestershire in 1189, see *PR 2 Richard I*, 58; Crouch, *Marshal*, 71.

¹⁸¹ It also is interesting to note that the sentence which emphasises Richard's decision to withhold some castles was only added in the *Chronica*, an account potentially written in hindsight of John's acting against his brother in 1194 but was not present in the *Gesta* which was completed prior to these events.

use of the description 'comitatum' does not specify exactly what he thought the grants of Dorset and Somerset (and Devon) included. The account of the *Chronica* is, therefore, by no means a clear indicator that John received no castles as part of the grant of these counties. It would not be unreasonable to assume based on the narrative account alone that the castles were included unless otherwise specified and this is an assumption that is strengthened by the Pipe-Roll evidence. The Roll of Michaelmas 1189 includes expenses concerning the gaol of the castle of Exeter within the Devon account and expenses paid for repairs at the castle of Corfe in the Dorset-Somerset account. That these counties were not accounted for at all by the royal exchequer the following Michaelmas, after the king's grants to John, suggests that all items accounted for the previous year, including the castles situated in these counties, were now in his hands.¹⁸² It follows, therefore, that the castles of Devon and Dorset-Somerset were not among those withheld 'certain castles' referred to in the *Chronica*. Such an interpretation is also consistent with the typical practice of sheriffs acting as custodians of royal castles.¹⁸³ That John considered the castle of Launceston, the key fortress of the county of Cornwall, to be his own at some point between 1189 and 1194 is also shown by a charter in which he referred to 'capelle mee de castello de Landstaueton'.¹⁸⁴ The settlement made between John and William Longchamp of June 1191 also made specific provision for the custody of castles that were located within John's counties, allowing for their transfer to custodians identified only by their supposed loyalty to the king.¹⁸⁵ Whilst it cannot be known whether John had been initially allowed the specified castles as part of Richard's grants, or had obtained them by other means since 1189, it seems clear that he had possession by the summer of 1191, or else their custody would not

¹⁸² *PR 1 Richard I*, 130, 147; *PR 2 Richard I*.

¹⁸³ Strickland, 'Bones', 145–6.

¹⁸⁴ *Angevin Acta*, 4886J.

¹⁸⁵ *Chronica*, iii, 136.

have been in dispute.¹⁸⁶ That the castle of Nottingham proved to be a bone of contention between John and Longchamp may, however, be an indication that John saw this as his right, deriving from the *comitatus* of Nottingham, and such an interpretation would be all the more likely if John had obtained the castles of his other counties in 1189. The imprecision of Howden's account in relation to castles, nonetheless, serves as a reminder that a clear impression of the exact nature of the grants John received cannot be ascertained from the narrative sources alone. Alternative evidence would appear to indicate that the *comitatus* of Cornwall, Devon and Dorset-Somerset may have included possession of castles in these counties which had previously fallen to the keeping of royal custodians.

An Enlarged Share of Rulership

It is clear from the absence of John's seven shires from the Pipe-Roll evidence that holding the *comitatus* also included fiscal and judicial rights. What the possession of such rights amounted to in practice was summarised effectively in relation to the jurisdiction exercised by John's antecessor in Cornwall by an account of a case heard by royal justices in 1201. The Plea Roll account of this case, which referred back to a time when Earl Reginald had pardoned an outlawed man, described his action as having taken place at a time when he 'habuit comitatum Cornub' et omnia que ad dominum Regem pertinent tam de uita et membris quam de aliis rebus.'¹⁸⁷ From the perspective of the royal justices writing in 1201, when Earl Reginald had held the *comitatus* his position had been analogous to that of the king, including with regard to judicial matters concerning capital

¹⁸⁶ Nor should it be assumed that John lost control of his castles as a consequence of the settlement; their transfer to the custody of 'faithful men of the king' is ambiguous as to the loyalties of these individuals.

¹⁸⁷ *Pleas Before the King or his Justices, 1198–1212*, ed. by D. Stenton, 4 vols. (London, 1948–67) ii (1952), 117–18.

punishment. In other words, Reginald had shared in the rulership of the kingdom. It has already been established that John received Cornwall in direct succession to Earl Reginald and that the shire had remained absent from the Pipe Rolls during the earl's life, just as it was after John received it in 1189.¹⁸⁸ We may, therefore, consider this description of Earl Reginald's position in Cornwall to be reflective of what it meant for John to hold the *comitatus*.

The same type of jurisdiction which was passed down to John in Cornwall was also extended to him in Devon, Dorset-Somerset, and Nottinghamshire-Derbyshire by King Richard in 1189. In these counties, jurisdictional rights over finance and justice, and custody of lands and castles in the hand of the king had previously consistently been administered by royal officers: sheriffs, justices and constables. The circumstances of Richard's accession and his impending crusading expedition nonetheless demanded innovation, to which the king responded in part by building upon the endowments that Henry II had intended for John. The share in rulership afforded to John through the rights that customarily came with the lands of Earl Reginald was thus greatly expanded by the addition of six more counties.

Finance and Exchequer

Whilst the jurisdiction which John held in the county of Cornwall had deeper roots than the rights which he held in his other counties, the evidence relating to the years between 1189 and early 1194 shows that John exercised the same type of extensive financial and judicial rights in each of his seven shires. The administrative records of John's own exchequer do not, unfortunately, survive and the absence of his counties from the Pipe Rolls between 1189 and 1193 largely obscures them from view. A snapshot of the nature of John's fiscal and judicial rights across his many counties can, however, be ascertained from the Pipe Rolls by comparing the last account before they were

¹⁸⁸ See above, 54–62; Crouch, 'Reginald'.

transferred to John – that of Michaelmas 1189 – with the moment that the counties reappeared in royal custody at Michaelmas 1194, after John's dispossession.

The absence of royal sheriffs from the shires in which John was granted the *comitatus*, and the disappearance of those counties from the royal Pipe Rolls after Michaelmas 1189, indicates that all the functions of shire administration that usually fell within the sheriff's remit were being executed thereafter by John's own officials. The sheriff's usual duties were diverse and included: the execution of any judicial business conducted in the county court – that is, such business that did not involve crown pleas (which fell under the remit of the king's justices) – including the trying of thieves and some cases which concerned minor acts of violence (known as breaches of the sheriff's peace), the swearing in of juries, and viewing the frankpledge in the hundred courts and beyond; the apprehension and guarding of criminals and fugitives (including murderers and thieves); the execution of actions ordered by the king's writs; the assembly of the county court and placement of criminals in custody or under pledge ahead of the arrival of the eyre; the presentation of criminals produced by hundred juries in the county court, and in each hundred during the sheriff's tourn; the collection of taxes and debts owed to the king; local military organisation (including often holding custody of county castles, raising local forces and administering knight service) and the enforcement of the regulation of coinage.¹⁸⁹ All of the revenues associated with these functions would therefore have been collected on behalf of John, rather than the king. They would also most likely have been accounted for at and collected by John's own exchequer. Three extant documents issued by John

¹⁸⁹ W.A. Morris, *The Medieval English Sheriff to 1300* (Manchester, Manchester University Press, 1927), 111–23. The possibility that the regulation of minting (and the associated profits) was also under the control of John's officers should be considered with regard to the Exeter mint, which remained operational after 1180. A mint had also previously intermittently existed at Launceston, most recently during Henry II's recoinage of 1158, but this is the last date for which evidence for a mint there survives. See M. Allen, *Mints and Money in Medieval England* (Cambridge, Cambridge University Press, 2012), 41–54; Appendix A, Table A.2.

refer to 'scaccarium meum'. These are grants to the priory of St Peter's, Eye (in John's honour of Eye), to the burgesses of Nottingham (in the county of Nottinghamshire, of which John had custody), and to Reading Abbey.¹⁹⁰ It is apparent, therefore, that John's exchequer mirrored the royal exchequer in that it dealt with financial business across his many varied English lands and counties.¹⁹¹ None of these documents specified that the 'scaccarium' referred to was a locally-based institution or an occasion specific to the honour or county relevant to the beneficiary of the grant. John must, therefore, have had a single exchequer that accounted for the revenues arising from each of his counties and honours wherever it happened to be held. The likelihood is that this exchequer was already established by Michaelmas 1190 and that it had begun to account for John's English possessions by this date, since by this time it is certain that they were no longer accounted for by the royal exchequer.¹⁹²

More precise details of the categories of revenue which John collected while he held the *comitatus* in his seven shires can be ascertained from the Pipe Rolls which recorded the accounts rendered at the royal exchequer in the sessions immediately after his tenure ended. The county of Devon, for example, was accounted for in Michaelmas 1194 by Richard Revel for three parts of the year, indicating that John's custody was considered to have ended around January 1194 (the moment of the king's release).¹⁹³ This account included various revenues arising from the profits of justice in the county court, such as fines and amercements taken from men for various offences.¹⁹⁴ The absence of the county from the Roll for the previous four exchequer sessions, when John did not

¹⁹⁰ *Angevin Acta*, 743J, 2159J and 312J.

¹⁹¹ The evidence is not explicit with regard to Ireland, but the possibility that Irish revenues had been collected by John's exchequer even before 1189 should not be discounted. On the Irish exchequer see below, chapter 4.

¹⁹² *Angevin Acta*, 743J, 2159J; See also Jones, 'Acta', 3–4.

¹⁹³ *PR 6 Richard I*, 166.

¹⁹⁴ *PR 6 Richard I*, 166–70.

account, is enough to imply that all such judicial profits had been collected by John in the county through his own officers, without royal interference. Going beyond the superficial, however, the account also reveals the nature of some of the judicial business for which the profits were owed to Count John in Devon. Two headings, under which outstanding debts from previous years were recorded and accounted for, read 'De Debitis Que Debebantur Comiti Moriton' Dum Habuit Comitatum Pro Foresta' and 'Reragia Debitorum Que Debedantur Comiti Johanni de Placitis et Misericordiis Hominum et Villarum in Devenescr.'¹⁹⁵ The two headings make clear that John had collected the profits of justice in Devon, just as the absence of a royal sheriff in the county indicates. Some of the judicial profits with which the latter heading was concerned would probably have been concerned with relatively minor offences of a sort that might typically have been heard in the county court, under the supervision of the sheriff. Unfortunately, the exact nature of the pleas which had resulted in these profits coming to John in Devon are obscured, since the account rendered beneath was rendered merely for 'arrears of pleas which are owed to Count John'.¹⁹⁶ We cannot tell, therefore, whether this account was also concerned with profits arising from more serious offences – the pleas of the crown – that were reserved to the remit of the justices in eyre. That John collected the profits of some types of plea that were usually the exclusive preserve of the king and his justice is, however, confirmed by the presence of forest pleas among the debts owed. Whilst the account rendered of the debts owing to John under the former heading reveals no more than that these concerned 'pleas of the forest for the time when Count John held the county', forest law fell firmly within the king's personal jurisdiction to the extent that it was administered by an entirely separate judicial system.¹⁹⁷ That such profits were included among those which John had collected, therefore,

¹⁹⁵ *PR 6 Richard I*, 169–70.

¹⁹⁶ *PR 6 Richard I*, 170.

¹⁹⁷ C.R. Young, *The Royal Forests of Medieval England*, (Philadelphia, University of Pennsylvania Press, 1979), 3–6.

demonstrates that his possession of the *comitatus* of Devon gave him the same level of jurisdiction that the king had had in the shire.

John's position was much the same in the jointly-administered shires of Dorset-Somerset and, happily, the Pipe Roll of Michaelmas 1194 here provides a greater level of detail. The counties were accounted for by Earl William of Salisbury for a brief period in the immediate aftermath of John's dispossession: 'a capite jeiunii usque ad clausum pasche de exitibus maneriorum et terrarium quo habere potuit de eodem termino postquam comes Moriton' de terries illis dissaisitus fuit.'¹⁹⁸ Following the earl's short custody, the counties were subsequently accounted for by William de Cahaigues for the remaining half year up to Michaelmas.¹⁹⁹ Once again, the very absence of an account for these counties during the preceding years in which John held them itself implies that he independently exercised jurisdictional rights over the county court, whilst collecting the profits of both shires for himself. The account for Dorset-Somerset, however, also makes specific reference to John's revenues. As in the Devon account, outstanding debts from the period of John's custody of the counties are listed under specific headings: 'Reragia Debitorum Que Debebantur Comiti Johanni de Placitis et Misericordiis Hominum et Villarum in Dorseta', and an identical heading 'in Sumerseta'.²⁰⁰ Unlike in the Devon account, however, more information is offered by the accounts rendered thereafter, although even here the exact nature of the pleas from which John collected profits was not made explicit. Under the Dorset heading, for example, is a list of debts relating to pleas and amercements owed both by named individuals and by hundreds. The nature of the pleas heard were not specified, although the presence of entire hundreds among those owing debts suggests that the profits of *murdrum* fines, or possibly tallage, might have been among them.²⁰¹ Such

¹⁹⁸ *PR 6 Richard I*, 194.

¹⁹⁹ *PR 6 Richard I*, 183.

²⁰⁰ *PR 6 Richard I*, 188–89.

²⁰¹ *PR 6 Richard I*, 188–89.

fiscal matters usually fell firmly within royal jurisdiction, which serves to highlight the exalted nature of John's position in the county. Below a subsequent heading in the Pipe Roll, of those who paid fully (*totum reddiderunt*), was placed an account of unspecified 'small amercements' of the men and vills of Dorset.²⁰² The collection of amercements is indicative that these were the profits of judicial business, since an individual was deemed to be 'in mercy' if judgement was made against him in court.

More detailed indications as to the type of business out of which John's fiscal revenues had arisen are apparent from the accounts rendered under the equivalent headings for Somerset. The 'arrears of debts owed to Count John' in Somerset included amercements levied against individuals and whole hundreds, as well as a debt levied against the whole county of Somerset 'de misericordia', which might suggest an offence such as concealment, which would usually have been considered a reserved crown plea. Specified debts owing for the waste of woods were, however, also levied, indicating profits relating to the usually royal prerogative of forest offences.²⁰³ Even more revealing are the respective debts owed by Henry de Unfranvill and William de Vilers, both specified as *pro recto*.²⁰⁴ These two men seem, therefore, to have both sought the common law action initiated through the purchase of a writ of right in order to pursue claims on land. The two debts confirm that revenues arising from such judicial matters, which were routinely the business of the *curia regis* (in all its forms), were being collected by John in Somerset before 1194. Whether John himself issued such writs as Henry and William had paid for is an issue to which I will return.²⁰⁵

That John collected profits associated with the same type of jurisdiction in his counties of Nottinghamshire-Derbyshire and his honour of Lancaster can only be assumed based on their

²⁰² *PR 6 Richard I*, 188–89.

²⁰³ *PR 6 Richard I*, 189.

²⁰⁴ *PR 6 Richard I*, 189.

²⁰⁵ See below, chapter 2.

absence from the Pipe Rolls, and therefore the oversight of the royal exchequer, before 1194. The Michaelmas 1194 session of the royal exchequer did not result in any accounts being rendered that related to judicial revenues owed to John, as they were in Dorset-Somerset. Given that John held Nottinghamshire-Derbyshire and Lancaster on the same basis as he held the south-western shires discussed above, however, there is no good reason to doubt that he held the same rights in all places he held the *comitatus*. The Pipe-Roll evidence does, however, leave some small traces of the nature of John's jurisdiction in these counties.

A fine offered by a Norman de St Patrick for having seisin of his land of Newhale, until he was disseised by Count John (*unde comes Johannes dissaisiuit eum*), was accounted for under Nottinghamshire-Derbyshire at Michaelmas 1195.²⁰⁶ This fine was presumably made with the king shortly before the counties were turned over to John's custody in 1189, since Norman had obtained seisin of the land. The entry makes clear, however, that this seisin had been short-lived. John's jurisdiction was such that he had the authority to overturn decisions regarding landholding that had been made by the king very shortly before he obtained his counties. Presumably John had other purposes in mind for the land and perhaps chose to turn it over to a preferred beneficiary of his own, perhaps collecting a fine of his own for the favour. If so, a fine paid to the king, despite it having been paid to an authority of equivalent jurisdiction to John, was clearly insufficient to ensure Nicholas his favour. The case serves to underline that the jurisdiction which John exercised in his counties – and for that matter, the rights which the king claimed in his kingdom – remained personal, not institutional. When the ruler of an area changed, as it did in Nottinghamshire-Derbyshire in 1189, the established order could quickly change with it. In this sense, it is fair to say that the political situation in these counties fundamentally shifted not once in 1189, but twice, because a new ruler upon whose personal will and favour matters such as tenure depended changed twice: with the accession of Richard I, and then with the grant to Count John.

²⁰⁶ *PR 7 Richard I*, 21.

The same impression is given by an example from the honour of Lancaster. At Michaelmas 1194, a Hugh Buissel accounted for forty marks of a fine for his relief, which he made with Count John.²⁰⁷ The fine was listed under a heading detailing new pleas and fines made by the men of Count John for having the king's goodwill; Hugh had, therefore, presumably approached the king after his return to England and agreed the same fine with him that he had previously made with John. Such an agreement must have been made at Richard's discretion (or that of his officers), and Hugh clearly recognised the need to seek the king's approval now that circumstances in Lancaster had changed. That Hugh appears to have sought the approval of Richard in precisely the same way as he previously had from John, however, serves to underline that John's jurisdiction in the honour had been equivalent to that of the king once Lancaster returned to royal custody. The fine was not, however, simply transferred into the royal account, but had to be agreed afresh as a distinct entity. Despite being a privileged honour rather than a county, Lancaster was treated like the rest of John's shires by the king's exchequer in that what pertained to John's jurisdiction was not simply carried over.

The impression given by the Pipe Rolls of the nature of the jurisdictional rights which John held as part of the *comitatus* in his shires is confirmed by his extant *acta*. For example, it is clearly apparent that John commanded his own officers who answered to him rather than the king, and who conducted local shire administration on his behalf. The extant evidence relates to Somerset, for which there are three surviving documents that explicitly refer to John's officers responsible for administering that county. In a writ datable to 1189 x 1191, given at Marlborough and addressed 'vicecomiti Sumerset' et ballivis suis', John ordered the sheriff and bailiffs of the county to put Reginald, bishop of Bath, in possession of the manor of North Curry, as per the grants of both King Richard and John himself.²⁰⁸ In a further writ datable to a period of September 1192 x early 1194,

²⁰⁷ *PR 6 Richard I*, 125.

²⁰⁸ *Angevin Acta*, 2146J.

given at Paris, John addressed 'vic[ecomiti] et omnibus ballivis et ministris suis in Somers', prohibiting them from harassing the prior and monks of St Peter's, Bath.²⁰⁹ Finally, a writ datable to the period December 1189 x early 1194, probably given at Cirencester, addressed 'vicecomiti, ballivis et omnibus ministris et fidelibus suis Sumerset', informing them of a quittance granted to the canons of Cirencester.²¹⁰ In each of these three documents, John issued orders to the sheriff and bailiffs of Somerset, alongside other ministers, to enact his will in the county. These were evidently his own men, answering to John as ruler in Somerset, rather than to the king. Each of these documents seem to have been issued by John from outside Somerset, thereby showing that these were his local officers responsible for routine business in the shire in the absence of the count. This evidence shows that the administration of Somerset was undertaken in much the same way as it would have been before John's custody began: at a county level. It was simply that the sheriff and officers of Somerset were now men who answered to the count, rather than the king, and received and enacted John's writs, rather than royal writs. The suggestion here was, therefore, that the king's writ did not run in Somerset during the period of John's custody.

John's Rights and Royal Rights

Two further accounts rendered in the Pipe Rolls beneath the headings concerned with the arrears of debts owed to Count John in Dorset and Somerset are particularly revealing for John's fiscal administration of the counties, and especially for how the royal exchequer managed the transition of the shires back into royal custody in 1194. Accounts were rendered for debts owed in both counties which were specified in the roll to have been subject to special administrative attention. In Dorset, an account was rendered for small amercements, of which the 'nomina et

²⁰⁹ *Angevin Acta*, 3191J.

²¹⁰ *Angevin Acta*, 4054J.

debita et cause debitorum annotantur in rothulo quem Thesaurarius habet in thes'".²¹¹ A further account was also rendered for small debts of men and vills in Dorset, of which 'nomina continentur in rotulo quem habemus in thes. et Vic. Habet particulas et nomina debitorum'.²¹² For Somerset, similarly, an account of the debts of those who had fully paid, whose names were known in the Treasury and by the sheriff – who also had the details of the debts – was rendered.²¹³ These details suggest that an exceptional accounting process took place in the royal administration when its oversight in these counties was resumed in 1194. It seems that special note of these debts was taken on a separate roll kept in the possession of the Treasurer as a sort of memoranda; there is evidence that such memoranda were occasionally taken by the Treasurer's clerk from the 1170s, and by 1196 were being retained for reference.²¹⁴ Furthermore, it is specifically noted that both the Treasury and the new royal sheriff had noted the names and details of the men and debts concerned. Exceptional levels of attention were necessary at Michaelmas 1194 to ensure that these certain profits that had been owed to John were received and recorded by the royal Treasury. Such a specific level of attention serves to highlight the total jurisdictional independence which John had previously exercised in these counties. The royal exchequer had clearly had no previous knowledge of the judicial business that had occasioned these debts, which necessitated careful notetaking and liaison with the new sheriff to ensure proper accounting and receipt.²¹⁵ It is also worth emphasising that these were not simply enrolments of debts that were owing; these were debts which had actually

²¹¹ *PR 6 Richard I*, 188.

²¹² *PR 6 Richard I*, 188.

²¹³ *PR 6 Richard I*, 188–89.

²¹⁴ D. Crook, 'The Early Remembrancers of the Exchequer', in *Bulletin of the Institute of Historical Research*, 53 (1980), 11–23, 12.

²¹⁵ That the king's administration was ignorant of the fiscal situation in John's counties is also suggested by the instructions given to the eyre in September 1194, which ordered them to enquire as to 'debts and fines which are due to Count John', alongside John's lands and chattels. See *Chronica*, iii, 264; Strickland, 'Bones', 169.

been paid in full (*totum reddiderunt*).²¹⁶ The royal exchequer had not, however, indiscriminately accounted for all of the debts owing from John's period of custody, but only these few isolated amounts. These debts which were received into the Treasury and noted with special attention were exceptional, which rather suggests that they were amounts that had already been collected on John's behalf before the count was disseised of the counties, and instead paid to the royal Treasury.

Such an interpretation is made appealing by the identity of the new royal sheriff. For Dorset-Somerset, aside from the brief interlude during which the earl of Salisbury acted as sheriff, the new sheriff was William de Cahaigues, with the Ralph who accounted for him at the exchequer being his kinsman. William had, however, been a member of John's household, witnessing at least seven of his charters datable to between 1189 and 1199.²¹⁷ At least two of these charters can be dated with certainty to before 1194.²¹⁸ More specifically, William witnessed John's grant to the men of Dublin of 15 May 1192 styled as 'senescallo meo'.²¹⁹ Further reference to William's membership of John's close affinity can be found in Roger of Howden's account of the settlement made between John and William de Longchamp of July 1191; William de Cahaigues is listed by the chronicler as one of the seven men who stood surety for John as to this concord.²²⁰ That William was subsequently appointed as the royal sheriff of Dorset and Somerset in 1194 therefore suggests that a degree of administrative continuity was being sought by the royal administration. It may even be that William transferred his loyalties to the royal government on the condition that he maintained a position of local prominence in Dorset and Somerset. Given that William was able to pay debts that had been owing to John into the royal Treasury in Michaelmas 1194, moreover, the idea that he had previously served as John's own sheriff seems convincing. William had access to the details of debts

²¹⁶ *PR 6 Richard I*, 188–89.

²¹⁷ Vincent, 'Jean', 57.

²¹⁸ *Angevin Acta*, 376J, 732J.

²¹⁹ *Angevin Acta*, 732J.

²²⁰ *Chronica*, iii, 137.

owed to John as a result of judicial business done under the count's jurisdiction and was able to provide these to the royal Treasurer. That the debts were actually paid suggests that William knew their details because he had already begun to collect them. By Michaelmas 1194, it may simply have been a case of rendering the profits of justice to the royal government, rather than to John's exchequer as before. The fact that William might have dealt directly with the Treasury, rather than simply rendering account at the exchequer for these debts as he did with the remainder of the profits of the counties, underlines that these were anomalous revenues that required attention that was not routine. At Michaelmas 1194 the royal government had obviously had no knowledge of judicial profits conducted under John's discrete jurisdiction and the exchequer may even have had little involvement in the receipt of these debts, given the possibility that the sheriff may have liaised directly with the Treasury. This royal collection of revenues owed to John may, therefore, have been more casual and opportunistic than consistent with regular exchequer practice.

The Pipe Roll of Michaelmas 1194, therefore, not only reveals specific details of the jurisdiction that John had exercised in his counties through his own officers; it also allows us an insight into how the royal exchequer approached John's jurisdiction in retrospect and how it understood and interpreted his rights and authority now that the counties had been restored to its oversight. The overwhelming impression that emerges from a comparison of the Pipe Rolls of Michaelmas 1189 – the last before John's counties disappeared from the view of the king's administration – and Michaelmas 1194 (and the rolls that followed) is that, from the perspective of the royal exchequer, very little appeared to have happened at all in John's counties in the preceding five years. With the exception of Dorset-Somerset, for which some debts were carried over from John's time, the accounts for these shires reflect almost no activity since 1189 (a situation typical of annual business as usual at the royal exchequer). This apparent stagnation is, of course, reflective only of the state of things as recorded by the Pipe Rolls themselves – a full range of profits must have been rendered to John and the king clearly knew this – but it is inherently revealing as to how John's jurisdiction was managed and interpreted in the king's exchequer.

Despite the king's instructions to his justices in eyre to enquire as to debts owing to John, the exchequer essentially picked up in 1194 precisely where it had left off five years earlier and continued as such in the years that followed. For Nottinghamshire-Derbyshire, for example, most of the year's revenues were accounted for at Michaelmas 1194 by William Brewer (Earl William de Ferrers accounted for a brief interlude immediately following John's dispossession).²²¹ The accounts rendered were directly based upon those accounts that had been rendered at Michaelmas 1189. This situation was natural enough; after a five year interlude, the exchequer must have taken the logical step of consulting the last available roll in which an account for the counties was available. The production of a resumed set of accounts for Nottinghamshire-Derbyshire was evidently heavily dependent upon the 1189 roll, with the new sheriff presumably expected to report on local circumstances as best he could, given the relatively recent nature of his tenure. The 1194 entry for these counties was thus primarily a reproduction of the outstanding accounts carried over from 1189. The accounts rendered, for example, included the farm of the county (which recurred annually by its very nature), but also accounts labelled under the headings of 'Prepestures and escheats', 'Pleas of the court', 'Pleas of William de Vernon in Nottinghamshire', 'Forest pleas of Geoffrey fitz Peter', and 'Pleas of Geoffrey de Lucy'.²²² Some of the subsequent lists of accounts that were thus labelled included amalgamated accounts which in 1189 had appeared under different headings. Some accounts that appeared in 1189 under a heading of the 'Pleas of William de Vernon in Derbyshire', for example, were carried over into the 1194 roll under the 'Pleas of the court' heading.²²³ This occasional amalgamation, nevertheless, does not alter the impression of direct continuity between the accounts rendered in the two rolls. The same overall pattern is also apparent from the accounts for John's other counties when the naturally-variable county farm accounts, as

²²¹ *PR 6 Richard I*, 80–3, 95.

²²² Compare *PR 6 Richard I*, 80–3 to *PR 1 Richard I*, 154–60.

²²³ *PR 1 Richard I*, 155–6; *PR 6 Richard I*, 81.

well as those accounts which pertained explicitly to revenues raised after the return of King Richard (and therefore after John was dispossessed) are excluded.²²⁴ No income relating to the time during which John held these counties was apparently accounted for in 1194, aside from the brief exceptional Dorset-Somerset and Devon accounts recorded by the Treasury noted above. That the exchequer should have looked back to 1189 when composing the 1194 roll is relatively unremarkable, although it does confirm that, in general, no more recent fiscal information was available for the royal clerks to use. In other words, John's administration of these counties had been discrete, such that, in 1194, the king's administration had nothing new to work with when resuming financial oversight there. While the king's September 1194 instructions to the general eyre indicate an awareness that the royal exchequer lacked knowledge of the debts paid or owed to John and an intention to rectify this ignorance as far as possible, the Pipe Rolls for the subsequent years indicate that, even if substantial information of John's fiscal activities was gathered, this knowledge had little effect on the accounting process at the royal exchequer, which remained consistent with the position as of Michaelmas 1194.²²⁵

What is perhaps more remarkable about the accounts of John's counties on the 1194 roll, however, is the continuity that is apparent in the detail of the specific amounts owed for these old debts. The debts carried over from 1189 were considered by the exchequer to have been entirely untouched in the interim, as if no interruption to royal jurisdiction had taken place and five years had not passed. In Nottinghamshire-Derbyshire, for example, a debt of fifteen shillings owed by Ralph de Mamfield and Walter de Sutton for taking *viridi* was carried over in-full from the 1189 Pipe Roll, having first been raised during the forest circuit carried out by Geoffrey fitz Peter and his

²²⁴ Compare the outstanding accounts rendered for Dorset-Somerset in *PR 1 Richard I*, 147–52 with *PR 6 Richard I*, 184–90. For Devon, see *PR 1 Richard I*, 131–4; *PR 6 Richard I*, 166–70. For Cornwall, *PR 1 Richard I*, 112–14; *PR 6 Richard I*, 172–4. For the honour of Lancaster, *PR 1 Richard I*, 18–19; *PR 6 Richard I*, 123–5.

²²⁵ *Chronica*, iii, 264.

associates. Individual debts owed by the vill of Upton, 'the master of the cows' Canon Gilbert, Alan of Pickering, Canon Laurence, and Henry of Upton, each for transgressing the assize, were all also carried over untouched into the 1194 roll.²²⁶ The same feature is evident for non-forest pleas, such as those for which outstanding debts owed by Ralph de Norton, Tescenda de Kelum and Richard de Solers were carried over to 1194.²²⁷ Without wishing to labour the point too far, it can be summarised that the same process of transferring old debts relating to the revenues of judicial jurisdiction from 1189 took place for each of John's counties.²²⁸ The wholesale transfer of outstanding non-recurring debts relating to judicial profits from 1189 into the 1194 Pipe Roll happened almost without exception, such that it can be inferred the royal exchequer's interpretation was that no portion of any of these debts had been paid off in the five intervening years.²²⁹

The continuity presented by the composition of the 1194 Pipe Roll for John's counties is especially remarkable when we consider that some of these outstanding debts from 1189 had once

²²⁶ *PR 1 Richard I*, 157–8; *PR 6 Richard I*, 82.

²²⁷ *PR 1 Richard I*, 159; *PR 6 Richard I*, 83.

²²⁸ Specific examples can be seen in the debts owed by Humphrey fitz William, and by Tedinga de Avena in Dorset-Somerset [*PR 1 Richard I*, 148, 150–1; *PR 6 Richard I*, 185–6], by Richard *le descusu*, and by all four debtors listed under Joscelin the archdeacon's pleas in Devon [*PR 1 Richard I*, 132; *PR 6 Richard I*, 167], by all outstanding debtors listed under 'pleas of the court' in Cornwall [*PR 1 Richard I*, 112–14; *PR 6 Richard I*, 172], and by numerous debtors whose pleas were heard during Godfrey de Lucy's circuit in the honour of Lancaster [*PR 1 Richard I*, 18–19; *PR 6 Richard I*, 123–4].

²²⁹ The one possible exception is a debt owed in Devon by a Robert of Uckleigh for having dogs against the assize, which remained outstanding in 1189, but did not appear in 1194. It remains possible, therefore, that the exchequer considered that the debt had been paid between 1189 and 1194, although accidental omission is equally possible. See *PR 1 Richard I*, 134, compared to the list of forest pleas of Geoffrey fitz Peter in *PR 6 Richard I*, 168.

again begun to be paid, despite the apparent five-year interlude. Each of the debts provided as examples above in relation to Nottinghamshire-Derbyshire, for instance, were fully or partly discharged by the debtors at Michaelmas 1194, and the same is true for the debts cited above relating to each of John's other counties.²³⁰ Nor were these select examples in any way exceptional. Many other cases of debts from 1189 not only being carried over to 1194, but actually being paid, can be found when the respective accounts of the two Pipe Rolls are compared.²³¹ The royal exchequer's approach, therefore, and its apparent assumption that no part of these debts had been collected between 1189 and 1194, was not merely a futile fiction that existed only on the membranes of the Pipe Roll; it was reflected in the reality of the resumed collection of these debts in full.

These general observations might seem elementary, indeed likely, but they are nonetheless significant indicators of how the royal exchequer related to the fiscal jurisdiction that Count John had possessed in his counties. The relative lack of profits owing from Count John's time is not only indicative of a royal ignorance of the business that had been conducted in these counties since 1189; it also suggests that, despite the king's orders to his justices in eyre, little co-ordinated effort may have been made by the exchequer and royal sheriffs to pursue their collection, except in the few cases where information was easily forthcoming as they apparently were in Dorset-Somerset. That the royal exchequer did not apparently attempt to record and pursue the profits of John's jurisdiction suggests that it recognised that such revenues might realistically be beyond its practical oversight. Such an acknowledgement would, however, have been at odds with usual exchequer

²³⁰ *PR 6 Richard I*, 82–3, 123 –4, 167, 172, 185–6.

²³¹ See, for example, the pleas of William de Vere in Nottinghamshire–Derbyshire, [*PR 1 Richard I*, 155–6; *PR 6 Richard I*, 81], the debts of Robert Tappe, Richard le Franceis and his mother, and Evrardus de Lega in Dorset-Somerset [*PR 1 Richard I*, 152; *PR 6 Richard I*, 187], and 'De Oblatis Curie' in Devon [*PR 1 Richard I*, 134–6; *PR 6 Richard I*, 168–9].

practice in which debts owed to the king were pursued relentlessly. The penalties for non-payment imposable under exchequer law included distraint, imprisonment, or disseisin (depending on the type of debt, status of the debtor and severity of the offence that occasioned it) and debts were usually removed from the roll only when a deceased debtor had no inheritance to pass to their heirs; even then, removal of the debt was permitted only by writ of the king once the Treasurer suggested it was not practicably recoverable.²³² The way that the profits arising from John's jurisdictional rights were (largely not) recorded and pursued in the rolls, however, suggests that they were treated as unrecoverable in the first instance. As such, the impression given by the rolls is that John's profits were, in effect, discrete from those profits arising from the rights that King Richard possessed in those shires before and after John. That the royal exchequer seems to have conceded that John's profits were largely unknowable, and therefore unobtainable, may even represent a tacit admission (made for practical reasons) that John's rights had been personal and independent from those of Richard. The royal exchequer did receive money that had likely been previously received by John's sheriff, relating to pleas held in Devon and Dorset-Somerset for which information was available (in the case of Dorset- Somerset, through a sheriff who had been close to John). Yet these receipts were exceptional and appear piecemeal in the context of the whole. That the exchequer's approach to accounting for John's counties in 1194 inherently recognised that the period of his jurisdiction was wholly discrete from that of the king, more profoundly, is supported when we consider the implications of its assumption that outstanding debts carried over from 1189 had been untouched since that year (not to mention the very fact that the exchequer accounted for only half the year in 1194).

²³² *Dialogus de Scaccario and Constitutio Domus Regis*, ed. by E. Amt and S.D. Church (Oxford, Oxford University Press, 2007) 160–81, especially the procedure for removing debts described at 172–3; J.C. Holt, *Magna Carta*, 3rd edn. ed. by G. Garnett and J. Hudson (Cambridge, Cambridge University Press, 2015), 114.

The impression given by the Pipe Roll is that John had not collected a single penny of any of the debts owed to the king in 1189. This picture masks at least two possible realities that laid behind the enrolment of these accounts. The reality of the accounting situation must have been that the exchequer had no knowledge of whether John had collected any of the 1189 debts; its lack of insight into John's accounting is evident enough from the gaps in the rolls. This lack of royal knowledge, however, does not necessarily mean that John had not proceeded to collect outstanding profits of justice owed to the king when he received his counties in 1189. He could well have collected these debts and the Pipe Rolls provide no evidence to determine this either way. The more significant point, however, is that the royal exchequer chose to present its Pipe Roll in such a way as to effectively ignore the possibility that any of the old debts had been paid to John.

If we consider the matter from John's perspective, conversely, we might assume that it would have been difficult for him to have collected the debts owing to the king in 1189 without information drawn from the royal exchequer. The royal ignorance of John's activities displayed in the 1194 Pipe Roll would presumably have cut both ways. Some initial co-ordination between the royal exchequer and John's own officials did, however, evidently take place at Michaelmas 1189. In Nottinghamshire-Derbyshire, an account rendered by Ralph fitz Stephen relating to profits arising from Sherwood forest were, exceptionally, paid to John rather than to the royal treasury, despite the county still remaining in the hand of the king in that year: 'Johanni Comiti de Moret' lib[er]av' per breve Regis. Et Quietus est'.²³³ In the honour of Lancaster, moreover, the remaining debt owing on the county farm account rendered at Michaelmas 1189 was paid to Stephen Ridel, John's chancellor, who received the revenues on his lord's behalf 'coram Cancellar' et thesario et aliis Baronibus Scacci' ad reddend' illos pro Com' Johanne'.²³⁴ The honour of Lancaster had remained in royal custody throughout this exchequer year, just as the counties of Nottinghamshire-Derbyshire had, yet certain

²³³ *PR 1 Richard I*, 155.

²³⁴ *PR 1 Richard I*, 18. For Stephen Ridel see, for example, *Angevin Acta*, 5023J.

channels of communication had clearly been opened between John's officers and the royal exchequer in anticipation of the transfer of these counties to his possession, with money already beginning to be paid to the count. The possibility that longer-term connections between John and the royal sheriffs of his counties had been established before they were eventually given to him should also be considered, given that the honour of Lancaster was accounted for in 1188 and in 1189 by Gilbert Pipard, a royal servant who, nonetheless had been a member of John's household as early as 1185.²³⁵

It seems unlikely, nonetheless, that a level of close coherence between John's household and the royal government was maintained that would have been sufficient to allow for the transition of outstanding debts from the royal exchequer to that of John after 1189. The most likely avenue through which information about pre-existing debts might have come to John's exchequer, indeed, is through the employment of sheriffs who had previously served the king. The lack of records from John's exchequer means that the identities of his officers in his counties are largely obscure, but it remains a possibility that some sheriffs who had previously served the king in those shires continued to account for them for John; this seems an especially appealing possibility in the case of Gilbert Pipard in Lancaster. In Nottinghamshire-Derbyshire, the royal sheriff in 1189 had been Ralph Murdac, who by 1194 was among those who defended Nottingham castle for John against the king and may, therefore, have retained his office under John.²³⁶ The extent to which such official continuity actually took place unfortunately cannot be known. On balance, however, it seems possible that John had the means to collect the debts that had been owed to Richard in some shires, but perhaps not on a consistent or uniform basis in most of his counties.

The royal exchequer may not have known whether John had collected these profits, but even if the royal position was that John had had no claim on these debts, the background reality was

²³⁵ *PR 34 Henry II*, 50, *PR 1 Richard I*, 18, *Angevin Acta*, 2113J, 731J.

²³⁶ *PR 1 Richard I*, 154; Strickland, 'Bones', 161.

of no import to the approach taken to the accounting process. In 1194, rather, the royal administration largely sought to re-set the financial position in John's counties to the *status quo* as it had been in 1189, excluding the few profits from John's time that were brought to its attention, having been received by the Treasury. The overriding impression that the 1194 Pipe Roll gives is that the exchequer sought to collect the debts that it considered were still due to the king because these profits had arisen from business which pertained to King Richard's own rights. They were, therefore, profits that were due to the king personally and to nobody else, regardless of whether John had held rights of an equivalent status in the interim. John's jurisdictional rights in his counties, in other words, were understood by the exchequer in 1194 to have been personal and discrete from those held by King Richard before and thereafter. The distance and separation suggested by the royal exchequer's relative ignorance of John's fiscal activities in his counties was not, therefore, merely a pragmatic reality; it inherently reflected – and was a consequence of – how John's jurisdictional rights made his personal rule entirely distinct from the personal rule of Richard, even though the king possessed equivalent rights. That rights remained personal and not yet institutional, in late twelfth-century England is unsurprising, but the case of Count John provides a rare opportunity to glimpse how a principle that might be more visible when applied to the rights of non-royal individuals still applied to those of the king.

The royal perspective – as it appears in the 1194 Pipe Roll – of two distinct administrations, which were reflective of John and Richard as discrete rulers with discrete (if equivalent) rights is also evident in some of the specific accounts already mentioned above. The Lancaster account concerning a fine made by Hugh Buissel, for example, indicates that a fine for the same amount had been made with Count John.²³⁷ The account superficially appears to be a marker of continuity, but a separate accommodation must have been reached with the king for Hugh to have fined for his lands on the same terms as previously agreed with John; royal approval of Hugh's seisin and the size of his

²³⁷ *PR 6 Richard I*, 125.

fine is tacit in the very rendering of his account. The separate agreement of the fine with the king following the resumption of royal custody over the honour of Lancaster underlines that jurisdiction was personal and an individual's circumstances were changeable with the identity of the ruler who held ultimate rights in a region. Similar assumptions of a separation of personal rights are inherent in the previously-discussed account of Norman de S. Patrick, concerning a fine made for seisin of land in Nottinghamshire-Derbyshire 'until he was disseised by Count John'.²³⁸ Like the majority of the debts from John's counties which were accounted for in the Pipe Rolls from 1194, this fine had initially been made in 1189, but its particular circumstances emphasise the wider approach the royal exchequer was taking. The initial fine must have been made with the king before John took possession of the counties, after which time John broke with Richard's decision to favour Norman. The account makes clear, therefore, that the fine had been made with Richard personally, but that the king's acceptance of it had not mattered once rights over the counties were given to John, who had presumably been free to make his own fine with Norman had he wished. John may, indeed, have negotiated his own fine with Norman before later going on to disseise him, a possibility which is necessarily unclear from the Pipe Roll. The account thus inherently recognises that a gap in the king's jurisdiction had occurred between 1189 and 1194, and that the fine was negotiated with and owed to King Richard specifically, because the king had held rights over the counties at the time it was made. John's own rights, and thus his period of jurisdiction in the counties, were of an equivalent status and existed in parallel to those of the king but were clearly treated by the exchequer in this case as having been discrete from Richard's rights.

Another instructive example is offered by the Devon account rendered at Michaelmas 1195, which included an allowance for the sheriff against the farm of the county of the previous year: 'Et monachis de Forde xv s. quos Henricus de Bere eis reddere solebat de dono comitis Johannis donec

²³⁸ *PR 7 Richard I*, 21.

voluntas R. inde sciatur.²³⁹ This deduction from the farm account was allowed by writ of the archbishop of Canterbury, apparently as an interim measure until the king was able to judge the matter personally. The text of a charter which recorded John's grant does survive and is datable to 1189 x October 1191. John granted the monks land at Bere in the manor of Axminster.²⁴⁰ Axminster was a manor which had been in the hand of the king before John's receipt of the county of Devon, and appeared in a list of places which were subject to tallage at Michaelmas 1189.²⁴¹ The manor was, therefore, held by John by virtue of his rights over the *comitatus* and was alienated by the count pursuant to these rights. By Michaelmas 1195, however, the county had returned to royal oversight and the Pipe Roll makes clear that continuity was not a default position with regard to John's management of its resources. The archbishop's action, rather, indicates that such decisions were not to be delegated – even to the chief justiciar – and required the express attention of King Richard himself. This example, therefore, serves to emphasise the intensely personal nature of the rights which John and then Richard exercised over Devon. The rights of the former were treated as contingent after the county had passed into royal possession, with matters thereafter depending entirely on the discrete but equivalent rights of the king.

Despite these observations, a further account serves as a reminder that the exchequer could be flexible in incorporating profits owing from Count John's time into the king's accounts where information was available. This example, like the few other accounts relating to John's profits in the 1194 roll, concerned Dorset-Somerset. The royal exchequer's exceptional knowledge of the debt may, therefore, also have been a consequence of the specialised information provided by the sheriff William de Cahaigues, formerly a member of John's household.²⁴² This account concerns a debt for

²³⁹ *PR 7 Richard I*, 125.

²⁴⁰ *Angevin Acta*, 4923J.

²⁴¹ *PR 1 Richard I*, 133.

²⁴² See above, 91–2.

replevin – presumably a plea initiated via a writ of replevin – of which Alfred of Lincoln had been pardoned by the king. The debt had originally arisen from a plea that had taken place when John held the counties, either in the county court, or else in the court of Count John.²⁴³ The king had determined to pardon Alfred the debt ‘quia...idem comes [John] perdonavit eidem Alvredo predictas lx m. per j sprevarium et j dextrarium quos eidem comiti Johanni dedit’.²⁴⁴ In this case the profits of business conducted under the jurisdiction of Count John were, unusually in the wider context of the Pipe Roll, accounted for by the royal exchequer. The exchequer had, therefore, determined that such profits could indeed fall within the remit of the king’s jurisdiction, at least in the apparently rare cases when adequate information about debts that arose under John was available (it is surely no coincidence that details of this debt, arising in the same counties in which brief details of other judicial profits seem to have been provided by the sheriff, were available to the exchequer). The process that laid behind the entry of this account onto the Pipe Roll, however, must have been nuanced, because the account inherently recognised that King Richard had made a judgement on the collection of Alfred’s debt. The king had not been compelled to accept John’s previous decision on the matter of the debt. Rather, Richard had exercised his discretion and imposed his own will in the case; he ‘perdonavit’ the debt and the account was quit. Whilst it is notable that, in this particular case, the king chose to pardon Alfred the debt in accordance with the resolution of the matter under John’s jurisdiction, it is nonetheless intrinsic that it remained Richard’s choice. The king’s decision may have taken account of the provision of the records of the courts that Alfred presumably provided, but it is clear enough that Richard had the freedom to exercise what were, once again after John’s dispossession, his exclusive rights.

²⁴³ Actions relating to replevin were typically heard in the county court, although initiated by royal writ. See P. Brand, *Kings, Barons and Justices: The Making and Enforcement of Legislation in the Thirteenth-Century England*, (Cambridge, Cambridge University Press, 2003), 96.

²⁴⁴ *PR 6 Richard I*, 195.

Just as in the aforementioned case of Hugh Bissel in the honour of Lancaster, therefore, the king was placed in a position whereupon he could choose to accept or break with decisions previously made by John upon resuming his personal jurisdiction over Dorset-Somerset in 1194. The administrations of Richard and John in these counties, in other words, remained personal and discrete in the way that the transition of jurisdiction was managed in 1194. Whilst the royal exchequer's conception of Count John's fiscal rights in relation to those of King Richard extended, where possible, to the transfer of some profits that had arisen under John into the king's accounts, the overall picture provided by the 1194 Pipe Roll, and the way that some debts owing to John were managed, is one of two distinct administrations.

Justice and Courts

The Pipe-Roll evidence shows us, therefore, that the profits of judicial business conducted in the counties held by John were collected by him before Michaelmas 1194, probably at his exchequer. What is not explicit from the rolls, however, is whether the justice from which these profits arose had been carried out by Count John's own officers or justices – acting in his own name, and on his own authority – or simply by royal officials who then directed the resulting revenues to John's exchequer. A tacit indication of the answer to this question is, however, present in the sense of disconnect which comes across in the accounts rendered at the king's exchequer after the counties returned to royal oversight. The apparent ignorance displayed by the royal exchequer as to justice in John's counties – along with the exclusive nature of some of the profits that had been owed to John, such as those of forest pleas – might itself be a suggestion that justice had been exercised in those shires in John's name, by officers acting on his authority. That said, the lack of knowledge at the exchequer is itself no guarantee that royal justices in eyre did not simply conduct business as usual in John's counties in the name of the count, and send their resulting Plea Rolls to

John's exchequer, rather than to Westminster. For a clearer picture of the operation of justice in John's counties, therefore, we must turn to alternative sources of evidence.

Details of two final concords which were made in Count John's court between 1189 and 1194 are available to us.²⁴⁵ A final concord was a settlement to a dispute made before, and approved by, a court. The two documents themselves do not survive but are known only because the individuals who had obtained the concords brought them to court to be used as evidence in further cases. These further cases were heard in the *curia regis*, in 1218, 1220, and 1224, and enrolled in the royal records.²⁴⁶ These two final concords were made by parties in cases relating to land in Devon and in Somerset and allow us an insight into the operation and jurisdiction of John's court.

The first of the two final concords in question was made in the court of Count John at Exeter. This final concord was brought forward by a Drogo of Bocombe as evidence of his right to land at Combe, Devon, in response to a writ of *mort d'ancestor* brought by William fitz Walter in 1218. The case was first heard before royal itinerant justices in Devon in 1218, and later transferred to be heard at Westminster.²⁴⁷ The Plea Rolls, which recorded the first hearing of the Combe case before the Devon eyre, recorded that 'a fine was made in the court of King John at Exeter while he was

²⁴⁵ What follows surmises R.A. Daines, 'The King's Brother as Tetrarch: Regal Jurisdiction in the Court of John, count of Mortain' (forthcoming).

²⁴⁶ TNA, JUST 1/180 m.3d [Devon eyre 1218, roll of civil pleas 3 Henry III]; *Curia Regis Rolls of the Reigns of Richard I, John and Henry III preserved in the Public Record Office*, 18 vols. (London, 1922–), viii, 136, 210, 337–8; *CRR*, xi, 1516. The existence of these two final concords has previously been noted by Daniel Power as part of a discussion of the form of document. D. Power, 'En quête de sécurité juridique dans la Normandie Angevine: concorde finale et inscription au rouleau' in *Bibliothèque de l'École des chartes*, t.168 (2010), 327–71, at 341, n.41.

²⁴⁷ London: TNA, JUST 1/180 m.3d; for the case at Westminster, see *CRR*, viii, 136, 210, 337–8.

count of Mortain.’²⁴⁸ This description gives the concord a likely date of 1189 x 1194, during which period John held the county of Devon, before its formal confiscation from him by King Richard.²⁴⁹ The roll also tells us that this final concord (*finale concordam*) ‘was made by a Grand Assize summoned between them by writ of King Richard’ (Richard’s writ does not survive).²⁵⁰ This detail indicates that John’s comital justices – named in the roll as ‘justices of the said Count John’²⁵¹ – administered justice by royal authority in Devon in a manner that was distinct from the jurisdiction of royal itinerant justices, who directly represented the king’s authority. The original case had been initiated by the purchase of a writ in King Richard’s name, and therefore by the king’s authority. The case had been heard and the final concord made, however, before John’s court at Exeter, a body that did justice in the name of the count and was presided over by justices who sat as John’s representatives. These details indicate, therefore, that Count John’s court did justice by virtue of rights which were equivalent to those of the king but was clearly distinct from Richard’s administration. The fact that the concord was made by the Grand Assize (that is, before a jury) shows that this session of John’s court was not simply a session of the shire court, but rather, was equivalent to a session of the *curia regis* as held elsewhere by royal itinerant justices. That John’s court sat as an equivalent of the king’s court is most likely because the procedure of the Grand Assize, created in 1179, seems to have still been exclusively used in royal courts by c.1189.²⁵²

²⁴⁸ *finis factis est in curia Regis Johannes apud Exon’ dum fuit comes Moreton*. London: TNA JUST 1/180 m.3d.

²⁴⁹ Church, *John*, 57–8.

²⁵⁰ *fuisse factam per magnam assisa summon’ inter eos per breve Regis Ricardi*. London: TNA JUST 1/180 m.3d.

²⁵¹ *Justiciariis predicta comitis Johanni*. London: TNA JUST 1/180 m.3d.

²⁵² P. Brand, ‘*Multis Vigiliis Excogitatam Inventam*: Henry II and the Creation of the English Common Law’ in *The Making of the Common Law*, London 1992, 77–102, at 98–9; P. Brand, ‘Henry II and the Creation of the English Common Law’ in *Henry II: New Interpretations*, ed. C. Harper-Bill and N. Vincent, Woodbridge 2007, 215–42, at 219.

The second final concord in question was brought to court in 1224 by William fitz John, who said it had resulted from ‘a fine made between them in the presence of itinerant justices at Harptree in the time of King Richard’.²⁵³ William brought his concord as evidence to his right to land at Harptree and Portishead, Somerset.²⁵⁴ The royal justices who presided over William’s case in 1224 noted that the final concord ‘was not made in the court of King Richard, on the contrary, in the court of [John, count of] Mortain’. William fitz John appears to have treated his final concord as a document that was equivalent to a royal final concord; it was described as having been made ‘before itinerant justices at Harptree’ and was presumably brought before the *curia regis* with the expectation that it would provide strong evidence that his opponent had agreed to gift him the land.²⁵⁵

It is clear, therefore, that John’s court was doing justice in a manner and with an authority normally reserved to the royal itinerant justices. In Drogo’s case, the action had been initiated centrally by writ of King Richard (possibly, but not necessarily, before John had been granted rulership over Devon). It is apparent, however, that the involvement of the royal administration had extended only as far as the issuing of the king’s writ. After the writ had been sent to Devon to initiate the case, it had been received and executed by officers answering to Count John. Sessions of Count John’s court – like those sessions of the king’s court over which royal itinerant justices

²⁵³ *finem factum inter eos coram iusticiariis itinerantibus apud Harpetr’ tempore regis Ricardi. Curia Regis Rolls*, xi, 1516.

²⁵⁴ William fitz John was a landholder of reasonable significance in south-west England. He was lord of the honour of Harptree, which represented part of the younger William’s share of the inheritance, as settled between him and his elder brother, Henry de Tilly, by 1201; see *Rotuli Normanniae in Turri Londiniensi Asservati Johanne et Henrico quinto Angliae regibus*, ed. T. Duffus Hardy, London, Record Commission, 1835, 8–9.

²⁵⁵ *CRR*, xi, 1516.

presided – were, therefore, jurisdictionally equivalent to sessions of the king’s court, *coram regis*, but were distinct from royal courts.²⁵⁶

Who were the ‘justices of Count John’ and how did they operate? The lack of information that was apparently available to the royal exchequer at Michaelmas 1194 about judicial business in John’s counties is indicative of one of two possibilities. The first is that the king’s justices in eyre never visited these counties to do justice whilst they remained in John’s custody, and, therefore, no records of their business existed because justice was instead done and recorded by John’s own justices. The alternative scenario is that the royal justices in eyre visited John’s counties as usual, but that the Plea Rolls upon which they recorded their business were sent to John’s comital exchequer (in order for the profits of the justice done to be accounted there), rather than to the royal exchequer. If the king’s justices did simply defer to the authority of Count John when they entered his counties to do justice (and, therefore, supplied their Plea Rolls to John’s exchequer rather than to the royal exchequer), the most appealing interpretation would be that they were, in fact, the very same men as those referred to as the ‘justices of Count John’ who did justice in John’s court.²⁵⁷ The key difference would simply have been that the royal justices in eyre had entered John’s area of

²⁵⁶ Brand, ‘*Multis Vigiliis Excogitatam Inventam*’, 85–6.

²⁵⁷ *Justiciariis predicta comitis Johanni*. London: TNA JUST 1/180 m.3d. The identities of the individuals who acted as justices for Count John in his counties remain ambiguous. The texts of only three final concords made in Count John’s court are available to us among his surviving *acta*. Two of these concords are dated within the period 1189–1194, and both were made before groups of men among whom familiar members of John’s comital household, such as his chancellor, Stephen Ridel, were prominent. Both documents were, however, made at John’s castle of Marlborough (Wilts.) and may not, therefore, be typical of the operation of the count’s courts his counties. The presence of multiple members of John’s household may indicate that these concords were made in sessions of his court *coram comitis*. For these three final concords, see *Angevin Acta*, 4938J, 4939J, 4941J. For Count John’s household, see Jones, ‘*Acta*’.

jurisdiction, and, therefore, recognised that they were now acting upon the equivalent authority of Count John, rather than that of King Richard.

Further indications of the likely operation of Count John's justices can be drawn from William fitz John's case. William's belief in the authority of his final concord would appear to be rooted in an emphasis on the fact that the document was made in the presence of 'justiciaries itinerantes', men who would have been strongly associated with legitimate royal authority, and who were usually, by definition, royal officers. In this case, just as in that of Drogo of Bocombe, the men presiding must have sat and been named as Count John's justices, rather than King Richard's, because the court was that of 'Mortain'.²⁵⁸ These references to itinerant justices who represented a person other than the king are, however, unique. The emphasis on the fact that William's concord was made in the presence of such men – which may have been recorded as such in the roll based on the way that the litigant himself chose to present it – is, therefore, a likely indicator that he viewed their presence as having conveyed a validity on his document that was the same as that of the *curia regis*. This interpretation is reasonable enough even if we assume that John's justices had been different men to the royal itinerant justices who visited counties on behalf of King Richard, because William fitz John could have associated the coming of any itinerant justices to Somerset with the arrival of royal justice.

It is not necessary, however, to presume that William fitz John was an ignorant provincial who was incapable of telling itinerant justices apart to explain his confidence that his concord had been made in front of officers who possessed royal authority. If Count John's justices had been the same individuals as the royal justices who visited shires outside of John's jurisdiction, who acted as the count's officers when they entered his counties, then William fitz John's interpretation of his final concord would be especially understandable. In William's eyes, there would have been no

²⁵⁸ *non fuit factum in curia regis Ricardi, immo in curia [Johannis comitis de] Moreton; CRR, xi, 1516.*

difference whatsoever between the justices of Count John and the royal itinerant justices who otherwise visited Somerset because they may literally have been the same men, who would presumably have conducted judicial business as usual whilst acting for Count John. It is possible, therefore, that William fitz John's explanation to the *curia regis* that his final concord had been made before itinerant justices, – understood in the typical sense as justices with royal authority – and the court's finding that the concord had been made in the court of Mortain, were not mutually exclusive.

Count John's justice seems to have operated in the same manner in Devon and in Dorset-Somerset. Since John held these counties with the same rights as he did in Cornwall, Nottinghamshire-Derbyshire and the honour of Lancaster, it is reasonable to suppose that his justice operated in much the same way across his shires. The conclusion that John's court exercised justice in a uniform manner in each of his counties is also supported by passing references to other cases. Land in the honour of Lancaster, for example, was recovered by Leicester Abbey by a judgement made 'in curia dicti loh(ann)is comit(is) per breue suum coram iusticiariis suis apud Lanc' per sacramentum xii. Legalium hominum'.²⁵⁹ The presence of justices acting for Count John, and the use of the process of the Grand Assize (implied by the mention of the oath of twelve lawful men) indicates that procedure was the same as in Drogo of Bocombe's case, with the important added detail that this case was initiated upon John's own writ. That cases which were typically the exclusive preserve of the king and initiated by royal writ were likely routinely heard in John's court across his counties is also shown by a later reference in the Pipe Rolls to an assize of *mort d'ancestor*. This assize, between William Croc and William Turpin, concerned land at Croxton, Dorset, and was held in John's court 'while he was count'.²⁶⁰ In another example from the reign of King John, concerning the honour of Lancaster, a Richard Fiton was said to have recovered land 'per breue de morte

²⁵⁹ *Angevin Acta*, 5301J.

²⁶⁰ *Angevin Acta*, 5680J; *PR 7 John*, 139; *Rot. Obl. Fin.*, 262.

antecessoris in curia r(egis) dum fuit comes Morit'.²⁶¹ A case from Nottinghamshire-Derbyshire in which a Lisiardus de Mustiers received judgement concerning land at Leverton and Toftes in John's court, before later being unjustly disseised by the count's bailiffs, would also, in the context of the preceding examples, seem likely to have been a plea resulting from a writ *de cursu* of the type usually issued and determined by the king and his justices.²⁶² In this case, John seems to have changed his mind about the judgement, or else made a conflicting grant to a different beneficiary, but the fact that Lisiardus later offered a fine to King John to have the original judgement restored suggests that the decision had been a matter that fell within royal jurisdiction; an appeal for the amendment of the matter could be made at Michaelmas 1200, once John – now king – had regained the same rights he had once held in the Nottinghamshire. It would appear from all of this evidence, therefore, that in every respect – jurisdiction, process, the issuing of cases via writs, and the employment of itinerant justices – Count John's justice operated throughout his counties as a mirror of the king's own judicial administration.

Another case that reveals the nature of judicial business conducted in the court of Count John was referred to in the Pipe Rolls. William de Montacute rendered account under the entry for Dorset-Somerset at Michaelmas 1199 for a fine for having seisin 'de Chaldeseia et de hundredo de Piddelton qualem ei adjudicata fuit in curia de Mereleberg dum R. fuit comes.'²⁶³ This particular case may have been something of an exceptional one, perhaps even dealt with within John's household rather than by itinerant justices; that is, by the court *coram comitis*. William de Montacute was himself a member of John's household and may be found acting as a justice and witness in his court in a final concord made in April 1192, also at Marlborough. William had also been one of the men to

²⁶¹ *Angevin Acta*, 5678J; *PR 2 John*, 238.

²⁶² *PR 2 John*, 19.

²⁶³ *PR 1 John*, 237.

stand surety for John in his concord made with William Longchamp in July 1191.²⁶⁴ Nonetheless, this case stands to demonstrate that a matter relating not only to land, but to jurisdiction over a hundred, in Dorset-Somerset could be determined by John's own itinerant court while it was situated elsewhere, in a manner that paralleled the operation of the *curia regis*. This example demonstrates that John's possession of the *comitatus* meant that he held and exercised royal jurisdictional rights in the counties and therefore he acted as the king would act with regard to the delivery of justice in his shires.

It is also interesting to note how the account of the debt for William de Montacute's fine was enrolled by John's own royal exchequer some years later, in 1199, which once again highlights the personal nature of the rulership that John had enjoyed in Dorset-Somerset, which resumed when he once again obtained royal rights in the counties upon becoming king. The debt did not depend on the existence or oversight of the royal administration but had been carried over from an earlier moment when John had possessed the same rights in Dorset-Somerset as he did after his coronation in 1199; the constant in the matter was John himself and his possession of a level of jurisdiction usually enjoyed by the king. It did not matter whether John held these rights as king (after 1199) or as count: the debt, and the court in which William's case had been determined, remained the same, because both pertained to John as an individual.

The personal nature of the judicial rights John had held as count is clarified effectively by the way that the Lancashire case of Richard Fiton was presented by John's royal exchequer after 1199. The case had taken place in Count John's court, most likely before 1194, and Richard later rendered account at Michaelmas 1200 'pro habenda saisina bosci de Herwudesholm quod recuperavit per breue de morte antecessoris in curia r(egis) dum fuit comes Morit' et unde dissaisitus fuit quando comes fuit dissaisitus'.²⁶⁵ The entry was explicit, therefore, that Richard Fiton's seisin of his land had

²⁶⁴ *Angevin Acta*, 4941J. *Chronica*, iii, 137.

²⁶⁵ *Angevin Acta*, 5678J; *PR 2 John*, 238.

depended upon the judgement of Count John's court, in an action that was typically a matter of royal jurisdiction. Richard's seisin, in other words, depended upon Count John's possession of rights that were equivalent to those of the king and the judicial jurisdiction that John derived from them. The Pipe Roll stated explicitly that Richard Fiton had lost his land at exactly the same time as Count John was disseised; by implication, as a direct consequence of the fact that ultimate rights in the honour of Lancaster had transferred to King Richard in 1194.²⁶⁶ Richard Fiton's seisin, therefore, reflected the contingent nature of John's rights more broadly: when John was deprived of his rights, the decisions made under his jurisdiction were subject to amendment because they were dependent upon him personally. King Richard clearly determined not to allow Richard Fiton's seisin to continue after 1194, which is partly explainable by Richard's obvious loyalty to John against the king, since he seems to have been among the 'hominibus Comitibus Johannis' who fined 'pro habenda benevolentia regis' at Michaelmas 1194.²⁶⁷ Yet the king's very ability to disseise Richard at the expense of the judgement of John's court reflects the wider jurisdictional shift that had occurred, indicating not that John's rights in the honour had been invalid or inferior to those of the king, but that they depended entirely on the individual who had exercised them. This impression is confirmed by the Pipe Roll of 1200, when Richard Fiton was once again allowed seisin of his lands, only a short time after John had regained his rights over the honour of Lancaster after becoming king. Richard's seisin depended on John's personal favour and he was able to regain his lands very soon after John regained the rights required to make such a grant. Yet the royal exchequer maintained an awareness that this was no simple gift or act of patronage, nor was it novel; rather, the way that the matter was presented in

²⁶⁶ The likelihood that Richard Fiton was summarily disseised by the royal government in 1194 is consistent with the spirit of the enquiries into John's gifts which the general eyre was instructed to make in September of that year, which specified that such gifts were to be seized unless they had been confirmed by the king. See *Chronica*, iii, 264.

²⁶⁷ A Richard 'de Ditton' is listed thus in *PR 6 Richard I*, 124–5.

the Pipe Roll shows that Richard Fiton's seisin was still understood to have depended on a recognition of the beneficiary's own rights, as confirmed by the judgement of John's court in an action of *mort d'ancestor*. That the exchequer referred back to the judgement on Richard's seisin as determined by John's court shows that it considered that the matter depended on John's personal rights in Lancaster, that is, the same rights that he had held before 1194 which he once again held as king. The judgement of Count John's court, in other words, remained definitive in the eyes of John's royal exchequer and had merely been interrupted in the interim period in which King Richard had ruled Lancaster.²⁶⁸ The rights of Count John were the same as those later enjoyed by King John.

The jurisdiction of John's judicial administration also extended to forest law, an area that was usually especially personal to the king.²⁶⁹ The existence of foresters acting for John is clear enough from the address clauses of some of his charters, but some details of grants of exemptions from certain aspects of forest law are also apparent from the Pipe Rolls of John's reign.²⁷⁰ Two examples from Nottinghamshire-Derbyshire are instructive here. A Hubert fitz Ralph accounted at Michaelmas 1200 for having his wood outside forest, 'sicut habuit tempore comitis Johannis'.²⁷¹ A Robert de Somerville, likewise, accounted for having his dogs 'ad leporem et vulpem sicut habuit

²⁶⁸ This interpretation of John's rights may also have been anticipated by various individuals who expressed anxiety at John's potential succession in 1199, most of whom had opposed John's authority before 1194 in favour of Richard or William de Longchamp, presumably because they feared for their security of tenure. See Strickland, 'Bones', 171.

²⁶⁹ Young, *Royal Forests*, 3–6.

²⁷⁰ For examples from Nottinghamshire-Derbyshire and the honour of Lancaster, see *Angevin Acta*, 4955H [addressed to sheriffs, foresters and bailiffs, curiously of Northamptonshire, which might be a copyist's error for Nottinghamshire given that the grant concerned the forests of Clay and Sherwood], 4836J [granting quittance of regard of the forest 'forestariorum meorum'], 2156J [addressed to justices, sheriffs, foresters and bailiffs of the honour of Lancaster], 236J [a grant to Robert de Ainsdale, styled as 'my forester'].

²⁷¹ *PR 2 John*, 18.

tempore comitis J.²⁷² 'The time of Count John', in this context, presumably referred to the period during which John had held the counties during King Richard's reign, with the implication being that both of these men had held the specified rights by John's licence at that time. That Hubert and Robert had not presumably held these rights when the counties returned to the custody of King Richard's officers is implicit. The two men had, therefore, enjoyed exemptions from forest law as a result of John's personal patronage, and had subsequently been deprived of them when the forest returned to royal jurisdiction; it is telling that they paid to regain their rights from John shortly after he became king. These examples illustrate, therefore, that John's rights in Nottinghamshire-Derbyshire had included control over the administration of the forest, since he was free to allow exemptions to favoured beneficiaries, who would be left untouched by foresters answering to the count. The example of Hubert and Robert's rights, moreover, once again illustrates how John's jurisdiction had been a direct equivalent to that of King Richard during the period he held his counties and operated in parallel to that of the king. When John was dispossessed of his counties, however, his personal control over the forests was interrupted until such a time (1199) that he regained the jurisdiction he had once held.

The overall separation between the administrations of John and Richard did not, however, preclude certain select instances of cohesion and co-operation. Such instances also give an indication of how King Richard and his administration related to John's judicial jurisdiction. Insight on this point can be gained from the aforementioned case of Alfred of Lincoln. Alfred rendered account to the royal exchequer in 1194 for a debt he owed to John for replevin, which he was pardoned by Richard 'quia recordatum est per comitatus de Dorseta et de Sumerseta et per curiam ipsius comitis quod idem comes perdonavit eidem Alvredo predictas lx m. per j sprevarium et j dextrarium quos

²⁷² *PR 2 John*, 18.

eidem comiti Johanni dedit dum idem comes habuit liberam potestatem terre sue in Anglia.²⁷³ This case is a clear example of judicial jurisdiction exercised independently by John in Dorset-Somerset, but the process which the case followed and the precise court in which it had taken place are unclear. That the royal exchequer seems to have been initially unaware that Alfred had been pardoned illustrates, at least, that the case had been concluded without royal oversight. The ambiguity arises from the fact that the case had been recorded by the county court, but also by the court of Count John. The nature of pleas of replevin conducted under royal jurisdiction, however, might be indicative. Such pleas were initially typically heard in the county court but initiated by royal writ. Such a writ with a more specific function than those that later began to be used was included in the treatise known as *Glanvill*, but a more general writ of replevin was in use by 1204. Evidence for the process by which an action could be initiated by an oral complaint to the local sheriff is not forthcoming until 1208.²⁷⁴ The usual nature of the process, together with the fact that Alfred's case seems to have been recorded by both the county court and by John's court, might therefore suggest that this matter had been heard in the Dorset-Somerset county court, but conducted under the oversight of John's judicial administration and likely initiated by his writ. That John maintained jurisdiction over the case as a whole, however, (and was due to collect its profits) is shown by the way that Alfred was able to reach a specific agreement with the count to clear his debt.

Perhaps the most notable aspect of Alfred of Lincoln's case, however, is the way that the royal exchequer had access to the record of both the county court and of John's court and used this information to decide how to settle the account. That the royal exchequer had access to the record of these courts – perhaps, but not necessarily, written records – is atypical in the wider context of how it dealt with John's counties in 1194, and its relative ignorance of the business that had been done in each of them. This may be explainable by a combination of factors, not least the presence of

²⁷³ *PR 6 Richard I*, 195.

²⁷⁴ Brand, *Kings, Barons and Justices*, 96, notes 89 and 90.

William de Cahaigues as royal sheriff, who may have been able to provide some information as to the record of the county court.²⁷⁵ That the exchequer had access to the record of Count John's court is even more exceptional and is perhaps best explained by it likely being provided by Alfred of Lincoln himself. Alfred would likely have received a written record of the agreement he had made with John – perhaps in the form of a final concord – and it would have been within his interests to show such a document to royal officers upon being called to account for a debt which he had thought discharged, presumably because it had been owed to John and not to King Richard.

The royal exchequer's response to the record of Count John's court was not, however, guaranteed to work in Alfred's favour and it is interesting that, when information about the business of John's court was available, the king determined to maintain the original arrangement rather than demand that Alfred settle the debt. The decision implies that, despite the respective judicial administrations of Count John and King Richard being distinct from one another, the king had some access to the details of John's judicial activities, retrospectively respected his jurisdiction as having been the equivalent of his own and was willing to maintain elements of continuity in adhering to judgements made under his brother's jurisdiction. The king's decision, however, presumably remained just that: something that remained within Richard's discretion, rather than something he was compelled to accept because it had previously been decided by John. The personal character of these two administrations, therefore, remains inherent in Alfred of Lincoln's case, although this example illustrates that in some situations they could complement rather conflict with one another, even after 1194.

The respective administrations of John and Richard, whilst separate, did in fact communicate with one another in a co-operative manner before 1194. A clear example of cohesion between the court of Count John and the *curia regis*, indeed, is provided by a description of a case copied into the cartulary of Forde Abbey. The case must have taken place in 1191 x 1193, because it was initially

²⁷⁵ For William's likely role in John's administration of Dorset-Somerset, see above, 91–2.

heard before the barons of the Exchequer in the presence of Walter of Coutances, archbishop of Rouen, 'tunc existente justiciar[i]o'.²⁷⁶ The case centred on a claim by the monks of Forde on land at Heathfield, Somerset, which had previously been promised to them by Geoffrey Talbot as an exchange for land he had given to them at Street. The land at Street had since been lost by the monks to Richard de Lexonia in a previous case, also heard before the barons of the Exchequer in the time of Henry II, despite the warranty provided by Geoffrey Talbot. Geoffrey had apparently not since fulfilled the terms of the exchange, and the monks had initiated a new plea to compel him to fulfil his obligation. Upon the case coming before the barons of the Exchequer, in the presence of Walter of Coutances, the details of the earlier plea were recalled, and the 'recordum curie domini Regis missum fuit ad curiam domini Joh[ann]is Com[it]is Moreton[i]i juxta prescriptam formam, ut secundum illud judicium in eadem curia fieret predictis monachis.'²⁷⁷ The case concerning land in Somerset was, therefore, transferred to be heard in Count John's court because it was recognised that the county fell within his jurisdiction.

It is notable, if not surprising, that Walter of Coutances, who appears to have been the presiding royal official in the hearing of the case, respected Count John's jurisdiction and had the case sent to his court for judgement to be made. In the absence of a copy of the missive that was sent to John's court we cannot draw firm conclusions about its form and the connotations it may have carried about the status of John's court in relation to the king's justiciar and exchequer. The transfer of the case to another court in order that justice might be done is reminiscent of writs sent to sheriffs or liberty-holders ordering that they do justice, in situations in which a writ initiating a plea was purchased centrally, with a copy sent on for execution, as in the later franchise of 'return of

²⁷⁶ A transcription of the entry was provided in B. Kemp, 'Exchequer and Bench in the Later Twelfth Century: Separate or Identical Tribunals?' in *EHR*, 88 (1973), 559–73, at 573. An English translation is also printed in *The Cartulary of Forde Abbey*, ed. by S. Hobbs, (Taunton, Somerset Record Society), 1998, 135.

²⁷⁷ Kemp, 'Exchequer and Bench', 573.

writs'.²⁷⁸ In this case, however, it seems that the plea had already been begun in front of the barons of the exchequer, rather than routinely sent to John's 'liberty court' as an initial matter of course. A routine transfer may have been purposefully avoided given the history of the royal exchequer's involvement earlier in the matter, yet the effect here was that the case was begun in one court and transferred to another for determination. Such situations usually happened in reverse, with cases heard locally before justices in eyre and transferred to Westminster as required (as happened in Drogo of Bocombe's case), rather than removed from the exchequer to a locality. The case therefore belies comparison, as well it might given the unusual circumstances of John's position. Without being able to discern the precise nature of the missive sent to John's court, and whether it was a mandate, or simply a memorandum of the background of the matter, it can at least be commented that nothing in the surviving report of the transfer implies that the exchequer sought to impose orders on the court of Count John as a court of inferior jurisdiction. The fact that the 'recordum curie domini Regis missum fuit' to John's court 'ut secundum illud iudicium in eadem curia fieret predictis monachis' instead supposes that judgement on the case had yet to be made, and that the making of this judgement lay within the jurisdiction of Count John's court. The record of the previous case that had been heard before the barons of the exchequer in the time of Henry II seems, in this context, more likely to have been intended as supporting information in order that John's justices be in full possession of the facts of the matter. Ranulf's account of the case, therefore, portrays a situation in which a case concerning lands in John's county of Dorset-Somerset came before the royal government, but was recognised as belonging to the jurisdiction of the court of Count John. The king's officers respected John's jurisdiction and took the step of transferring the case, together with the relevant record.

²⁷⁸ M. Clanchy, 'The Franchise of Return of Writs', in *Transactions of the Royal Historical Society*, 5th Ser. 17 (1967), 59–82, 63–4.

The picture that emerges here is, therefore, one of co-operation between two parallel courts of equal but distinct jurisdictional standing. This co-operation should come as no surprise given the evident collaboration that took place between Walter of Coutances and Count John after the expulsion of William de Longchamp as co-justiciar in October 1191, and the fact that this case must have followed those events since it took place after Walter had himself become justiciar.²⁷⁹ That no record of the outcome of the case in John's court survives in the Forde cartulary, however, might suggest that the monks did not receive the judgement that they wanted, an outcome that begs the question of whether they chose to approach the royal government, rather than Count John, for a writ to initiate the case in expectation of a more favourable result. Whatever their motivations, it is notable that the monks bypassed a more imminent source of justice in the shape of Count John in favour of seeking the judgement of the royal officials. Whilst it is possible that a lack of faith in the validity of John's justice was a factor, the simplest explanation might be that it made sense to return to the same court in which the earlier case concerning the same land had been heard. The monks did, nonetheless, benefit from the justice of Count John's court in another matter, which was resolved via a final concord made in 1192.²⁸⁰ Regardless of the reasons that dictated their choice of court in the Heathfield case, it may have been that the monks of Forde did not anticipate that the communication between the king's court at the exchequer and the court of Count John, and the process by which the case was transferred between them, would be quite so cohesive as it proved to be.

This case serves as another illustration that John's court as a judicial body acted as a distinct, but equal, mirror of the *curia regis*. Crucially, however, the jurisdiction of John's court at the expense of that of the king himself was recognised by royal officials, who took particular care to ensure that the case was transferred. The Forde case serves as a reminder, therefore, that Count John's rights in

²⁷⁹ *Gesta*, ii, 214; *Angevin Acta*, 1026R.

²⁸⁰ *Angevin Acta*, 4939J.

his counties had been freely given to him by the king in 1189, in a context that anticipated that John would play a part in the administration of the kingdom. Whilst the Pipe Rolls reveal that, in some cases, the reality of there having been two rulers within a single kingdom resulted in friction between their distinct but equal rights, this tension between Richard's and John's decisions only emerged after John's counties were transferred to the hand of the king in 1194. Before John's dispossession, it remained possible for the highest jurisdictional authority to be exercised by distinct administrations representing different rulers in different parts of the same polity, and moreover, for these two administrations to communicate to support one another. For a time, at least, the plan for shared rulership between Richard and John that the king seems to have envisaged in late 1189 was fully realised.²⁸¹

²⁸¹ See below, chapter 2.

Chapter Two

John as Tetrarch and *Rector*

The grants of English lands and counties which Count John had received from King Richard by late 1189 indicated to contemporaries that John was to play a key role in administering the kingdom in conjunction with his brother.²⁸² The knowledge that the new king's crusading vow would soon see him depart from his lands was at the forefront of the minds of contemporary observers from the moment that the brothers arrived in England in August 1189 ahead of Richard's coronation. Roger of Howden, writing between 1192 and c.1201, noted that Richard and John were jointly received with celebration by people in England upon their joint arrival in their 'kingdoms', which they were expected to reform together. It is not clear that the kingdom referred to here in respect of John was Ireland, given that the brothers had arrived in southern England.²⁸³ William of Newburgh indicated that there was a general perception in 1189 that King Richard might never return to England from his crusade.²⁸⁴ Richard of Devizes agreed, noting that the prominence of the position that John enjoyed as a consequence of his brother's grants fuelled the belief that 'the king did not intend to return to his realm' and that John was 'already no less powerful' than Richard.²⁸⁵ The perceptions of the contemporary chroniclers, therefore, indicate that the grants John received and the king's impending departure meant that the count was closely associated with Richard's rule in England in late 1189 and held a stake in royal authority there. William of Newburgh's account also

²⁸² Church, *John*, 30–1.

²⁸³ It is possible that Roger's account was more a reflection of the authority that he knew John would soon exercise in his portion of England; *Chronica*, iii, 5. For the dates of Roger's *Chronica*, see Staunton, *Historians* 54–5.

²⁸⁴ Newburgh, 306. William of Newburgh's work was completed no later than 1198; see Staunton, *Historians*, 83.

²⁸⁵ Devizes, 6. For the completion of the work by 1198, see Staunton, *Historians*, 130, n.8.

suggests that a distinction could be drawn between the counties which had been given to John in their entirety and the remainder of the kingdom: the chronicler listed counties over which John had been given complete control and noted that this made him seem like a tetrarch.²⁸⁶ This comparison indicates that, in the counties which he held as his own, John's share in royal authority was something he held more fully than as a simple deputy or officer, and with only notional subordination to Richard.

Count John's role in the kingdom was subsequently complicated by Richard's stipulation, in February 1190, that John be prohibited from entering England in the king's absence without the permission of the royal chancellor, William de Longchamp.²⁸⁷ Despite the prohibition placed on John's presence in England, however, his material position in terms of lands and jurisdiction – and therefore his role in the kingdom – was left unaltered. Before the king's change of heart, however, Count John's intended position appears clear: John was to play a key role in the government of England alongside Richard and his co-justiciars. This role seems to have been intended to be exercised both directly, within John's own counties, and by close association with the king in the remainder of the kingdom.

Associate in Kingship

John's participation in Richard's kingship before the king's departure from his realms in summer 1190 is indicated by a certain charter, datable to this period due to the presence of witnesses who set out for the Holy Land with the king. This charter is a grant of the manor of North

²⁸⁶ Newburgh, 301.

²⁸⁷ William de Longchamp, as the king's justiciar, may well have been responsible for persuading Richard to alter his attitude towards John's role; see Church, *John*, 34–5.

Curry in favour of the cathedral church of Wells and its bishop, Reginald fitz Jocelin, and illustrates the co-operative relationship between the royal authority which John exercised in his counties and that of King Richard. By this charter, John ‘ratam et firmam habere donationem et concessionem domini et fratris mei Ric(ardi) regis Angl(orum)’ of the manor and hundred of North Curry, together with advowson of the church.²⁸⁸ The action which this document recorded was, therefore, a ratification by John of King Richard’s act of favour towards the church of Wells.

The interest which Count John had in the conveyance of this property and its appurtenant jurisdictional rights is clear because North Curry was situated in the county of Somerset, which was among the shires he received from the king in late 1189. The pipe-roll-evidence indicates that Dorset-Somerset was transferred into his hands after Michaelmas 1189, since a full account was rendered (and partly paid) at the royal exchequer at that session yet the counties had disappeared from royal oversight by Michaelmas 1190.²⁸⁹ The fact that King Richard had also sent a notification to the men of North Curry on 4 December 1189 informing them of the gift might – because of the king’s continuing interest – suggest that Somerset was handed over to John only after this date and, if so, such a date would be consistent with Roger of Howden’s testimony.²⁹⁰

John’s grant of North Curry did not, however, merely confirm Richard’s earlier gift in a way that was usual for charters of confirmation, with reference to the king’s sealed charter. On the contrary, John’s charter expressed what appears to be his contemporaneous approval of the royal grant. A comparison of John’s confirmation of the manor of North Curry with Richard’s related grant gives the impression of a simultaneous and shared exercise in which both brothers participated. Three texts pertaining to Richard’s grant of North Curry survive (including the aforementioned notification), although none as originals. Two of these documents, as they survive in their copied

²⁸⁸ *Angevin Acta*, 2131J.

²⁸⁹ *PR 1 Richard I*, 146–54; *PR 2 Richard I*, *passim*.

²⁹⁰ *Angevin Acta*, 4277R; *Gesta*, ii, 99.

form, are shorter notifications. The first was addressed to the sheriff of Somerset and dated 26 November 1189. The second was the notification addressed to the men of North Curry and dated to 4 December 1189.²⁹¹ The third text is that of a generally-addressed charter which includes a holding clause that expounds in detail the liberties that the church and bishop would enjoy in North Curry. This fuller royal charter text is dated 27 November 1189.²⁹² All three of these royal documents were given at Canterbury. Count John's ratification of Richard's gift, whilst datable only to September 1189 x July 1190, was also given at Canterbury.²⁹³ Despite the absence of Count John from the witness lists of each of Richard's three North Curry charters, the likelihood is that John's ratification was granted contemporaneously to, or very shortly after, the royal gift; that is, probably (although not certainly) on 27 November. John's charter was distinct in that it was addressed to 'omnibus hominibus et amicis suis' rather than carrying a general address, but its holding clause follows that of Richard's charter closely.²⁹⁴

The general appearance, therefore, is of a complimentary grant that was intended to affirm that of the king as an accompaniment, probably made in anticipation or recognition of the imminent transfer of the county of Somerset to John, and of Richard's impending departure. John's absence from the witness list of Richard's charter may, therefore, not be coincidental because his ratification of the royal gift was affirmed separately and, therefore, more actively. The fact that John's charter merely confirmed that of the king and was addressed only to his 'men and friends' without referring to any shire officers might suggest that he did not yet have full possession of Somerset at the moment it was issued. It is notable, nonetheless, that the very existence of the document implies that John's prominence alongside the king was significant enough to make his confirmation of the possession of a hundred – that is, a jurisdictional unit that was in the gift of the king – desirable for

²⁹¹ *Angevin Acta*, 4096R, 4277R.

²⁹² *Angevin Acta*, 1186R.

²⁹³ *Angevin Acta*, 2131J. The pertinent witness to John's grant is Robert de Breteuil.

²⁹⁴ *Angevin Acta*, 2131J.

the beneficiary. The North Curry charter, therefore, suggests that, in late 1189, Count John was in a position to affirm grants of regalities in association with King Richard even before the rights concerned were placed in his own gift. The sense that the grant was a transaction in which royal authority had been exercised co-operatively is confirmed, however, by the associated writ which was subsequently issued in John's name, addressed to the sheriff of Somerset and his bailiffs, ordering that Bishop Reginald should have possession of the manor and hundred. Although the precise date of the writ is unclear, it was certainly issued before October 1191 and seems most likely to have closely followed John's confirmation charter, perhaps being issued as a consequence of the transfer of Somerset into John's hands in the days and weeks after 27 November 1189, probably in the month of December.²⁹⁵ The writ refers to the manor of North Curry as that which 'dominus et frater meus Ric[ardus] rex Angl[orum] et ego...concessimus.'²⁹⁶ The use of the first-person plural indicates that John had shared jointly in Richard's grant, as opposed to having confirmed it in a separate act made at a different moment in time. From John's perspective, therefore, the grant of 27 November had been a joint enterprise, even if he had not yet been in full possession of Somerset at the time it was made. His association with Richard was sufficient to allow him to talk of a shared act of patronage between collaborative partners.

A comparison of John's confirmation of North Curry with his later confirmation of King Richard's transaction with the cathedral church of Rouen and Archbishop Walter concerning the manor of Les Andelys might also usefully be made here. The king announced the agreement of an exchange of various properties with the church and archbishop in return for a quitclaim of the

²⁹⁵ The writ (issued at Marlborough) clearly corresponds to the charter John issued at Canterbury, likely on 27 November 1189, and not to a further grant he issued in favour of the church of Wells with reference to the manor of North Curry (also issued at Marlborough), because this other charter specified a grant of land 'de Hacche' which was not mentioned in the writ. For this further charter see *Angevin Acta*, 234J.

²⁹⁶ *Angevin Acta*, 2146J.

manor in a charter dated 16 October 1197.²⁹⁷ Richard's charter was confirmed concurrently by John by a charter which was modelled closely on the king's document and was attested on the same occasion by an almost identical body of witnesses.²⁹⁸ John's confirmation of 16 October 1197, therefore, ratified that of Richard and was intended to demonstrate that the brothers acted as one, albeit the king was the senior partner.²⁹⁹ The method by which John's participation in Richard's rule was demonstrated in 1197 was the concurrent issuing under his own seal of an independent document that supported the royal charter, which communicated that John had a stake in the transaction and that his authority was significant to it being upheld in the future. John's involvement was clearly intended to anticipate that he would have increased authority over the matter in the future, but this providential purpose did not mean that his involvement was not already significant in 1197; rather, his assumed importance in the future was powerful only because of the status and proximity to the king which he already enjoyed.

The situation in November 1189, as presented by the North Curry charters, appears to have been very similar to that which followed in October 1197. John's confirmation of Richard's grant was likely issued concurrently with or shortly after his brother's charter (although an independent cast of attestors stood witness) and communicated his consent to and participation in the transaction. The difference with the Rouen grant of 1197 is that, in November 1189, all parties likely anticipated that the future security of the grant would come to depend on John's authority imminently, after the impending transfer of Somerset into his hand. The immediate significance of John's role in this transaction would, therefore, have been even greater than it would later be at Rouen in 1197, especially from a beneficiary perspective. Yet John's anticipated future importance is inseparable from his relationship with the king and role in the kingdom at the moment the charters granting

²⁹⁷ *Angevin Acta*, 3271R.

²⁹⁸ *Angevin Acta*, 436J.

²⁹⁹ Church, *John*, 61.

North Curry were issued. The essential message of these two charters was that the brothers acted as one, and that John was a participant in Richard's kingship.

John's grant of North Curry may also be read in conjunction with the accounts of the chroniclers, discussed above, to illustrate how contemporaries perceived his role in the kingdom at that time. A good deal of the agency that lay behind the granting of this ratification by John no doubt lay with the beneficiaries. The community of Wells and its bishop would, no doubt, both have been aware that the king on whose authority his church's title to the manor depended was about to depart the realm, perhaps permanently. It would, therefore, have been a sensible security for such beneficiaries to seek confirmation of the grant from an alternative source of authority.³⁰⁰ The only choice was clearly Count John, and that choice is instructive. The community of Wells and their bishop would presumably have been aware that John's position in Somerset was soon to be exalted to that of a tetrarch, on whom all royal rights in the county would shortly depend. Yet John's North Curry charter also indicates that the beneficiaries already viewed him at that time as closely associated with Richard's kingship. To the beneficiaries, John was the person who was able to affirm the continuing observance of the royal will in the absence of the king as an alternative conduit of royal power. These beneficiary expectations were not unrealistic. It seems unlikely that John would have sealed a document that did not reflect his realistic pretensions – and which comprised a grant of the sort of jurisdictional rights which were royal prerogatives – when he was likely in close attendance upon the king. In granting the manor of North Curry, Richard and John acted in conjunction, just as Roger of Howden said that people had anticipated. It is likely that the two brothers each viewed the extent of John's agency within the transaction differently; Richard's three notifications make no mention of John and give the impression that the king had acted alone, which in legal fact he had. It is not

³⁰⁰ The community of Wells – minus their bishop – showed just such an awareness of the need to secure its future rights in the manor (albeit in different circumstances) by the urgency with which it obtained a pre-coronation royal confirmation from John within weeks of Richard's death in 1199. See *Angevin Acta*, 3057J.

disputable, however, that John's participation in the grant in partnership with Richard took place with the king's agreement.

This image of fraternal co-operation in the autumn of 1189 is also underlined in another example. A charter by which John granted the chapel of Blyth to the cathedral church of Rouen, datable to a period of 15 September x 31 December 1189 and issued at London, was confirmed by the king in a document issued at Westminster on 12 November 1189.³⁰¹ Richard's confirmation was witnessed by all the same individuals who attested John's charter, with two additions who nonetheless might also have been present when John made his initial grant (the king's charter survives as a single-sheet original, whilst John's is known only from a cartulary copy). This concurrence of witnesses, together with the geographical proximity of the two places of issue, suggests that John's charter was probably issued only a day or two before Richard's. Unlike the North Curry transaction, however, what was given to the church of Rouen constituted rights to a church situated in lands which had likely already been transferred to John's possession. Blyth was in the honour of Tickhill, and therefore also in Nottinghamshire.³⁰² The honour was certainly in John's hand by Michaelmas 1189, while the pipe roll for that year also contains indications that the transfer of the shire into John's possession was underway by late September.³⁰³ The chapel of Blyth was, therefore, quite naturally in John's gift. That the beneficiary also sought Richard's confirmation might seem quite a typical act, since royal confirmation was usually desirable for any beneficiary. Yet

³⁰¹ *Angevin Acta*, 2129J, 3490R.

³⁰² The tenurial position of Blyth is suggested from another grant in which John pledged his protection to the monks of Blyth Priory in a document which addressed the sheriff of Nottingham and his bailiffs of the honour of Tickhill. See *Angevin Acta*, 2359J.

³⁰³ The account for the honour of Tickhill was rendered only for the three quarters of the exchequer year 'anteque daretur Johanni Comitis Moritoni'. The profits 'de censu foreste de Schirewuda' were paid to John by writ of the king, suggesting that the transition was already underway. See *PR 1 Richard I*, 93, 155.

the proximity of John and Richard's Blyth charters to one another – both geographically and therefore likely chronologically – suggests that the beneficiary might also have recognised that the brothers were ruling in close co-operation in autumn 1189 and thus sought Richard's confirmation as an immediate accompaniment to John's grant. Such an interpretation of close association between John and the king seems more likely in the context of the brothers' symbiotic North Curry grants, which were likely both issued only a fortnight later.

The North Curry charter and associated writ may, therefore, be read as a texts which illustrate that Count John stood beside King Richard as an associate in royal authority between September 1189 and February 1190. The documents illustrate that the perceptions of the contemporary chroniclers in respect of Richard and John's shared role in governing the kingdom of England were more widely representative of those held by some members of the political community, because some beneficiaries who sought royal confirmation approached Count John as well as King Richard. These perceptions, moreover, were not empty illusions but had a pragmatic application; beneficiaries depended on their charters for the secure enjoyment of their lands and rights. Count John's participation in royal authority was, therefore, a significant political reality rather than a mere symbolic gesture.

John's close association with royal authority and his active participation in its exercise continued after February 1190, despite the prohibition which King Richard had initially placed on him entering England for three years, secured via John's oath. The chronicle evidence suggests that the king had subsequently softened his position to a requirement that John might enter England upon the sufferance of William de Longchamp, whilst the negotiations that took place between Richard and King Phillip in July 1193 indicate that John was still seeking a full release from his oath at

that time.³⁰⁴ Yet John's situation was evidently more nuanced in practice, since there is evidence that he participated in the exercise of royal authority – both within his own counties and in the remainder of the kingdom – unaffected by Richard's inconsistent stance towards him. The king, moreover, explicitly sought his brother's collaboration in ensuring that royal rights in the kingdom were maintained in the matter of the Canterbury vacancy and thus implicitly acquiesced in John's presence in England. The death of Archbishop Baldwin of Canterbury on crusade was reported to Count John in a letter sent by the king from Messina, dated 25 January 1191.³⁰⁵ This letter was sent in parallel with another royal missive, addressed to the convent of Canterbury, which informed the monks of the death of their archbishop and advised them that William, archbishop of Monreale, was the king's preferred successor whom they should elect.³⁰⁶ Richard's letter to his brother also made the king's will on the vacancy clear and exhorted John to ensure that the monks duly complied. The king's letter communicates, therefore, an expectation that John would play a key role in protecting royal rights in the kingdom, in the shape of ensuring control over archiepiscopal elections. John's intervention was, therefore, specifically sought by the king in a matter that did not primarily concern those counties which were under his direct authority. Whilst the metropolitan district of Canterbury did include many of John's south-western counties, it might be supposed that the representative to whom the king would more naturally have deferred the matter would have been his justiciar in the south of England, William de Longchamp. The king's expectation that Count John was the appropriate agent of royal authority in this case, therefore, indicates that John's role remained

³⁰⁴ Strickland, 'Bones', 149, n.43, 158.

³⁰⁵ *Angevin Acta*, 1032R.

³⁰⁶ *Angevin Acta*, 1035R.

something more than merely a justiciar; he continued to be a close associate in Richard's kingship, and was able to participate in the exercise of royal authority.³⁰⁷

Richard's approach to John, nonetheless, illustrates that the count's participation in his kingship was informal and it distinguished John's role in the rest of the kingdom from the more direct authority he possessed in his own counties. This distinction is apparent in the very particular style which the king's letter employed in respect of John: he is addressed as 'comiti Gloecestrie', a title which John himself very rarely employed in his own charters, and is atypical of how he was referred to in royal charters in which he appeared as a witness.³⁰⁸ The effect of the use of this style in this letter, however, is to define the issue of the Canterbury vacancy, and John's involvement with it, as a matter that concerned the wider kingdom of England, – that part that remained under the immediate authority of the king and his officers – as opposed to the counties that made up John's own portion of the realm, in which royal authority had been devolved to him outright. It may, therefore, have seemed appropriate to address John specifically as the earl of Gloucester, rather than his usual style of count of Mortain. The use of this style should not be viewed as excessively diminutive in terms of Richard's attitude to his brother's role (it can hardly be maintained that Richard saw John as just another earl), but the particular use of the Gloucester title was consistent

³⁰⁷ John may also have acted as an associate to Richard's royal authority around this time with regard to a vacancy in the bishopric of Llandaff, which Gerald of Wales later claimed John had offered to him whilst acting 'quasi vice regis'. See Gerald of Wales, *De rebus a se gestis* in *Giraldi Cambrensis Opera*, ed. by J. S. Brewer, 8 vols. (London, Rolls Series, 1861) i, 87; Strickland, 'Bones', 156.

³⁰⁸ Vincent, 'Jean', 40. John regularly witnessed royal charters as *frater regis*, with his comital title, where specified, being that of Mortain. See, for example, *Cartularium Rievallense*, ed. by J.C. Atkinson, (London, 1889), 124–28; *Cartae Antiquae Rolls 11–20*, ed. by J.C. Davies (London, 1960) nos. 547, 614; *Cal. Chart. R.* i, 185, ii, 172–73, iii, 17–18, iv, 162–64, v, 286–87, vi, 126.

with the fact that John's task related specifically to the maintenance of royal rights in the kingdom at large, rather than in John's portion of the realm only.

John's subsequent conduct over the issue of the Canterbury election suggests his continuing role as a source of royal authority outside of his own counties in accordance with Richard's will. John proceeded by issuing a number of letters on the Canterbury matter throughout 1191. In a letter issued in response to Richard's request, he addressed the monks of the convent of Canterbury, forwarding the king's letters, and informing them of the coming of Alan, abbot of Tewkesbury, and Master Benedict to mediate the matter of the election with them on his behalf.³⁰⁹ In a subsequent letter, datable to September 1191, John ordered the monks to desist from advancing the election of William de Longchamp as archbishop.³¹⁰ Despite the obvious context of John's contemporaneous opposition to William de Longchamp, the letter remains consistent with the count's role as a guardian of royal rights in the matter, since such an election would have represented a free election which departed from the stated royal will. In both of these letters, therefore, John acted in the place of the king, intervening in matters which were royal prerogatives, and he was able to do so because of his close association with the kingship. In doing so, he was following Richard's wishes, and was, therefore, attempting to exercise royal authority in a manner which was entirely legitimate.

The letters sent by the monks themselves do not, however, appear to illustrate that they viewed Count John as a source of royal authority to whom it was desirable to appeal regarding their wish for a free election. In March 1191, the convent had appealed both to the king himself and to

³⁰⁹ *Angevin Acta*, 994J. Alan of Tewkesbury was presumably thought well-suited to this task as a former monk of Canterbury with a record of support for the convent's rights in opposition to Archbishop Baldwin on the matter of the Hackington dispute; see A.J. Duggan, 'Tewkesbury, Alan of', in *ODNB*. Master Benedict was a member of John's own household who acted as his seal-bearer; see Jones, '*Acta*', 59–60.

³¹⁰ *Angevin Acta*, 991J.

Queen Eleanor for her intercession, even though John had been positioned as a source of royal authority who was closer at hand.³¹¹ A charter issued by Count John before October 1191 suggests, however, that these letters do not necessarily provide the full picture. This charter concerned the wood of Blean, Kent, and announced that John had seen (*vidisse*) the charter the monks had from King Richard concerning the wood – which John himself had witnessed – and that he granted Richard’s gift as far as he was able (*quantum ad me pertinet*).³¹² Richard’s gift was dated 1 December 1189, meaning that John’s confirmation may have been given at any time between this date and 7 October 1191.³¹³ It is possible, therefore, that the charter was issued in the context of John’s attempts to influence the Canterbury election on the king’s behalf, although a direct relationship with the archiepiscopal vacancy is by no means demonstrable. The charter does suggest, however, that the monks of Canterbury sought the security of John’s confirmation of their wood because they saw him as a source of royal authority. Blean was situated outside of John’s counties and appears to have been unrelated to any of the lands he held in the remainder of the kingdom. That the rights which the monks held in Blean were royal business is clear from King Richard’s original charter, which contained a clause prohibiting the admittance of any sheriff in the wood.³¹⁴ The inclusion of the phrase ‘quantum a[d] me pertinet’ in John’s confirmation – and, indeed, the fact that the form of the document is akin to a prototype *inspeximus* – also implies that what had been confirmed related to royal rights, as opposed to something that John could claim to have been his own. In other words, the tone and diplomatic form of the charter appear tentative and may have reflected an awareness that John’s authority in the matter might only extend so far. John’s confirmation might, therefore,

³¹¹ *Chronicles and Memorials of the Reign of Richard I: Epistolae Cantuarienses*, ed. by W. Stubbs (London, Rolls Series, 1865), 331–2.

³¹² *Angevin Acta*, 2145J.

³¹³ Due to the presence of Roger de Planes as a witness. For Richard’s original gift, see *Angevin Acta*, 1246R.

³¹⁴ ‘Prohibemus autem ne vicecomes vel ministri sui vel aliquis alius de eodem bosco decetero se intromittat’; *Angevin Acta*, 1246R.

be seen as a royal act, but one issued in the stead of the king upon the petition of those who sought to treat with John as a substitute for Richard, even if the parties were aware that his authority was uncertain. This uncertainty did not, however, prevent John from making the confirmation, albeit with specific reference to the authority of King Richard's charter.

Irrespective of the relationship of the Blean charter to the context of the archiepiscopal election dispute, the fact that John was asked for this confirmation indicates both that the monks of Canterbury took Count John seriously as a participant in royal power and that John himself was willing and able to advertise certain pretensions to such power. The possibility that the grant took place against the background of John's involvement in the royal business of the Canterbury election is but an appealing hypothetical. The issuing of this confirmation, in that case, might also be viewed as an attempt by John to use the king's resources as patronage to achieve his political goals in respect of the election, in a manner which was reminiscent of typical royal behaviour. Whether King Richard might have intended for John's intervention at Canterbury to extend as far as the confirmation of gifts made by royal prerogative would, in that case, be an open question. The uncertain date of the charter, however, makes its relationship to the context of the Canterbury election ambiguous, such that these possibilities must remain potential interpretations rather than likelihoods.

By October 1191, the royal justiciar, William de Longchamp, had been displaced by common council and replaced by Walter of Coutances, archbishop of Rouen. Count John remained a key figure in the kingdom and acted alongside Archbishop Walter to further the issue of the Canterbury vacancy. A letter, dated 10 October 1191, was sent under the royal seal to the convent of Canterbury in the aftermath of Longchamp's deposition which ordered the prior to come to London in the company of twelve of the monks to confirm their choice of candidate as archbishop. This letter, given at Westminster, was witnessed by Walter of Coutances alone, which clearly indicates

the agency of the new justiciar.³¹⁵ That Count John remained closely associated with royal business in the kingdom at large is clear, however, from a related letter sent to the convent in the names of John and Archbishop Walter, which although undated, referred to the letter which had been sent to the convent under the royal seal to clarify its authority.³¹⁶ The orders sent in October did not, however, have the desired effect and a further royal letter – once again witnessed by Archbishop Walter alone at Westminster – was sent to the convent in early November which announced that both Walter and Count John would travel to Canterbury, accompanied by other ‘familiaris et alii iusticiarii’, to oversee the matter of the election.³¹⁷

These letters, therefore, illustrate that John was heavily involved in defending royal interests in the Canterbury election throughout 1191 and, by the autumn of that year, he remained at the centre of the business of kingship, working in close conjunction with the justiciar at the head of a common council of the realm. The letter which John sent jointly with Archbishop Walter explained that royal business was, henceforth, to be conducted by the common consultation of the king’s faithful men, via orders to be issued under the royal seal.³¹⁸ That the business with which John was concerned was that of Richard’s kingship is clear from its communication by letters sent in the name of the king, under the royal seal, rather than in his own name. Yet John had dealt with the Canterbury election under his own seal earlier in the year. What had changed by October was not the count’s significance to royal business, but the identity – and therefore the conduct – of the justiciar. After the expulsion of William de Longchamp, the king’s chief officer was now someone who was willing to accept John as a colleague in the channeling of royal authority, rather than a rival

³¹⁵ *Angevin Acta*, 1026R.

³¹⁶ *Angevin Acta*, 995J.

³¹⁷ *Angevin Acta*, 1028R.

³¹⁸ ‘communi deliberatione fidelium domini regis statutum est ut sub sigillo domini regis de negotiis regni mandata regia fiant communiter’; *Angevin Acta*, 995J.

in exercising that authority. John had been established as an associate in Richard's kingship since the beginning of the reign and the king had done nothing by autumn 1191 to materially alter that position. The use of king's name and seal would appear, therefore, to be an indication that John had begun to work co-operatively with Richard's other representatives and the royal administration. The closer association between John and the king's officers – those who administered those counties which did not pertain to the count's direct authority – was signaled by Richard of Devizes, who noted that, in October 1191, John's authority in the whole kingdom was acknowledged by an assembly of all the nobles of the realm, and that Archbishop Walter, as chief justiciar, was second only to the count.³¹⁹ Devizes therefore indicated that Count John continued to occupy a preeminent position in the kingdom within the common council, a claim given further credence by the apparent transfer of the royal seal into the hands of the count's own seal-bearer, Master Benedict, after its surrender by William de Longchamp.³²⁰

From 1189 through to autumn 1191, therefore, Count John seems to have remained closely associated in his brother's royal authority and able to participate in the exercise of that authority, even in those counties in which Richard had given him no direct jurisdiction, or even land. The way that John had been positioned by Richard at the outset of the reign appears to have remained influential enough that the arrangement fundamentally persisted, irrespective of the king's wavering attitude towards his brother before his departure, and the subsequent resistance of William de Longchamp. Most significantly, the charter-evidence indicates that the way that John's role had been defined by the king influenced the way that he was perceived by Richard's subjects who sought patronage in the royal absence. Such beneficiaries saw John as someone who could confirm the

³¹⁹ Devizes, 48–9.

³²⁰ Jones, 'Acta', 58–60. A letter sent by William de Longchamp following his flight from England, which proclaimed his pronouncement of excommunication upon his enemies, makes reference to Master Benedict, 'who presumes to bear the king's seal'; *Gesta*, ii, 224.

king's grants of property and freedom from royal jurisdiction, both as their potential king but also, moreover, because he was already a participant in royal authority whose influence extended throughout the kingdom.

Tetrarch

Whilst Count John was able to channel royal authority by association with Richard throughout the kingdom, he held royal jurisdiction over his counties of Cornwall, Devon, Dorset-Somerset, Nottinghamshire-Derbyshire, and the honour of Lancaster outright.³²¹ John ruled his counties directly and was only notionally subordinate to his brother within them between 1189 and 1194. This state of affairs was well-recognised by contemporaries. William of Newburgh, searching for a word to describe Count John's authority in these counties, chose to call John a tetrarch, which, despite its reliance on classical models, seems to aptly describe John's authority in the kingdom.³²² Similarly, Roger of Howden, in copying a version of the settlement made between John and William Longchamp in summer 1191, included the detail that John was to ensure that the terms agreed relating to dispossessions without judgement in the remainder of the kingdom would also be enacted 'in his land'.³²³ This description suggests that a distinction was perceived between the administration of John's lands (even, perhaps, including those outside of his counties) and the rest of

³²¹ The honour of Lancaster is included among John's 'counties' for terminological convenience, given that it was held with the same rights as in his six shires.

³²² Newburgh, 301.

³²³ 'Et similiter dominus Johannes in sua terra faciet observari'. *Chronica*, iii, 136.

the kingdom, at least with regard to judicial process.³²⁴ The distinction that was drawn in the agreement between the *terra* under John's jurisdiction and those parts of the realm that were subject to the king's justiciar, therefore, indicates that the counties over which John possessed royal jurisdiction were thought of as being discrete from those parts of the kingdom which were administered by Richard's officers. The counties which John ruled as tetrarch did not, it seems in this instance, cohere with the rest of England. A possible implication of this perceived difference between John's lands and the rest of the kingdom is that his authority was perceived as sufficiently independent that his jurisdiction in his counties could be conflated with his lordship of estates situated in other shires.³²⁵

The nature of Count John's rule as tetrarch in his counties is most apparent from the charter evidence. Various charters issued by John between 1189 and 1191 in relation to his counties illustrate the direct nature of the royal authority which he was able to exercise over justice, jurisdiction, and forest rights. For the honour of Lancaster, for example, the texts of two charters survive which record grants made by Count John to Furness Abbey, by which John conveyed immunities from judicial and forest jurisdiction. The first is a confirmation of the abbey's possessions, as successively granted by Stephen, count of Mortain (before his accession), Henry I, and Henry II, and granted the forest of Furness, alongside other possessions.³²⁶ The second is a grant of John's protection to the abbey.³²⁷ The two grants were likely made on the same occasion: both were given at Burford, and they share the appearance of Robert of Breteuil in their witness lists,

³²⁴ The specific context is a prohibition on men being dispossessed without the judgement of the king's court, according to customs and assizes, or else the king's will. The need to have John agree to the same provisions in his lands is suggestive of the separate judicial administration which operated in his name in his counties.

³²⁵ Although it may also reflect influence derived through John's association with Richard's kingship.

³²⁶ *Angevin Acta*, 371J.

³²⁷ *Angevin Acta*, 2134J.

alongside two further witnesses, William de Buchet' and Theobald Walter. Whilst the latter grant survives only as a copy, the former remains extant as an original and thus confirms that these witnesses did convene at the same assembly. Robert of Breteuil's appearance as a witness dates both grants to before his departure on crusade, namely to 1189 x July 1190.

Both of these grants illustrate the royal nature of Count John's authority as lord of the honour of Lancaster.³²⁸ The confirmation of the forest of Furness demonstrated authority which was, by definition, royal. Forest rights were a royal prerogative which were jealously guarded by the king as his personal right, so much so that they were administered by a dedicated administration of royal officials, courts and justices.³²⁹ The ability to alienate an area of forest from the regard of foresters and other officials was, therefore, a right that, in usual circumstances, belonged to the king alone. This royal element is clear from the nature of John's grant of the forest of Furness, which confirmed the earlier royal grants of Henry I and Henry II. That John was himself able to confirm the grant shows the extent of the jurisdiction that was afforded to him in the honour of Lancaster. The longstanding nature of the privileges held by the lords of Lancaster is, however, also apparent from John's charter; the forest of Furness had originally been granted to the monks by Stephen, count of Mortain, John's predecessor in title as well as in the lordship.³³⁰ Count Stephen's grant had, however, evidently been confirmed by Henry I at some unknown juncture. The absence of a concurrent royal charter of King Richard, however, if not explicable through a lack of survival, is suggestive that John acted without recourse to the king in granting forest rights in his honour of Lancaster; that is to say, the monks of Furness themselves did not see fit to seek the king's approval of their rights in the forest whilst Count John was available as an alternative source of royal

³²⁸ The possession of such regalities in the honour of Lancaster was not, however, unique to John.

³²⁹ Young, *Royal Forests*, 3–6.

³³⁰ 'quod comes Stephanus eis fecit sicut carta sua et carta H[enrici] regis Angl' proavi mei et carta H[enrici] secundi patris mei testantur'. *Angevin Acta*, 371J.

authority. Such a choice is naturally explainable by John's possession of royal rights in the honour of Lancaster, but the fact of this alone does not give the full picture. The monks did, in fact, obtain a confirmation of their forest of Furness and other properties from King Richard, but did not do so until 21 April 1194, after the king's return from crusade and captivity.³³¹ The timing of this grant is understandable enough as John had recently been dispossessed of the honour of Lancaster, alongside his other possessions, and so the monks would have needed to look elsewhere to secure their tenure. It might also be pointed out that early 1194 was the first time in years that the king had been easily accessible for petitioning. Simple availability cannot, however, have been the central factor in the monks' choice of royal protector, since Count John's grant was given before the king's departure on crusade in summer 1190, when Richard remained within reach. The monks of Furness could, therefore, have chosen to go to the king in the first place if they had wished. That they do not seem to have done so until Count John was out of the picture casts their petitioning for John's confirmation as a considered choice. In obtaining their confirmation from John, rather than Richard, before summer 1190, the monks of Furness were not settling for second best; they were seeking security from the man who they thought embodied royal authority in their locality.

Nor was John's grant of forest rights to the monks of Furness an isolated example of the authority he was able to claim in his counties. A further charter, also datable to before the departure of Robert of Breteuil on crusade in summer 1190, records that Count John gave (*dedisse*) the monks the right to take timber from his forest of Lancaster (*in foresta mea de Lanc'*).³³² Other beneficiaries were similarly favoured. In a wider-ranging grant, made to all knights and free tenants of the forest of Lancaster, and datable to 1189 x October 1191, John permitted the alienation of assarts which had been made within lands held by the beneficiaries, as well as granting quittance from regard and

³³¹ *Angevin Acta*, 1206R.

³³² *Angevin Acta*, 725J.

the right to hunt with dogs.³³³ This latter charter thus committed freedoms from forest law, as administered by John's own officers, to numerous individuals in a far-reaching act of patronage.³³⁴

Count John's grant of protection to Furness abbey, made concurrently with the grant of forest rights to the abbey already discussed, also emphasises the fact that his status within the honour of Lancaster was effectively royal. This second charter notified John's 'hominibus et ballivis suis et amicis' that the monks of Furness were under his protection and ordered that they not be impleaded concerning any of their tenements except in the presence of the count himself.³³⁵ This grant, therefore, concerned judicial jurisdiction and effectively exempted the monks from suits brought against them regarding their lands, both in the shire court and, presumably (as the charter did not specify further) in whatever other court such a suit might be brought. Such a grant implied that Count John possessed special recourse to intervene in the operation of royal justice at his will, with the implication being that any pleas against the monks that did end up before John were likely to be determined in their favour. John's grant, therefore, presupposes that he had the ability to exercise his will over judicial process concerning lands in the honour of Lancaster in a way that must be described as royal, since it depended on the personal protection of the ruler in the royal courts (including the shire and hundred).³³⁶ Any such intervention in judicial process would necessarily have been done by royal authority, in the context of the growth of the common law, and especially because of the establishment, by 1189, of the principle that suits regarding free tenements were

³³³ *Angevin Acta*, 2140J.

³³⁴ The charter specifies that 'prohibeo ne quis ballivorum meorum vel aliquis alius eos inde desturbet'.

³³⁵ 'prohibeo ne de aliquo tenemento suo quod teneant in dominico suo respondeant nisi coram me.' *Angevin Acta*, 2134J.

³³⁶ R.V. Turner, *The King and his Courts: The Role of John and Henry III in the Administration of Justice, 1199–1240*, (Ithaca, NY, Cornell University Press, 1967), 80–82.

answerable only if initiated by writ of the king.³³⁷ To meddle with royal justice required royal authority. The charter, therefore, also raises the issue of the status and jurisdiction of courts in the honour, especially with regard to the judicial business typically conducted in the *curia regis* elsewhere in the kingdom.

It is apparent, in fact, that in Count John's counties such justice was done in courts which represented the count, rather than the king. The operation of Count John's court is indicated by another charter, which recorded John's confirmation of grants made to Leicester Abbey by William of Lancaster, following the outcome of a dispute which had been determined 'in curia dicti loh(ann)is comit(is) per breue suum coram iusticiariis suis apud Lanc' per sacramentum xii. Legalium hominum'.³³⁸ This reference indicates that the suit took place in John's court, which was a body which followed processes and possessed jurisdiction which was otherwise the preserve of the *curia regis* elsewhere: the suit had been initiated by a writ issued by Count John; it was overseen by justices who represented the count; it was determined upon the oath of twelve lawful men, that is, by the process of the Grand Assize, which otherwise remained exclusive to royal courts by c.1189.³³⁹ A trace of a further case which took place under Count John's jurisdiction in Lancashire may be found in the Pipe Rolls. This case involved a certain Richard Fiton who, at Michaelmas 1200, accounted for five marks 'pro habenda saisina bosci de Herwudesholm quod recuperavit per breue de morte antecessoris in curia r(egis) dum fuit comes Morit' et unde dissaisitus fuit quando comes fuit dissaisitus'.³⁴⁰ Richard Fiton's case had, therefore, taken place in Count John's court via a writ of *mort d'ancestor*, which was (in all other circumstances) a specifically royal judicial remedy initiated by writs issued by the royal chancery. Once issued, such royal writs began a process which was

³³⁷ Glanvill, 148; Brand, 'Multis Vigiliis Excogitatam Inventam', 97.

³³⁸ Angevin Acta, 5301J.

³³⁹ Brand, 'Multis Vigiliis Excogitatam Inventam', 98–9.

³⁴⁰ Angevin Acta, 5678J; PR 2 John, 238.

theoretically conducted under the king's ultimate authority, regardless of the court in which the action was heard.³⁴¹ This case confirms, therefore, that Count John's court acted with an equivalent authority to the royal court in the honour of Lancaster, because in no other circumstances would a case have been able to proceed under a writ of *mort d'ancestor* without the involvement of the king. Evidence of further cases that took place in the court of Count John suggests that his jurisdiction in the honour of Lancaster was consistent with the position in his other counties. The Pipe Rolls also record, for example, that in Dorset a William Croc had recovered land from a William Turpin in John's court 'dum fuit comes Moreton' in a case that was also conducted 'per assisam de morte antecessoris'.³⁴² The same conclusions may be drawn for the county of Devon with reference to a case involving a Drogo of Bocombe in which a final concord was made in Count John's court, the resulting fine being subsequently produced in the *curia regis* in the time of Henry III.³⁴³ A further case concerning the honour of Lancaster even seems to provide evidence that John issued writs to initiate judicial actions concerning land in seigneurial courts that lay within the honour. A final concord agreed by Pain de Villers and Robert de Villers in the court of William Pincerna was made 'per preceptum Johannis comitis de Moretoin'.³⁴⁴ Although it is unclear precisely what type of action was followed in this case, it appears that John's 'precept' had the same function of initiation in

³⁴¹ That the process initiated by the issuing of a writ of *mort d'ancestor* was exclusively royal is demonstrated by the principle, already established by c.1189, that no man should answer for his free tenement in the court of his lord without a royal writ. See P. Brand, 'The Origins of English Land Law: Milsom and After' in *The Making of the Common Law*, (London, 1992), 203–25, 225.

³⁴² *Angevin Acta*, 5680J; *PR 7 John*, 139; *Rot. Obl. Fin*, 262; Jones, 'Acta', 67.

³⁴³ London: TNA JUST 1/180 m.3d; *CRR*, viii, 136, 210, 337–8. For a full examination of the operation of justice in Count John's court, see Daines, 'The King's Brother as Tetrarch'.

³⁴⁴ *Angevin Acta*, 5529J; *Documents Illustrative of the Social and Economic History of the Danelaw*, ed. by F. Stenton, (London, British Academy, 1920), 456.

respect of justice done in the court of William Pincerna as royal writs did elsewhere in the realm, albeit there is no definitive indication of what form that this probable writ took.³⁴⁵

These examples from other cases, therefore, allow us to place John's grant of protection to Furness Abbey – and especially the prohibition of the monks being impleaded unless in John's presence – into context. Count John was able to make such a grant because justice in the honour of Lancaster was, in fact, done in his name rather than that of the king. The nature of the jurisdiction which John's courts exercised also explains why the monks of Furness might have sought such a grant from Count John, rather than from the king. As with John's grant which confirmed the monks in their possession of the forest of Furness, the count, not the king, was the obvious figure to whom the monks could appeal for royal favour and protection because John was able to exercise royal authority in his own right. The Furness charters may also be read together with further Lancaster charters issued by John to better articulate the count's position in the honour. In each of these charters, John granted rights which he controlled by virtue of his possession of royal jurisdiction in the honour. A grant to Roger de Stanworth allowed that the beneficiary be quit of county and wapentake and protected him from being impleaded except before John himself, save for murder and theft.³⁴⁶ In a grant to Theobald Walter, John included possession of a whole wapentake 'cum omnibus placitis'.³⁴⁷ Perhaps most revealing of all is a grant to William of Furness which confirmed not only the petty jurisdictions of 'sok et sak, tol et temk et infangandethef', but also the judicial

³⁴⁵ The procedure followed seems unlikely, however, to have been *mort d'ancestor* because this assize was theoretically unavailable to a plaintiff who was related to his opponent, as Pain and Robert de Villers clearly were. Their kinship would have been grounds for halting the matter in the defendant's favour, unless this was a fictitious dispute manufactured to obtain a final concord. See J. Hudson, *The Formation of the English Common Law: Law and Society in England from the Conquest to Magna Carta*, (London, Routledge, 1996), 199.

³⁴⁶ *Angevin Acta*, 4532J; *Rot. Chart.* 27b.

³⁴⁷ *Angevin Acta*, 735J.

rights of 'iudicium ferri et aque et duellum'.³⁴⁸ These charters are not able to be dated more specifically than 1189 x 1199, but a case can be made that they date to 1189 x 1194 based on the implausibility of John making them after losing possession of Lancaster. In making each of these additional grants, John proclaimed his control over judicial administration (and the profits thereof) in the honour on a county and hundred (wapentake) level, and of all pleas that took place whatsoever. Importantly, that various beneficiaries sought and received such rights from Count John also shows that they saw him as occupying the same position as the king did elsewhere in the kingdom. Count John's position in the honour of Lancaster is perhaps best illustrated by a further clause in the grant to William of Furness, which reserved 'illis que pertinent ad coronationem et ad gladium'.³⁴⁹ The language used here, whether by a scribe of John's chancery or else by an outside agent (the charter text survives only as a copy), indicates that in the honour of Lancaster the judicial jurisdiction which was typically reserved to the king alone, labelled as pleas of the crown, could also be thought of as the possession of the lord and his 'sword'.³⁵⁰ This charter underlines, therefore, the impressions given with regard to the period 1189 x 1190 by the Furness charters: that Count John's authority in the honour was royal in nature.

This interpretation of the nature of Count John's position in his counties can be extended beyond the honour of Lancaster to the other shires in his possession. A grant to a Hubert fitz Ralph, for example, indicates that the royal forests of Nottinghamshire-Derbyshire were under John's control after 1189. The charter, made no later than October 1191, records a grant to Hubert of the manor of Crich [*Cruche*], Derbyshire, which John confirmed to be held 'quietum ab omni exactione forestariorum', and allowing that Hubert 'habeat canes suos et venatum et venationem, et quod

³⁴⁸ *Angevin Acta*, 2157J.

³⁴⁹ *Angevin Acta*, 2157J.

³⁵⁰ The 'pleas of the crown' had been defined by the author of *Glanvill* by the 1180s; *Glanvill*, xxx-xxxiii, lxxv, 3.

nullus forestarius de aliquo se intromittat de predicto manerio'.³⁵¹ The grant, therefore, was made on the assumption that Count John was able to grant exemption from forest law in the county, a point which is specifically outlined in a further clause of the charter stating that Hubert should have his will as if his manor were not afforested.³⁵² The charter to Hubert fitz Ralph, therefore, is congruent with John's grants of forest rights in the honour of Lancaster, discussed above. The operation of forest administration in Nottinghamshire-Derbyshire under John is clarified by another of the count's charters, in favour of Ralph fitz Stephen and his wife, Matilda de Caux. This Ralph, an established royal servant of Henry II who had been rewarded with marriage to Matilda, was confirmed by John in the possessions which had been held by his wife's ancestors, which included the custody of the forest as hereditary forester.³⁵³ The grant, datable to 1189 x 1194, therefore demonstrates that John was in full possession of the forest, since the right of confirming the forester lay within his gift. It also suggests that the transition of the administration of the forest into Count John's hands after 1189 was done smoothly, since John retained the same forester, who now simply answered (and rendered account of profits) to the count, rather than to the king. The implication of these grants is, therefore, that forest administration in Nottinghamshire-Derbyshire was in Count John's hands by October 1191, and that the forest was managed in a way that mirrored royal organisation elsewhere. This situation placed John in a position of equivalence to the king in those counties; or, in other words, the position of a tetrarch.

The nature of John's position in Nottinghamshire is also apparent from his charter confirming the liberties of the burgesses of Nottingham.³⁵⁴ This grant, datable to 1189 x October

³⁵¹ *Angevin Acta*, 4539J; *Cal. Pat. R.*, 1324-7, 188.

³⁵² 'totam voluntatem suam faciat de predicto bosco suo, sicut de illo qui non est inforestatus nec on foresta'.

³⁵³ *Angevin Acta*, 2584J; *Sherwood Forest Book*, ed. by H.E. Boulton, (Nottingham, Thoroton Society, 1965), 48-49; J. Boorman, 'Ralph fitz Stephen', in *ODNB*.

³⁵⁴ *Angevin Acta*, 312J.

1191, was a confirmation of rights previously given in a charter of Henry II, but it also included new liberties conceded for the first time by John. Among those rights which the burgesses had of Henry II was the condition that land purchased by burgesses from their neighbours should be exempt from claims made by the kin of the vendors, should no such claim be made after a year and a day.³⁵⁵ Since the effect of this grant was to impose a limitation on the initiation of lawsuits, Count John's confirmation of it was, therefore, inherently suggestive of a claim on his part to exercise judicial jurisdiction in Nottinghamshire. The charter would have seemed worthless to the burgesses if they had not believed that John had the authority to make good on the grant. The new liberties conveyed by John's charter (*de proprio dono meo*) also indicate that he possessed financial and judicial jurisdiction in the county in place of the king. These liberties included the right for the burgesses to choose their reeve from among themselves, with John reserving the right to reject an unsatisfactory choice and force an alternative choice to be made; once chosen, the reeve was, thereafter, to account for the farm of the borough – described as *firma mea* – directly to John's own exchequer.³⁵⁶ The charter shows, therefore, that the appointment of the officer responsible for administering Nottingham was in John's hand and that that officer was answerable to Count John's own exchequer for the revenues of the borough. Royal financial rights over Nottinghamshire had, therefore, been transferred to John in 1189 and the administration of the profits of the county and its boroughs now fell to the count's own exchequer, a fact that is also apparent from the absence of John's counties from the Pipe Rolls of the royal exchequer. It is also notable that the charter specified that the reeve of Nottingham was to render account at John's exchequer 'ubicumque fuerit in Angl[ia]', and that he

³⁵⁵ 'et quicumque burgensium terram vicini sui emerit et possederit per annum integrum et diem unum absque calumpnia parentum vendentis si in Angl[ia] fuerint, postea eam quiete possidebit'. *Angevin Acta*, 312J.

³⁵⁶ 'licet illis quem voluerint ex s[u]is in fine anni prepositum suum facere qui de firma mea pro ipsis respondeat'; 'quicumque ab eisdem constitutus fuerit prepositus eiusdem burgi soluat firma eiusdem burgi ad dominicum scaccarium meum'; *Angevin Acta*, 312J.

was to do so 'ad duos terminos, medietatem scilicet ad clausum Pasche et medietatem in octau[is] sancti Mich[aelis]'.³⁵⁷ Count John's exchequer as referred to in this charter was not, therefore, a local institution that operated only in the counties of Nottinghamshire and Derbyshire, but a flexible institution which operated throughout England, presumably taking an interest in all of John's counties and lands. That sessions of John's exchequer were held at Easter and Michaelmas – akin to sessions of the royal exchequer – also suggests that the count's financial rights were administered in a way that was modelled on, and therefore closely mirrored, the royal administration. The nature of the financial rights which John held in Nottinghamshire-Derbyshire, and the way that they were administered, indicate that his position in his counties was practically indistinguishable from King Richard's elsewhere.

A further charter, given in favour of the priory of Montacute, Somerset, illustrates that John's position in respect of jurisdiction in the jointly-administered counties of Dorset-Somerset was royal in nature, much like it was in his midlands counties. The text of the Montacute charter is unusual among Count John's charters for its inclusion of a dating clause by regnal year, 'anno domini regis Ric[ardo] tercio apud Dorcestriam', giving it a certain date of September 1191 x September 1192.³⁵⁸ The grant may, however, tentatively be assigned a suggested date of 6 May 1192, based on another of John's charters given in favour of Montacute Priory, also given at Dorchester and also dated by regnal year (but with a specific day assigned); this latter Montacute charter shares six of its eight witnesses with the former³⁵⁹, with only William de Montacute's name missing from the list of

³⁵⁷ *Angevin Acta*, 312J.

³⁵⁸ The charter survives as a single-sheet original. See *Angevin Acta*, 558J.

³⁵⁹ *Angevin Acta*, 557J. This latter grant was witnessed by 'Ingelr[amo] de Pratell', Theob[aldo] Walt[ero], Radulfo de Haumarz, Waltero de Cantelo, Fulc[one] fratre suo, Sym[one] de Marisc', Roberto Belet', Willelmo Chauuell' et multis aliis.'

those who witnessed the grant in question.³⁶⁰ John's charter was a general confirmation of the priory's liberties and possessions, in addition to a grant of his protection, and includes various features that are suggestive of royal jurisdiction. The monks were, for example, to hold their possessions with an extensive series of judicial and financial liberties that pertained to royal oversight, including quittances of 'scire[is] et hundred[is], geldis et scottis, placit[is] et querel[is], scutag[iis] et hidag[iis], daneg[eldis] et assisis, latrociniis et murdr[is] et de communi misericordia comitatus et hundred[orum]'.³⁶¹ These liberties were not freshly given by John, but for him to have granted them afresh to beneficiaries who sought his authority to secure what they already held required an authority that was usually held only by the king. Count John's possession of the counties of Dorset-Somerset must have included royal jurisdiction over judicial administration and financial exactions for such a confirmation to have had plausibility in the eyes of the monks of Montacute who sought his favour. Indeed, the grants of counties which Count John had received made it more likely that he would be petitioned for his favour in these shires, since it would have been clear to all that the count was the singular authority in these places in all practical terms. John's willingness to set his seal to such a charter also confirms that he appreciated the nature of the power that lay in his hands and attempted to fully assert his royal authority in ruling his counties as tetrarch; the ruler to whom royal authority had been devolved in place of the king.

³⁶⁰ *Angevin Acta*, 558J, was witnessed by 'Ingelr[amo] de Pratell', Theob[aldo] Walt', Rad[ulfo] de Hamarz, Willelmo de Monteac', Rob[erto] Belet', Walt[ero] de Cantel', Fulco fratre suo et multis aliis.'

³⁶¹ *Angevin Acta*, 558J. Count John also granted quittance of shire and hundred to the abbey of Godstow, Oxfordshire, in a charter datable to before October 1191. Whilst this house lay outside of John's counties, it was in the vicinity of his honour of Wallingford, which, despite not being among John's counties, was a privileged honour, the lords of which held jurisdictional privileges on the level of shire and hundred. The honour's privileges are well-evidenced for the thirteenth century; see *Angevin Acta*, 4082J. For jurisdiction in the honour of Wallingford, see C. Tilley, 'The Honour of Wallingford, 1066–1300', unpublished Ph.D. thesis, (King's College London, 2011), 130–50.

The charter evidence examined thus far reveals the roles played by Count John in governing the kingdom of England between 1189 and October 1191. King Richard had given John a large portion of the kingdom to rule directly and the charters illuminate how John exercised this devolved royal authority in his seven counties as tetrarch. The charters relating to North Curry and to the Canterbury vacancy also show how Richard's initial decision to closely associate John in his kingship in the rest of the kingdom positioned John as a channel of royal authority before and upon the king's departure in summer 1190. The question remains, however, as to the role which John occupied in the kingdom at large in Richard's absence. This question is difficult to answer with precision because, whilst a group of John's charters are datable to before October 1191, many of these documents cannot confidently be assigned to a date that was definitively before or after the king's departure. Their dating to before or after summer 1190 must, therefore, remain an open possibility, with the caveat that the chance survival of charters dating only before, or only after, Richard's departure seems improbable. The documents will, therefore, be considered whilst keeping in mind that the presence of the king in England at the time they were given must in some cases remain uncertain.

Whilst John did not have an officially-defined role in the shires in which royal jurisdiction had not been assigned to him, the way he had been positioned by the king continued to influence how his status in England was perceived after Richard left the kingdom. The settlement which Count John made with the royal chancellor, William de Longchamp, in summer 1191 indicates a sense that John's lands stood apart from the rest of the kingdom, as already highlighted.³⁶² Despite this perception of the apartness of John's lands, the terms of this agreement also treated John as a

³⁶² *Chronica*, iii, 136.

legitimate representative of Richard's rights in respect of the custody of royal castles.³⁶³ John's status was clearly also perceived as royal by others in the kingdom, such that he existed as an individual to whom loyalties could be pledged as an alternative to Richard. The 1191 settlement with William de Longchamp was the outcome of a dispute centred on the castle of Lincoln. The royal custodian of Lincoln, Gerard de Camville, was reported by Richard of Devizes to have done homage to John for his castle.³⁶⁴ Whether or not Gerard actually did this homage – and despite the chronicler's opinion that the act constituted an affront to royal rights – it is notable that Richard of Devizes thought that this was a plausible story, because it may have reflected contemporary perceptions that the status John held in the kingdom in 1191 was royal in character.

The impressions of John that are apparent from these sources also seem to have been shared by the beneficiaries of the grants he made and are reflected in the pretensions to royal authority which are expressed in the texts of his charters. The impression that John already shared in Richard's royal authority throughout England – including in those counties which John did not hold directly – before summer 1190 is supported by two charters likely issued in this period. These two grants, made in favour of the Hospitallers and the Knights Templar, appear to be linked. Both are general confirmations; they are diplomatically very similar; and their witness lists are identical.³⁶⁵ The charter in favour of the Templars survives as an original and, whilst the Hospitaller charter is known only from the text copied into the Buckland cartulary, there seems to be no compelling reason to suspect forgery given that both grants were made to military orders against the background of crusade preparations. Both charters are datable to 1189 x July 1190 via the simultaneous presence of two witnesses, Roger de Planes and Geoffrey, count of Perche. Count Geoffrey departed on crusade with his father, Count Rotrou, in summer 1190, and did not return to

³⁶³ Church, *John*, 43.

³⁶⁴ Devizes, 30.

³⁶⁵ *Angevin Acta*, 2132J, 356J.

western Europe until c.1192, that is, after the death of Roger de Planes in October 1191.³⁶⁶ This established date range might be tentatively narrowed further when the place-dates of the two charters are considered. Whilst the Templar charter was given at Rouen, the Hospitaller grant was given at Portsmouth. Given that the two grants share the same witnesses, it seems likely that both were made in quick succession, especially because of the similarity of the charters more generally in terms of diplomatic and the congruence between the two beneficiaries.³⁶⁷ If both grants were, in fact, made in close proximity to one another they must be dated according to when Count John crossed the Channel, in either direction. John's crossing to England from Normandy in August 1189, ahead of King Richard's coronation, can be excluded as a possibility here because both charters refer to Richard as king. Count John did, however, cross from England to Normandy in February 1190 and seems to have stayed in the duchy until late 1190.³⁶⁸ The most likely date for these two charters, therefore, – notwithstanding the possibility that John, and especially Count Geoffrey, undertook at least two further Channel crossings before the latter's departure on crusade – is February 1190.

The two charters contain some notable features that indicate that John was acting in a way that mimicked and complimented King Richard's royal authority. Both charters are general confirmations of each order's possessions and liberties, expressed in succinct terms: 'omnes donationes terrarum et hominum et elemosinarum que eis rationabiliter facte sunt.'³⁶⁹ John's granting of these properties, in both documents, was couched in terms of royal confirmation; the

³⁶⁶ Since Geoffrey was styled 'count' in his father's lifetime, the use of this title here is no cause for concern.

For Count Geoffrey, see K. Thompson, *Power and Border Lordship in Medieval France: The County of the Perche, 1000–1226*, (Woodbridge, Boydell, 2002), 112–116.

³⁶⁷ Such an interpretation holds whether the documents were chancery or beneficiary productions.

³⁶⁸ Church, *John*, 33.

³⁶⁹ *Angevin Acta*, 356J, 2132J. The former (Templar) charter varies from the latter only by the inclusion of 'vel fient in post[eru]m' in the clause.

grants were given 'sicut H[enricus] rex pater meus et Ric[ardus] rex dominus et frater meus eis con[cesserun]t et confirmaverunt'.³⁷⁰ These two charters, therefore, record confirmations in which Count John, as donor, occupied the position of a king making a royal confirmation; his grants stood in direct succession to, and confirmation of, the earlier grants of Henry II and Richard. It is not the case, however, that these charters were relevant only to an English context. Both documents were addressed to all of John's men and friends, 'French, English, and Irish'.³⁷¹ It is clear, therefore, that both charters were intended to confirm the beneficiaries in their rights and possessions wherever they were, including those in Ireland. The inclusion of the Irish in the address clauses of these charters does not, however, render them exclusively applicable to an Irish context, as the specification that John has made these grants 'ubique in terris meis' makes clear.³⁷² Both grants were intended to confirm the orders in their lands and rights in England as well as Ireland, and presumably also in John's Norman county of Mortain. The very general nature of the grants – made without specification as to where John's jurisdiction extended – is another factor that gives the impression that Count John was expressing authority of a royal nature in confirming the rights specified in these charters. That John confirmed these extensive freedoms from royal exactions and jurisdiction 'everywhere in my lands', without discriminating between those counties in which royal rights had been devolved to him as tetrarch and those honours which merely comprised lands held of the king as a tenant-in-chief, indicates that his position in England was such that he shared in royal authority throughout the kingdom via his close association with Richard's kingship.³⁷³

The comprehensive holding clauses included in both charters strengthen the impression that these grants were royal in character. The rights confirmed to both the Templars and to the

³⁷⁰ The clause is identical in both charters; *Angevin Acta*, 356J, 2132J.

³⁷¹ 'Franc[is] et Angl[is] et Hyb'.

³⁷² *Angevin Acta*, 356J. The phrase is common to both charters.

³⁷³ John's authority in Ireland was altogether separate and autonomous. See below, chapters 3 and 4.

Hospitallers in all their lands included a series of particularly privileged liberties, the confirmation of which may be described as royal prerogatives, especially when they were confirmed so generally. The liberties which John granted included not only the liberties of 'soca et saca et toll' et theam et infangenethof', but also provided that the monks be quit of:

scir[is] et hundr[edis] et placitis et querelis et murther et latrocinio et wapent[acis] et scutag[iis] et geldis et denegeld[is] et hidag[iis] et assisis', as well as 'de fertdwit' et de hengewit' et de flemenefrenith' et de warpen' et de averpen' et de blodwita et de fichtwit' et hundredpen' et de thethingpeni.³⁷⁴

This extensive list is impressive in its breadth and comprises freedoms from a wide range of royal exactions and jurisdictions, the continued secure possession of which must realistically have required the assent of royal authority. The inclusion of the petty jurisdictional rights of 'sake and soke, toll and team, and *infangentheof*' may, however, have been sufficient for the grant to have been perceived, in the eyes of John and his chancery staff, as comprising royal prerogatives.

The origin of these rights – expressed as Old English words derived from the diplomatic of Anglo-Saxon writs – is uncertain.³⁷⁵ Toll and team were economic rights pertaining to movement and

³⁷⁴ *Angevin Acta*, 356J. The Hospitaller charter text is near-identical in specifying the same liberties and quittances, although an embellishment may have been made upon copying. If it is assumed that the two charters were originally produced in near-identical terms, it would appear that the clause granting freedom from 'omnibus aliis occasionibus et consuetudinibus secularibus excepta sola iusticia mortis et membrorum', as it appears in the original Templar charter, may have been altered in the Buckland cartulary copy of the Hospitaller grant to imply a more comprehensive liberty: 'quieti sint ab...omni seculari servicio et opere servili iusticia mortis et membrorum.' *Angevin Acta*, 2132J.

³⁷⁵ Chaplais, *English Royal Documents*, 4.

warranty in the buying and selling of goods; *infangentheof* was the right to summarily hang a thief who had been caught in the act; the precise meaning of sake and soke is unclear, although they seem to have encompassed possession of jurisdiction over minor pleas and offences, likely in correspondence with the jurisdiction of the English hundred court. Royal grants of these rights began to appear in writs issued by kings of England from the reign of Cnut, which accords with a royal perception that such jurisdictional rights derived from the king as the fount of justice, and were, therefore, a royal prerogative possessed by others only at his discretion.³⁷⁶ By the early twelfth-century, the *Leges Henrici Primi* expressed this viewpoint with the statement that the king 'has soke of all lands that are in his demesne.'³⁷⁷ Such a royal perception did not, however, necessarily accord with the views of those individuals who possessed sake and soke, as enjoyment of these rights may also have been associated with custom and personal status.³⁷⁸ Grants of sake and soke³⁷⁹ could also be included in lay charters given by non-royal individuals.³⁸⁰ The king might have viewed such grants as passing on rights which had originally been enjoyed only by royal license, although a non-royal donor may have felt differently. Other non-royal members of John's family also made grants of sake and soke in charters issued simply as lords of English lands. A charter issued by John's elder brother Geoffrey, for example, datable to Michaelmas 1183 x November 1184, recorded

³⁷⁶ Hudson, *OHLE*, 58-60.

³⁷⁷ *Leges Henrici Primi*, ed. by L. J. Downer (Oxford, Clarendon, 1972) 122.

³⁷⁸ Hudson, *OHLE*, 58-60.

³⁷⁹ Clauses granting 'sake and soke, toll and team, and *infangentheof*', or variants thereof, are referred to hereafter as 'sake and soke' as a convenient shorthand, notwithstanding that these were distinct rights that could be held in isolation.

³⁸⁰ F. Stenton, *The First Century of English Feudalism*, 2nd edn. (Oxford, Clarendon, 1961), 100–111, and especially the examples printed in the appendix, 272–4

a grant from lands pertaining to his earldom of Richmond which included rights of sake and soke.³⁸¹ There were no royal connotations to Geoffrey's grant, which was simply a confirmation of an earlier grant made by his predecessor, Conan IV of Brittany. In this grant, Geoffrey acted simply as earl of Richmond and confirmed rights which may or may not have been perceived as a devolved royal prerogative. Such non-royal grants are not, however, directly comparable to those in which John made grants of similar rights because the context in which he made them – the position and authority he had been afforded in England by King Richard – differed considerably.

The appearance of sake and soke clauses in John's charters should be interpreted in accordance with the likelihood that John and his followers shared the royal perception that such rights, when granted in a royal context, were granted on the basis that they derived from the king's authority. John's charters were documents produced predominantly in his chancery, which was comprised of staff who had initially been drawn from the service of Henry II and were, therefore, experienced in the drafting of royal documents.³⁸² Such experienced royal administrators would hardly have deployed diplomatic in the documents they drafted without a clear conception as to what each clause meant and how it was to be used. A review of the charters of Henry II reveals that the clause 'sake and soke, toll and team, and *infangentheof*', or a close variation thereof, appeared in only 269 of the extant charters issued in the name Henry II as king, which represents a select proportion of the corpus that survives.³⁸³ This limited usage indicates that clauses granting sake and soke were deployed selectively, with the implication being that they represented rights which were to be granted with care in documents drafted by scribes who knew what the diplomatic represented. John's chancery staff had, moreover, by 1189 already obtained four years of practical

³⁸¹ *The Charters of Duchess Constance of Brittany and her Family, 1171-1221*, ed. by J. Everard and M. Jones, (Woodbridge, Boydell, 1999), Ge6.

³⁸² For the likely production of John's charters see Introduction; Jones, 'Acta', 31-32.

³⁸³ See Appendix B.

experience in drafting his charters relating to his kingdom of Ireland, another context in which authority expressed via the norms of English royal diplomatic was pertinent. Of John's Irish charters which are datable to the period between 1185 and the death of Henry II, ten included sake and soke clauses and four further such Irish examples may be related for the period up to 1199.³⁸⁴ Grants of sake and soke, toll and team, and *infangentheof*, or variations thereof, were, therefore, included in a select fourteen of the 108 Irish charters issued by John as lord of Ireland before 1199. Sake and soke clauses were deployed sparingly in John's Irish charters, and therefore with care, just as they were in the charters of Henry II. It is also notable, moreover, that in nine of these fourteen Irish charters, grants of sake and soke appeared in a context which expressed a perception that jurisdictional rights in Ireland were derived from John as a singular royal authority: in the holding clauses of these charters, sake and soke was granted, but reservations of 'pleas which pertain to the crown' were also specified in the same clause.³⁸⁵ The reservation of jurisdiction over certain types of plea to John alone implies an understanding that such jurisdiction as had been granted derived from John and was to be enjoyed at his exclusive license.³⁸⁶ It is apparent, therefore, that by 1189 John's chancery staff could not only draw upon their experience of royal diplomatic gained in the service of Henry II,

³⁸⁴ For the 1185 *acta*, see *Angevin Acta*, 2117J, 520J, 567J, 2125J; for 1183 [1185?] x 1189 see 2128J, 2183J, 2121J, ???H [grant to Richard Talbot of *Balimolinide*] [Oxford: Bodleian Library, ms. Talbot c.5 no.4], ???H [grant to Richard Talbot of Malahide] [Oxford: Bodleian Library ms. Talbot c.5 no.3], ???J [grant to John of St Michael of a moiety of a cantred in co. Tipperary] [Dublin: National Archives of Ireland RC 7/9, 232-233 (6-7)]; for those issued after Henry II's death in 1189, see nos.5138J, 568J, 612J, ???J [grant to William Deyncourt] [Dublin, National Archives of Ireland RC 7/9, 235-6 (9-10)].

³⁸⁵ *Angevin Acta*, 2117J, 520J, 2125J (all datable to 1185), 2128J, 2183J, ???H [grant to Richard Talbot of *Balimolinide*], ???J [grant to John of St Michael of a moiety of a cantred in co. Tipperary] (all datable to 1183 [1185?] x 1189), 568J, ???J [grant to William Deyncourt].

³⁸⁶ The evidence noted here relating to the royal rights claimed in John's Irish charters is examined fully in chapter 4.

but had also applied this experience to the business of drafting John's charters. The evidence of these charters indicates that John's chancery scribes had a clear conception of what was meant by the inclusion of a clause granting sake and soke, toll and team, and *infangentheof* in a royal charter; namely, that these were jurisdictional rights which derived from royal authority and were, therefore, necessarily dependent upon royal authority when granted.

The granting of sake and soke in Count John's charters should, therefore, be seen as distinct from similar grants, such as that recorded in the charter of John's brother Geoffrey and those of other non-royal lay donors. John's grants differed because his charters were (in the main) produced in the context of their donor's close association with royal authority, by scribes who were influenced by and proficient in the diplomatic practice of Henry II's chancery.³⁸⁷ It is notable, in fact, that only thirteen of Count John's extant charters concerning English (as opposed to Irish) lands include clauses granting sake and soke, toll and team, and *infangentheof*, or a similar variation of this formula (including the Templar and Hospitaller grants under discussion).³⁸⁸ Of these thirteen, nine are datable to 1189 x October 1191, with a further example given September 1191 x September 1192 (likely precisely on 6 May 1192, this being the charter granted to Montacute Priory discussed above), whilst two more were given at uncertain dates before 1194 and relate to the honour of Lancaster.³⁸⁹ The one outlier to this pre-1194 group is a charter in favour of Robert de Berners of the

³⁸⁷ Geoffrey's charters, by contrast, including those pertaining to his English lands, were largely produced by a ducal chancery based in his duchy of Brittany, and therefore were produced at a distance from the influence of English royal diplomatic. See *Charters of Duchess Constance*, 3–6.

³⁸⁸ The majority of these charters are addressed elsewhere in the present discussion, above and below; see *Angevin Acta*, 2132J, 356J, 371J, 2131J, 285J, 1204J, 2138J, 2133J, 312J, 558J, 735J, 2157J, 372J.

³⁸⁹ *Angevin Acta*, 2132J, 356J, 371J, 2131J, 285J, 1204J, 2138J, 2133J, 312J. The Sept. 1191 x Sept. 1192 date applies to 558J (with the narrower suggested date derived from comparison with 557J), whilst the latter two 1189 x 1194 Lancaster charters are nos. 735J and 2157J, given in favour of Theobald Walter and William of

manor of Ormsby, given on 12 July 1198, which may be characterised as a grant of an isolated manor which John himself had been given by King Richard on a one-off basis by Michaelmas 1197.³⁹⁰ The implication of this Ormsby grant is, therefore, that King Richard had made a royal grant that included sake and soke in the manor, which was subsequently subinfeudated by John on the same terms the following year. The remaining twelve charters, however, are notable in that they were made in the context of Count John's possession of royal authority in England.³⁹¹ The majority of these charters, indeed, are datable to within the relatively short window of 1189 x October 1191, in which (as has already been established) John occupied a position that allowed him to exercise royal authority in certain capacities.³⁹² Some of these charters concern lands which lay in John's counties, in which his possession of sovereign authority was well established, and are the same grants which have been discussed above for their indicative features.³⁹³ Five others, including the Templar and Hospitaller grants, include grants of sake and soke in the remainder of the kingdom.³⁹⁴

Furness respectively, both of which are discussed above for their other features which are suggestive of sovereign authority.

³⁹⁰ *Angevin Acta*, 372J. The land had been given to John by Michaelmas 1197, having previously been the escheat of a William Bloet, who had himself been given the land by Richard by Michaelmas 1191; see *PR 3 and 4 Richard I*, 33, *PR 7 Richard I*, 50, *PR 9 Richard I*, 225.

³⁹¹ See Table I.

³⁹² See above, and chapter 1.

³⁹³ *Angevin Acta*, 2138J [Hugh fitz Robert Falcolner] and 312J [Burgesses of Nottingham] concern Nottinghamshire–Derbyshire; 2131J [Bishop Reginald and the church of Wells, of the manor of North Curry] and 558J [Montacute Priory] concern Dorset-Somerset; 371J [Furness Abbey] concerns the honour of Lancaster.

³⁹⁴ *Angevin Acta*, 356J, 2132J, 285J, 1204J, 2133J.

Table I – Charters issued by Count John in relation to English lands including clauses granting ‘sake and soke, toll and team, and *infangentheof*’

| Date | Number of charters | Number relating to John’s shires | Number relating to the rest of the kingdom |
|---|--------------------|----------------------------------|--|
| July 1189 x October 1191 | 9 | 4 | 5 |
| September 1191 x September 1192 [6 May 1192?] | 1 | 1 | 0 |
| July 1189 x spring 1194 | 2 | 2 | 0 |
| 12 July 1198 | 1 | 0 | 1 (manor held by John by gift of Richard) |
| 1189–1199 | 13 | 7 | 6 |

The fact that most of John’s charters that granted sake and soke in English lands are able to be dated with more precision than most may not be completely coincidental. Seven of these charters – including all of the five detailed above which pertained to lands outside of John’s counties – are datable to 1189 x October 1191 by virtue of the presence in the witness list of Roger de Planes, whose death limits their dates, whilst three others may have been given after his death.³⁹⁵ Roger de Planes is, therefore, absent from the witness lists of only two of nine charters containing sake and soke clauses which were definitively given before his death. The apparently regular presence of

³⁹⁵ *Angevin Acta*, 356J, 2132J, 285J, 1204J, 2133J, 312J, 2138J were all witnessed by Roger. 558J is most likely datable to May 1192, when Roger was already dead, and the same possibility stands for 735J and 2157J.

Roger de Planes as a witness to John's (relatively rare) charters granting sake and soke in England may not be a coincidence, despite Roger's status as an established member of John's household since 1185. In Ralph Diceto's account of the death of Roger de Planes, on 7 October 1191, the chronicler described him as Count John's justiciar in all of his lands, albeit he was not styled as such in John's charters.³⁹⁶ If Ralph Diceto was right that Roger de Planes had responsibility for justice within John's household, he would have been an appropriate witness to grants that included the jurisdictional rights of sake and soke. Roger's presence as a witness to all five of John's charters which recorded grants of sake and soke in lands outside of John's counties could, therefore, be an indicator that these rights were included purposefully, and that their inclusion was intended to have a pragmatic reality that extended beyond the diplomatic of John's charters.

The potential implications of the appearance of Roger de Planes as a witness to these charters leads us, therefore, to another issue that must be addressed: the possibility that 'sake and soke, toll and team, and *infangentheof*' was included in charters simply as a familiar formula that represented what draftsmen and beneficiaries thought that a charter intended to secure free property ought to look like. If this clause, comprised of almost poetic Old English, acted simply as a reassuring verbal cue that conveyed a sense of authority, the implications of its usage in John's charters would be limited. Whilst such an interpretation of the clause may be appropriate in some cases, it does not, however, seem to be an accurate reflection of the mentalities that lay behind the production of Count John's charters.

It has already been established that John's charters were, in the main, productions of a chancery which was staffed by experienced royal servants who were, by 1189, well-versed in the business of both Henry II and John himself, as evidenced by John's Irish charters.³⁹⁷ In the context of chancery production, the notion that sake and soke clauses could be deployed in the diplomatic of

³⁹⁶ Jones, 'Acta', 52, 131; Diceto, ii, 99.

³⁹⁷ See above, Introduction.

charters without regard for the precise meaning that lay behind these words seems implausible. Chancery scribes such as those employed by Count John were not only experienced in the rules and norms of producing documents but were servants who were ultimately accountable to their lord in terms of what was drafted and sealed in his name. If a charter drafted and written by chancery staff included a clause which granted away something the lord had not agreed to, without a care for precision, the scribe could be held responsible. In these circumstances, the idea that sake and soke clauses were included as a mere stylistic flourish, rather than as a meaningful grant of the rights specified, is coherent only if deployed consistently across a majority of documents. Yet it has already been demonstrated that Count John's charters included grants of sake and soke selectively. More broadly, it must be kept in mind that charters were legal documents that were produced with the intention that they fulfill a practical purpose; in this context, the specifics of diplomatic were important because they were intended to have an effect.³⁹⁸ This point is demonstrated well by the sake and soke clause included in John's charter in favour of Montacute Priory, which granted the monks 'socam et sac et tol et them et infangthef et omnes alias libertates excepta sola iusticia mortis et membrorum'.³⁹⁹ The addition of the caveat reserving justice of life and limb demonstrates that the clause was drafted with a care for practical utility, since it allowed for greater precision about what had and what had not been granted to the monks.

Of the five charters which included grants of sake and soke in respect to English lands outside of John's shires, three also included other features that suggest they were intended to be royal in character. These three are the Templar and Hospitaller grants, together with another charter

³⁹⁸ R. Sharpe, 'Peoples and Languages in Eleventh- and Twelfth-Century Britain and Ireland: Reading the Charter Evidence' in *The Reality Behind Charter Diplomacy in Anglo-Norman Britain: Studies by Dauvit Broun, John Reuben Davies, Richard Sharpe and Alice Taylor* ed. by D. Broun (Glasgow, University of Glasgow Press, 2011), 1–119, 103–4.

³⁹⁹ *Angevin Acta*, 558J.

in favour of the see of Ely.⁴⁰⁰ The former two were documents which appear to take the form of grants made by royal authority and were drafted at moments in time when John possessed plausible pretensions to such royal authority. The charters for the Templar and Hospitaller orders both confirmed rights which had previously been granted by Henry II and Richard I, which John granted generally throughout all of his lands, thereby including those outside of his counties.⁴⁰¹ This

⁴⁰⁰ The two remaining 'sake and soke' charters relating to lands outside John's shires are, however, more ambiguous. These are the two given in favour of Eye Priory and Leiston Abbey respectively, both datable to 1189 x summer 1190 due to witnesses who went on crusade; see *Angevin Acta*, 1204J, 2133J. The Eye charter is, in some respects, reminiscent of John's confirmations of 'sake and soke' to the Templar and Hospitaller orders, and especially to the see of Ely (discussed below), in that its diplomatic closely mimics an earlier confirmation granted to the beneficiary by Henry II, and thus consciously resembles royal confirmations. Henry II's earlier charter was, however, made when the honour of Eye was in his custody; see *Eye Priory Cartulary and Charters*, ed. by V. Brown, 2 vols. (Woodbridge, Boydell, 1992), i, 5. John's Leiston charter confirmed grants of both Henry II and Richard. John's grant is reminiscent of the diplomatic of Henry II's earliest charter, datable to 1184 x 1185. The diplomatic of a subsequent grant by Henry II (datable to May 1185 x July 1189), as well as Richard's later charter, were both distinct from that of John, which referenced earlier grants by both kings yet did not attempt to mimic their terms. A contrast is especially suggested by the much fuller specification of additional royally-licensed rights given both in Henry's second grant and in Richard's charter, diplomatic which was adopted in a further confirmation John later issued as king; see *The Cartulary of Leiston Abbey and Butley Priory Charters*, ed. by R. Mortimer, (Woodbridge, Boydell, 1979), 24, 25 [both Henry II], 23 [Richard], 28 [King John]. Count John's Leiston grant, together with his Eye charter, did not specify any of these further rights (some of which were included, alongside sake and soke, in the grants to the two military orders and to the see of Ely), meaning that the 'sake and soke' which was granted is more difficult to define as necessarily royal, although Count John may still have viewed it as such in following the form of Henry II's royal charters.

⁴⁰¹ 'ubique in terris meis sicut H[enricus] rex pater meus et Ric[ardus] rex dominus et frater meus eis con[cesserun]t et confirmaverunt'; see *Angevin Acta*, 356J. The formula is the same in 2132J.

specification gives the two charters the flavour of royal grants, since what was being confirmed was something that had previously been given by royal authority. Such an impression is strengthened by the inclusion of the extensive other rights and exemptions already discussed, which guaranteed both orders freedom from royal judicial and financial jurisdiction of various types, including the minor rights encompassed by sake and soke. A general confirmation of rights such as these, given with the intention of vouching for the continued enjoyment of those rights that had been held by the beneficiaries by virtue of the authority of successive kings, must be read as a charter that attempted to convey a degree of royal authority in its form. Whilst Count John was not himself the king at the time these grants were made, the essence of these two charters was that of a royal confirmation, albeit one specified to apply to certain lands.⁴⁰²

It should also not be assumed that the pretensions to royal authority communicated by these grants were not practically meaningful when expressed in the context of Count John's charters. Confirmation that was specifically royal would have been pragmatically necessary if the beneficiaries were to enjoy any of the specified fiscal and jurisdictional liberties; it may have been necessary to show the charter to a royal officer responsible for administering the financial or judicial mechanisms in those counties in which John's lands lay. The Templar and Hospitaller charters, therefore, indicate that Count John was perceived by both beneficiaries as a man who was capable of bringing to bear the sort of authority that was required to secure their liberties; that is, royal authority. Whilst both charters make clear that both beneficiaries had previously obtained King Richard's confirmation of the same rights and possessions, the petitioners who represented both orders clearly felt that the king's impending departure from his realms necessitated that the security

⁴⁰² The specification that the grants were intended to be effective 'wherever in my lands' [ubique in terris meis] might be compared to the combination of a willingness to express royal authority, and a recognition of the bounds of that authority, that was also inherent in John's confirmation of the wood of Blean to the monks of Canterbury, discussed above. See *Angevin Acta*, 2145J.

of a new confirmation was necessary, a calculation which is especially understandable in the context of February 1190. In the eyes of the beneficiaries, the king's royal authority was not sufficient, in itself, to guarantee their rights. Count John, therefore, was approached because it was recognised that he shared in royal authority – in one way or another – throughout the kingdom of England.

The evidence of John's charters may also be read, however, as an indicator of the mentality and intentions of the donor and the circle around him, especially as his documents were mediated to their audience through his chancery scribes. Whilst the perspectives of the beneficiaries who petitioned for Count John's favour were no doubt influential in terms of the content of the charters which he sealed, these documents are also indicative of John's own agency. Charter texts were not simply reactive but represented a form of communication between the donor and the audience of the charter, including not only the beneficiary, but every individual to whom the text was addressed. In the case of the Templar and Hospitaller charters, this amounted to a general audience of all of John's 'men and friends, French, English and Irish', to whomever the charter happened to be shown.⁴⁰³ The grants which John chose to make, and the particular formulae which were deployed in the diplomatic of his charters, were, therefore, indicative of how John sought to represent the nature and extent of his authority as equivalent to that of a king. Whether or not this picture accurately reflected the authority that John was actually able to bring to bear when the charters were drafted in February 1190 is uncertain; but it is also not vital, because charters may be read as aspirational declarations of authority that was yet to be made good in practice.⁴⁰⁴ The extent to which a donor's aspirations were successful depended on how the audience of the charters responded to them, and whether they were perceived as authoritative. The way in which Count John

⁴⁰³ *Angevin Acta*, 356J, 2132J.

⁴⁰⁴ S. Barret, D. Stutzmann and G. Vogeler, 'Introduction' in *Ruling the Script in the Middle Ages: Formal Aspects of Written Communication (Books, Charters, and Inscriptions)*, ed. by S. Barret, D. Stutzmann and G. Vogeler, (Turnhout, Brepols, 2016), 1-24, 14.

had been closely associated with the kingship by King Richard and afforded devolved royal authority in his counties – and the fact that the beneficiaries of these charters had already seen fit to petition him for them – suggests that the pretensions to royal authority which are inherent in the Templar and Hospitaller charters were likely to have been taken seriously more generally, and thus to have been made a reality.

Similar reflections can be drawn from a third of the five surviving documents by which John confirmed sake and soke in places that lay outside his counties: a grant made in favour of the see of Ely. This grant was recorded in the form of a writ, addressed by John to all his ‘hominibus et fidelibus’, without further specification.⁴⁰⁵ The writ ordered that the see of Ely and Bishop William de Longchamp were to continue to enjoy their customs in the five and a half hundreds of Wicklaw, which Count John had confirmed to them just as the church of Ely held on the day that King Edward was alive and dead. The general nature of what John had confirmed is, therefore, immediately striking as amounting to something that lay outside his lands and the counties in his jurisdiction, since the area concerned was the liberty of the church of Ely. These, as the writ made clear, were customs that had long been held, with the references to ‘die qua rex Edwardus fuit viuus et mortuus’ and to ‘dirrationatum fuit tempore regis Willelmi apud Keneteford testimonio plurium sirarum et coram baronibus eius’ being indicators that the beneficiaries were accustomed to appeal to evidence originating in century-old pleas held by royal authority when they petitioned for the confirmation of their rights.⁴⁰⁶ The specific rights which John had confirmed are also notable. These rights included ‘socam et sacam et toll et team et infangeetheof et hamsocne et grithbriche et fihtuite et ferdwite et omnes alias forisfacturas’ in the five and a half hundreds.⁴⁰⁷ The granting of the jurisdictional rights of sake and soke, toll and team,

⁴⁰⁵ CUL, EDC 1/B/24; *Angevin Acta*, 285J.

⁴⁰⁶ For these Kentford pleas, see E. Miller, ‘The Ely Land-pleas in the reign of William I’, in *EHR*, 62 (1947), 438–56.

⁴⁰⁷ *Angevin Acta*, 285J.

and *infangentheof* to the see of Ely may be interpreted in the same manner as John's grants of the same rights to the Templar and Hospitaller orders in the charters discussed above. These rights, despite their complex origins and connotations, were likely perceived by Count John and his circle – individuals well-versed in royal administration and diplomatic – as privileges which were had been devolved to the church of Ely from the king, with their continued enjoyment based on specifically royal permission. The confirmation of such rights by Count John can perhaps, therefore, be interpreted as an act by which John sought to exercise royal authority in a part of the kingdom in which he did not hold jurisdiction. Yet it is even more remarkable that the effective beneficiary of the grant, Bishop William de Longchamp, was an individual who had otherwise sought to limit John's authority in the period 1189-91.

Just as in the cases of the Templar and Hospitaller grants, John's confirmation of these rights to Ely was accompanied by the granting of a series of other rights which would also have been perceived as royal prerogatives: 'hamsocne et grithbriche et fihtuite et ferdwite.' These rights were also derived from pre-Conquest origins, and concerned the enjoyment of fines taken for offences that had long been presented as belonging to the king's jurisdiction, unless otherwise licensed by a royal grant.⁴⁰⁸ Another indication that these rights represented jurisdiction which lay within royal control (at least as matters were perceived in royal circles) is provided by the inclusion of a clause that sought to limit who could exercise them at Ely: 'sciatis quod ego non waranto alicui neque socham neque sacham neque aliquam aliarum consuetudinum predictarum quod eam habeat in predictis hundredis

⁴⁰⁸ The offence of *hamsocn* referred to assault on a person within their house, or on the house itself, whilst *fyrdwite* was a fine paid for default of military service. The word *griðbryce* referred to a breach of the king's peace in the Danelaw, with the word *grið* being a Scandinavian equivalent to the *mund* of *mundbryce*, which concerned the same offence in Mercia and Wessex. Each of these offences were listed as being reserved to the king in the laws of Cnut. A *fyhtwite* was a fine paid to the king for fighting; See Hudson, *OHLE*, 50, 162, 179.

nisi per Helyen' episcopum'.⁴⁰⁹ This limitation had also been previously deployed in the diplomatic of a similar but distinguishable earlier charter of King Richard in favour of Ely, given at Westminster on 10 October 1189, with reference to the same rights.⁴¹⁰ The clause suggests, therefore, that close attention was paid to specifying that these rights were confirmed for the exclusive enjoyment of the bishop of Ely, indicating that these rights were not granted lightly and that they were something over which tight control was sought in royal diplomatic.

An even more notable feature of this writ is the specification that the see of Ely was to hold not only those rights specified thus far, but also 'omnes alias forisfacturas' in the five and a half hundreds. The right to all other forfeitures, of whatever type, in the hundreds represented an all-encompassing license to financial rights in those areas, including rights which would otherwise have been royal interests. The deployment of such diplomatic might be deemed to have little practical significance were it not for the survival King Richard's earlier charter in favour of Ely.

The precise date of this Count John's writ is difficult to determine, meaning that a range of interpretations may be entertained concerning the motivations of donor and beneficiary. The presence of Roger de Planes in the witness list, alongside the reference made to William de Longchamp as bishop of Ely, indicates a range of 31 December 1189 x 7 October 1191.⁴¹¹ The place-date of the document, which indicates that it was given at London, makes it less likely to date to the spring and summer of 1190. Count John seems to have been in Normandy by early March 1190 until an indeterminate point later in that year since there is no indication that he was in England again until the autumn (he was still with the king at Gorrion on 12 April), although this lack of positive evidence hardly represents a certainty. William de Longchamp, similarly, attended upon the king in

⁴⁰⁹ *Angevin Acta*, 285J.

⁴¹⁰ *Angevin Acta*, 283R.

⁴¹¹ For William de Longchamp's consecration as bishop of Ely, see Church, *John*, 31; for the death of Roger de Planes, see *Gesta*, ii, 212–13.

Normandy from early March 1190, having been consecrated at Lambeth by the archbishop of Canterbury on 31 December, and had returned to England by early April.⁴¹² The most attractive possibilities, therefore, would seem to be that this Ely grant was made either earlier in 1190 when the king remained close at hand, or else at some time after Richard's departure, possibly during the first nine months of 1191.

A possible date in early 1190 would place John's grant in the more immediate aftermath of King Richard's own grant to the see of Ely. The king's grant was, in any case, certainly made before Count John also confirmed the rights of the see. King Richard's grant differs from Count John's in that it was more extensive, and the king's charter specified the confirmation of lands that John's document later did not. The king did, however, confirm the rights of the see, inclusive of 'socham et sacham, tol et theam, infangenetheof, fichtwite and ferdwyte, hamsocne, grithbriche et omnes alias forisfacturas emendabiles pret[er] murdr[um] et thesaurum'.⁴¹³ Whilst Richard's charter had specifically excluded the rights of *murdrum* and treasure from his grant, Count John's writ, in allowing Ely 'all other forfeitures', confirmed more than the king had been prepared to grant. The rights to *murdrum* and *thesaurum* in the locality, like the rest of the rights confirmed to Ely, represented rights to revenues which belonged to the king, the enjoyment of which depended upon royal authority.⁴¹⁴ It is remarkable, however, that Bishop William de Longchamp obtained confirmation of these rights from John at a time when he could also exercise royal authority himself as the king's justiciar.

⁴¹² Landon, *Itinerary of King Richard*, 26–30; Jones, 'Acta', 3.

⁴¹³ *Angevin Acta*, 283R.

⁴¹⁴ *Murdrum* was a collective fine imposed by the king upon a hundred for a killing done in secret, the perpetrator of which was unknown or not apprehended. See Hudson, *OHLE*, 405–9. The concealment of treasure was included in a list of pleas of the crown by the author of *Glanvill*, implying that the right to treasure trove was a royal perquisite. See *Glanvill*, 3.

Count John's confirmation of the rights of the see of Ely seems, in general, to have been couched as a renewal of grants previously made by other kings, Henry I and Henry II; his writ specified that the rights were confirmed 'sicut carta patris mei et carta Henrici regis aui patris mei testantur'.⁴¹⁵ It is conspicuous, however, that John's writ did not mention Richard's charter. When the text of John's writ is compared to the surviving confirmation charter of Henry II to which it explicitly made reference, it is apparent that it was modelled closely on this example. This modelling seemingly took place irrespective of the fact that Henry II's charter (a single-sheet original) has spurious features that indicate a possible forgery or 'improvement', since the document had, nonetheless, certainly been produced before the early thirteenth century when it was copied into the *Cartae Antiquae* rolls.⁴¹⁶ In any case, the explicit reference in Count John's writ inherently demonstrates that Henry II's charter existed in some form by the early 1190s. Henry II had granted the very same rights which John confirmed, including 'omnes alias forisfacturas in quinque hundredis et dimidio de Wiclawa'.⁴¹⁷ The text of John's writ, moreover, follows that of Henry II almost perfectly, with the addition of the reference to Henry II's grant being the only departure. Such practice should not surprise us, and Henry II's confirmation was itself a renewal of that of Henry I, which itself confirmed the rights as confirmed in the time of William I.⁴¹⁸ The likelihood is, therefore, that the beneficiary had presented John with Henry II's grant – and possibly also those of

⁴¹⁵ For the Ely grants of Henry I and Henry II, see *Regesta Regum Anglo-Normannorum, 1066-1154*, ed. by H.W.C. Davis and R.J. Whitwell, 3 vols. (Oxford, Clarendon, 1913-1968) ii, 1048–9; *Angevin Acta*, 276H.

⁴¹⁶ *Angevin Acta*, 276H.

⁴¹⁷ *Angevin Acta*, 276H. The relevant clause is unaltered in the enrolled *Cartae Antiquae* version.

⁴¹⁸ King William's grant, interestingly, specified the more exclusive 'omnes alias forisfacturas que emendabiles sunt in terra sua super suos homines', meaning that Richard I's charter actually accorded more closely with the spirit of the earliest grant, which the diplomatic of Henry II's grant – and John's in following it – had departed from. See *Regesta Regum Anglo-Normannorum: The Acta of William I (1066-1087)* ed. by D. Bates (Oxford, Clarendon, 1998), no.122.

the earlier kings – upon petitioning him for his confirmation, and that the text of Henry II's grant had been consciously followed when the writ to which John set his seal was produced.

That John's writ mimicked the form of Henry II's charter is, of course, a matter of diplomatic practice as much as content. Such modelling is, however, hardly a surprise given that John's chancery was an offshoot of that of Henry II in the first place and continued to follow the documentary forms that had been practiced in royal documents sealed by Henry, rather than adopting changes introduced in Richard's charters. Yet the fact that John's writ mimicked that of Henry II remains significant, especially if we consider the possibility that Richard's charter was also produced by the beneficiary alongside those of the earlier kings, as seems likely. The existence of Richard's charter, despite it including some different grants to those confirmed by John, seems unlikely to have been something of which the parties in this transaction would have been ignorant. A recent royal grant which included a confirmation of the same rights which John was being asked to ratify was also certainly relevant. It seems reasonable to draw the conclusion, therefore, that a choice was made that Count John's writ would follow the form and substance of Henry II's previous grant and not that of King Richard, to the extent that Richard's charter appears to have been excluded from consideration. Despite his brother's royal grant being materially different in its specification of lands as well as rights, the omission of any reference to Richard's charter, alongside the clear dependence on the model of Henry II's earlier grant, could be read as a tacit statement of independent action on the part of Count John. This independence might seem especially pronounced because John's grant had allowed for the enjoyment of royal rights – *murdrum* and *thesaurum* – which had been specifically reserved by King Richard. Whether this difference was a matter of diplomatic practice, or of intended practical utility in addition (and an adherence to the principle that charters had utility as legal documents might suggest the latter), the message that was inherent was that Count John had made this grant on his own account. The close modelling of John's writ on the royal example of Henry II's own grant would also have given the text a form that conveyed this same message. John's writ looked like a royal document because it had been

composed in direct imitation of one; if the general medium of a document can be understood to have been as meaningful as its precise diplomatic, John's writ would have been understood as a declaration that attempted to exercise authority in the manner of a king.⁴¹⁹ The writ and its context, therefore, suggest that John had acted on his own distinct authority in confirming the rights of Ely; rights which depended on royal authority.

The question remains as to the political context in which this grant was made, and what the document reveals about the motivations and perceptions of both the beneficiary and the donor. Any conclusions are dependent on the writ's precise date, as already noted, with at least two possibilities to be explored. The perceptions of the beneficiary are especially significant due to the identity of the newly-consecrated bishop of Ely: William de Longchamp, a man who was also King Richard's chancellor and justiciar of England, not to mention a Papal legate. If Count John confirmed the rights of the see of Ely early in 1190, before the departure of King Richard on crusade, this writ would provide insight into the way John was perceived by William de Longchamp at a time when the count's position in the kingdom had only recently been determined. By the early months of 1190, Bishop William, in his capacity as the king's chief justiciar, had begun to behave in a way that indicated a disdain for any competing source of authority in the kingdom, including his co-justiciar, Hugh de Puiset; John's most recent biographer has also suggested that William may have been responsible for persuading the king to restrain John's power by forbidding him to enter England in Richard's absence.⁴²⁰ If John's confirmation of the rights of Ely were to be dated to early 1190, however, its existence would indicate that Bishop William had sought Count John's authority to secure the continued enjoyment of the rights of his see, whilst simultaneously working to limit John's influence with the king. By petitioning Count John for his confirmation of the rights that pertained to Ely's five and a half hundreds – rights which all parties must have recognised required

⁴¹⁹ Barret, Stutzmann and Vogeler, 'Introduction', 15–16.

⁴²⁰ Church, *John*, 34–6.

the confirmation of royal authority – William de Longchamp gave an inherent recognition that he thought John to be an authority capable of confirming them. John's confirmation would have been worthless if he had not been able to claim the legitimate authority to revoke Ely's privileges, or else if he had not been in a position to guarantee that they continue to be held securely.

It might be noted that William de Longchamp could simply have been acting astutely in anticipating that John's confirmation might one day prove valuable if Richard were never to return from crusade. Yet the bishop's uncompromising conduct as the king's representative hardly betrayed a lack of confidence in the continuing effectiveness of Richard's authority; nor do William's attempts to promote Arthur as Richard's successor at John's expense indicate a forward-looking approach.⁴²¹ If William de Longchamp did seek John's confirmation of the rights of his see in early 1190, therefore, one of two conclusions might be drawn: either that his animosity towards John's power has been overstated, or that, despite some opposition, William de Longchamp tacitly recognised that the role and authority which Count John had been given throughout England by the king could not be ignored. Bishop William's subsequent conduct towards Count John suggests that the latter interpretation is to be preferred and that, before King Richard's departure, William may have implicitly acknowledged that John was already able to legitimately act with royal authority throughout the kingdom.

A date of early 1190 for the Ely confirmation would also be instructive in terms of Count John's motivations and perspective on his role in the kingdom. By setting his seal to a grant which comprised royal rights in an area outside his counties, John was sending the message that he was able to play a part in governing the kingdom, and that the authority which he sought to exercise was akin to that of his brother, the king. If a date of early 1190 is to be preferred, this would also place the Ely grant alongside John's charters in favour of the Templar and Hospitaller orders as confirmations by which he shared in Richard's kingship on an equivalent level even before the king

⁴²¹ Church, *John*, 36–7.

had departed his realm. The Ely grant may also have afforded John the advantage of emphasising his royal status in relation to one of Richard's co-justiciars, with respect to lands in the south of England over which William de Longchamp might himself have claimed some degree of secular, as well as episcopal, oversight.

John's confirmation in favour of Ely may, however, have been made after the king's departure, in late 1190 or during the first nine months of 1191 before William de Longchamp's flight from the kingdom. In this period, William and John were engaged in an ongoing conflict which centred on the custody of royal castles. A settlement between the two men was made in July 1191, before the conflict was once again resumed, leading to the bishop's deposition from the justiciarship by a council of the realm in October.⁴²² A later date for the Ely confirmation would place it firmly in the context of this conflict and would, therefore, provide insight into the precise nature of the authority that Count John was able to proclaim throughout the realm in Richard's absence and at this critical moment for the kingdom. If the confirmation was made during 1191 it would indicate that John claimed to be possessed of the legitimate authority to confirm royal rights and that this claim was openly recognised by William de Longchamp – the individual in the kingdom with whom his relationship was most hostile – via his acceptance of John's confirmation of Ely's liberties. Given the power dynamics which are inherent to the making of this confirmation – as a transaction in which William de Longchamp appeared as petitioner and Count John as the donor from whom favour and security was sought in relation to rights that depended on royal license – it seems most likely that it was made after the July settlement between the two, possibly as a direct consequence of that accord.

This settlement, as recorded by Roger of Howden, is broadly suggestive of a balanced agreement in respect of the authority maintained by both parties: Gerard de Camville, whose

⁴²² The most recent summary of these events is Church, *John*, 39–46.

custody of Lincoln castle and the sherifffdom of that county had been the *casus belli* that ignited the conflict between John and William, was to retain his offices pending the judgement of the *curia regis*; various royal castles, including those situated in John's lands, were specified to have been placed in the custody of the king's faithful men, some of whom were associates of Count John, others of Bishop William, with both men thus being recognised as royal representatives; provisions made for the avoidance of arbitrary dispossessions without judgement, ostensibly targeted at William de Longchamp, were also to be upheld by John in his lands.⁴²³ Whilst the supremacy of the king and the preeminence of continuing loyalty to him is inherent to the terms in which the agreement was expressed, some of its features, however, indicate a more complex reality in respect of Count John's authority in the kingdom. An awareness of John's position as the likely future king is acknowledged in a clause that provides for the castles at issue to be handed over to him if Richard should die on crusade.⁴²⁴ This detail indicates that the mentalities of those present remained affected by the possibility that the king would not return, just as they had been at the beginning of the reign. Other terms suggest that John's royal authority was not, however, merely defined by anticipatory thinking, but already had a pragmatic impact. The clause relating to the judgement of Gerard de Camville in the *curia regis* contains a clause by which John pledged not to oppose the decision which the king (as represented by his court) would reach; similarly, John undertook not to provide a safe haven to outlaws or the king's enemies.⁴²⁵ Both of these pledges were made with an assumption that Count John remained an alternative focus of authority in the kingdom, and was sufficiently powerful to impede decisions made in the name of King Richard. Both clauses also indicate that John continued to be perceived as a legitimate conduit of royal authority in his own right because they suggest that individuals seeking royal justice denied to them – as they would have

⁴²³ *Chronica* iii, 135–7.

⁴²⁴ *Chronica*, iii, 136.

⁴²⁵ *Chronica* iii, 137.

seen it – by Richard’s court (as exercised by his justiciar) thought that they could petition for royal justice, with a more preferable outcome, from John. An even more explicit recognition of the sovereign nature of John’s immediate authority throughout the kingdom was, however, also included in the agreement as recorded by Roger of Howden: the clause that specified that, although the agreement had been made ‘saving the authority and orders of the lord king’, if Richard were to be unwilling to ratify it before his return, the castles of Nottingham and Tickhill would be returned to John ‘whatever the lord king shall have thence ordered’.⁴²⁶ This condition, however unrealistic it seems in practice, represented a clear acknowledgement from every party – including the bishops who presided as arbitrators – that Count John’s authority might, in some cases, be preferred to that of the king, despite the tone of singular fealty to Richard that was taken elsewhere in the agreement on both sides. Even if merely aspirational, this condition was a strong statement of how far John’s authority was recognised in the kingdom at that moment.

If John’s confirmation of the rights of the see of Ely was made in the wake of his settlement with William de Longchamp in July 1191, the grant would, therefore, be consistent with the impression of John’s position given in Roger of Howden’s version of that settlement. Despite the superficial picture of equality between John and William given by the concessions made on both sides (as well as the chirograph form of the agreement as copied by Roger), the nuances of the settlement indicate that Count John was generally perceived as being equivalent to the king in the authority which he could bring to bear. That William de Longchamp had been forced to publicly recognise this position which John occupied – a position which inherently undermined William’s own power as Richard’s representative – is a necessary conclusion from the settlement. John’s grant to the see of Ely may well have been made as an accompaniment to this settlement, either immediately or in the weeks that followed. Such an act may have been useful, on John’s side, as a further demonstration of the royal authority he could claim to represent and exercise and would

⁴²⁶ ‘quicquid dominus rex inde praeceperit’; *Chronica*, iii, 137.

have been a potent message that his position in England was supreme since his opponent had once again publicly acknowledged it by accepting his grant. For William de Longchamp, a petition for royal favour from John at this time could have seemed like a necessary step to ensure the future security of the liberties of his see, given that he had been forced to accept Count John's position regardless and that Richard's own confirmation had been made before the king left.

Although the transaction therefore offered benefits to both parties – and although questions of agency are inherently linked to the dating of a document – the likelihood is, nonetheless, that William de Longchamp, as beneficiary, instigated the grant by petitioning John for the confirmation of the rights of his see. The form of the writ, however, might suggest that John's role in its production extended further than that of a passive donor who set his seal to a document produced earlier by beneficiary scribes. While it seems that the scribe of the Ely writ was working from the royal exemplars of the charters of Henry I and Henry II, as already noted, the hand in which the document was written does not correspond to that of any known scribe used by William de Longchamp and the style used for the bishop is inconsistent with that employed in most of his episcopal *acta*, which typically called him legate and chancellor as well as bishop.⁴²⁷ The likelihood is, therefore, that the Ely writ was not a beneficiary production, but was produced by one of Count John's chancery scribes, who nonetheless worked from the example of earlier royal charters produced by Bishop William. The paleographical evidence suggests, therefore, that John may have played a more active role in the production of the Ely writ than he might for some of his other grants, perhaps with a view to shaping how his authority was perceived in the political community during a period of conflict with the beneficiary. Yet the agency of William de Longchamp in the making of this transaction remains fundamental and is deeply striking. That William, as John's chief

⁴²⁷ In the opinion of the editor of the Ely episcopal *acta*, who was kind enough to give me his interpretation; N. Karn, personal communication. For Bishop William's styles, see *English Episcopal Acta 31, Ely 1109-1197*, ed. by N. Karn, (Oxford, British Academy, 2005), cxxiii.

antagonist, should have petitioned for a grant which was predicated on the mentality that John's authority was royal also suggests that this perception of John was widely shared. If John's confirmation was made in the late summer of 1191, it could, therefore, be viewed as a document which captured the essence of how his position was commonly perceived with respect to the whole kingdom – and not only his own counties – after King Richard's departure. The potential importance of this grant in the context of summer 1191 is also underlined by the likelihood that it was granted during a large public assembly; the document was dated at London and witnessed by some less common attestors of John's charters, including William Marshal (one of the *appares* appointed by the king) and Earl William of Salisbury, perhaps suggesting an event of unusual prominence.⁴²⁸ If William de Longchamp was compelled to publicly recognise John's ability to make an effectively royal grant in summer 1191, the event would have sent a powerful message about the donor's supreme authority in the kingdom, perhaps endured at the price of mutual recognition of William's own rights as bishop of Ely.

John's preeminent position in the kingdom was also apparent in the way he interacted with beneficiaries whose interests lay outside his own shires, such as the burgesses of his town of Bristol. Bristol was the chief town of the honour of the earls of Gloucester, but it – and particularly its castle – had also been subject to the competing royal influence of Henry II, the culmination of which had been Earl William of Gloucester's recognition of John as his heir and John's betrothal to the earl's daughter, Isabella.⁴²⁹ Bristol had received royal favour from Henry II in the shape of two grants confirming the liberties and customs of the burgesses. The first of these, datable to 1155, acquitted the burgesses of tolls throughout England, Normandy and Wales, as well as confirming the

⁴²⁸ *Angevin Acta*, 285J.

⁴²⁹ *Gloucester Charters*, 4–5.

town's unspecified liberties and customs.⁴³⁰ Henry's second grant, probably given after Earl William's death in 1183, when the honour of Gloucester was in royal custody, extended the same liberties and quittances held by the burgesses of Bristol to the men of Bedminster; namely, to those in the king's fee 'in the marsh next to the bridge of Bristol'.⁴³¹ John's patronage of the burgesses of Bristol was altogether greater in scale than that given by King Henry, as shown by John's grant of a charter of liberties, datable to 1189 x October 1191.⁴³²

Whilst John was also earl of Gloucester, this charter may be taken as an act that was royal, rather than comital, in nature. The charter specified, for example, that the burgesses of Bristol should not plead outside the walls of their town, except in cases of pleas concerning lands that lay outside the hundred of the vill; that the burgesses be quit of the royal exaction of *murdrum* within the walls of Bristol; that burgesses should not be compelled to follow the judicial process of duel in pleas concerning the homicide, unless the dead man were an outsider; that suits of miskenning should not take place in pleas held in the town; that recognitions should not be made in the town; and that burgesses should not be compelled to re-pledge anybody against their will.⁴³³ Each of these liberties concerned the administration and operation of justice on the level of the hundred, and allowed the burgesses of Bristol to conduct such matters in their borough court exempt from the obligation to follow the processes specified.⁴³⁴ Count John's charter, therefore, granted liberties pertaining to royal judicial and financial jurisdiction of a sort which his predecessor, Earl William, could not have attempted to grant, and which went further than anything Henry II had wished to

⁴³⁰ *Angevin Acta*, 2056H.

⁴³¹ Although the current editor notes that the charter may be spurious. See *Angevin Acta*, 4035H.

⁴³² *Angevin Acta*, 179J.

⁴³³ *Angevin Acta*, 179J.

⁴³⁴ Apart from the quittance from *murdrum*, which was, primarily, a financial exaction, although one which was inherently related to the administration of law and order.

grant. In giving this charter, therefore, John granted liberties which depended on royal authority in a town that lay outside his counties, in which his claim to lordship might otherwise have been thought to rest on his comital title.⁴³⁵

The charter may usefully be compared to John's grant of liberties to the burgesses of Nottingham, discussed above. The character of the two grants is very similar, as each confirmed financial and jurisdictional liberties that elsewhere depended on the oversight of the royal sheriff, and both can be dated to the same range of 1189 x October 1191. It is instructive, however, that whilst Nottingham lay within a county which Count John held himself, and Bristol did not, no such distinction seems to have been drawn by either the donor or the beneficiaries of these charters. The burgesses of Bristol presumably petitioned Count John for his favour in granting these liberties in the very same way that the burgesses of Nottingham did. To the beneficiaries of the charter, therefore, Count John was a patron who was capable of exercising royal authority in Gloucestershire in respect of his earldom just as well as he was able in the county of Nottinghamshire, in which he held sovereign authority by the king's grant.

The perceptions of the burgesses of Bristol may well have been influenced by John's position as earl of Gloucester, but they cannot have been entirely founded on this relationship; they must have known very well that Count John was able to bring a greater authority to bear than other earls had. It is possible, for example, that Count John had, by the time that he made this grant, already sought to play a part in administering justice at Bristol in a way that was reminiscent of royal practice. A final concord, made on 23 November 1192, between the abbot of St Peter's, Gloucester, and a certain Richard Cofin concerning land in the town, was the outcome of a plea heard 'in

⁴³⁵ Bristol was considered part of Gloucestershire, rather than Somerset, by the royal government, with accounts relating to the town rendered as such in the Pipe Rolls. See, for example, a debt owed by the burgesses for failing to appear before the eyre, *PR 2 Richard I*, 55.

hundredo Bristolliae per breve domini Johanni comitis Moreton de recto'.⁴³⁶ The issuing of a writ of right to initiate this case indicates that John was imitating royal practice, since such a writ was among the common law writs *de cursu* that had been devised in Henry II's reign. Given that such a writ had to be purchased by the plaintiff in order to initiate a plea, the concord also indicates that the abbot of Gloucester saw Count John as an authority who was capable of providing him with justice in the same manner as the king. The process by which this plea was heard, therefore, supports the impression that Count John exercised royal authority in the county of Gloucestershire.

The Bristol charter, together with the writ of right issued by John to initiate a plea in the Bristol hundred court, therefore suggests that, to some beneficiaries, the situation in England (or at least the west of England) in the early 1190s was clear: that Count John embodied the sort of authority usually reserved only to the king and that elements of the power he was able to exercise as tetrarch in his counties had no necessary bounds in practice. This situation occurred because, in the absence of a king, John's authority depended as much on perception, and the pragmatic means to make good on his grants, as on the official organisation of the kingdom.

The impression that Count John was able to exercise sovereign authority not only in his counties, but throughout the kingdom, is also supported by charter evidence which cannot be dated as precisely as that which has been discussed thus far. These further charters do, however, reinforce the picture that has emerged from the evidence datable to before October 1191, since each of them includes features which are suggestive of pretensions to royal authority. The nature of these grants, indeed, likely dates each of them to before Count John's lands were confiscated in early 1194 based on the reduced plausibility of such charters being given later, when John's authority was diminished and he was in no longer in a position to make good on his grants.

⁴³⁶ *Historia et Cartularium Monasterii Sancti Petri Gloucestriae*, ed. by W.H. Hart, 3 vols. (London, Rolls Series, 1863–7) i (1863), 172–3; Jones, 'Acta', 66–7.

A writ issued by John in favour of Reading Abbey gives the impression of an act of royal patronage.⁴³⁷ This writ is datable with certainty only to 1189 x 1194, based on the date of the death of the witness Walter de Dunstanville.⁴³⁸ A tentative date of 1192 has been suggested, however, based on the witness list, which accords with the three men who attested on the more select witness list of Count John's additional grant of a mark of gold to the abbey.⁴³⁹ Addressing his justices, sheriffs, bailiffs, ministers and other faithful men, John ordered that the monks were to be quit of 'sciris et hundredis et omnibus placitis et querelis', in addition to tolls on their goods.⁴⁴⁰ John had, therefore, granted the monks exemption from the jurisdiction of the county and hundred, at least insofar as he was able; the writ specifies that freedom from tolls, at least, was to be enjoyed 'per totam terram meam', which indicates that an acknowledgement of the limits of the grant was implicit. Even if the quittance from shire and hundred were limited only to John's lands, however, this included areas in which John, in theory, had no jurisdiction. The Reading writ may be compared, therefore, to the charter John gave in favour of Montacute Priory discussed above, which also granted quittance of shire and hundred, but primarily with respect to John's counties of Dorset-Somerset.⁴⁴¹ In the case of the Reading writ, however, the monks appear to have petitioned John for his confirmation of rights that ought to have required royal ratification to be enjoyed securely. Count John's writ, indeed, was effectively a confirmation of a grant which had previously been made to Reading Abbey by successive kings, although the text of John's writ does not mention any earlier grant. Writs addressed to royal officers, ordering that the monks were to be quit of shire and

⁴³⁷ *Angevin Acta*, 3974J.

⁴³⁸ Jones, 'Acta', 70.

⁴³⁹ See the editor's notes to the published edition of these grants in *Reading Abbey Cartularies*, ed. by B.R. Kemp, 2 vols. (London, 1986–87), i, nos. 40, 42, cf. C.W. Previté-Orton, 'Annales Radingenses Posteriores, 1135–1264', in *EHR* 37, (1922), 400–403, 401.

⁴⁴⁰ *Angevin Acta*, 3974J.

⁴⁴¹ *Angevin Acta*, 312J.

hundred, and all pleas and complaints, were also issued by Henry II and Richard I; Henry I – the founder of the abbey – had also given a similar grant which had specified quittance of shire and hundred, pleas and complaints, and geld, a grant which had been confirmed by King Stephen in turn.⁴⁴²

It is instructive, moreover, that Count John's writ follows the examples of these previous royal writs almost exactly in terms of its diplomatic. The most recent of these royal confirmations had been granted by King Richard on 12 September 1189, and the differences between this document and John's writ are minor contextual variations; the general address of Richard's writ specified more individuals, and the king's writ employed the plural of majesty, and confirmed the monks in their liberties throughout the whole of England, whereas Count John's version was more specific to his lands, as already noted. The two writs are, however, otherwise near-identical in the formulae they employ. Such similarity might suggest that John's writ was issued on the same occasion, or shortly after, that of the king as a complementary accompanying grant; alternatively, it may simply have been the case that John's confirmation was later modelled on Richard's – or, indeed, on those earlier royal writs, especially that of Henry II – as a device which sought to secure the monks in their rights after the king had departed the realm. This latter possibility seems the most likely in light of the tentative dating of John's writ to 1192.

Whenever Count John's writ was issued, the inherent message that it communicated is clear when the document is seen in the context of those royal grants that came before it. In confirming the rights of the monks John acted in the royal tradition, a tradition that was especially pronounced as Reading had been a royal foundation where John's great-grandfather, Henry I, was buried. In issuing this document, John granted privileges which required the authority of a king to be secured.⁴⁴³ The monks of Reading must have known that their rights depended on specifically royal

⁴⁴² *Reading Cartularies*, i, nos. 7, 15, 30, 36.

⁴⁴³ The substance of what was granted – quittance from shire and hundred – shows that royal confirmation remained a necessity, and that John must have confirmed these rights by virtue of a perceived royal authority,

favour when they petitioned John for his grant, since they likely produced their earlier royal grants for confirmation at the time. By the time that John was petitioned for his favour, the production of royal grants before a new king was probably an established habit at Reading, which is suggested by – and might have reinforced – the close diplomatic coherence between each grant. The only difference in John's case was that, as a current source of royal authority to whom the monks had come, he was not the anointed king.

The writ to Reading Abbey was not an isolated case of John granting an exemption from judicial jurisdiction to monastic houses situated outside his counties. Three further grants may also be cited, made by Count John in favour of the abbeys of Kirkstall (in Yorkshire), St Augustine's, Bristol, and Cirencester. Whilst each of these houses may have held lands that did fall under the jurisdiction of John's counties, in each case the house itself and its land in the immediate vicinity cannot have been subject to John's immediate jurisdiction. Each of these charters granted John's protection to the beneficiaries. The grant to Kirkstall Abbey, datable only to 1189 x 1199, specified that the monks 'sunt in manu mea, custodia et protectione', and notified John's justices, sheriffs, bailiffs, ministers and men that the monks were not to be impleaded 'de aliquo tenemento suo quod teneant in dominico suo alicui respondeant nisi coram me'.⁴⁴⁴ Whilst the address clause of this charter might have implied that the grant was only intended to extend to lands over which John's ministers had power, no such limitation of the bounds of John's protection is clearly specified in the text. A definition of who could be referred to as John's officer or man also may not have been clearly demarcated, or exclusive. Nor, indeed, did the charter state that protection from pleas was intended to pertain only to lands that lay within John's counties, or even his honours.

despite the complementary likelihood that the family association was a significant motivator for both parties in the transaction.

⁴⁴⁴ *Angevin Acta*, 2383J.

John's grant of protection to St. Augustine's Abbey, Bristol, includes a similarly broad grant of protection from being impleaded. The charter was addressed to John's justices, sheriffs and bailiffs 'Angl(ie) et Wallie et Hib(ernie)', and was specified to apply to any tenement the monks held in demesne: 'prohibeo ne ipsi ponantur in placitum de aliquo tenemento suo quod teneant in dominico suo nisi coram me vel capitali iusticia mea'.⁴⁴⁵ Whilst this grant, therefore, was clearly intended to apply to John's lands in Ireland and the lordship of Glamorgan, its tenor is also general with regard to England. A sub-clause of the grant which concerned quittance from tolls did carry the specification that these were to apply 'per totam terram meam', but this caveat was not applied to the grant of protection from being impleaded. This charter seems to imply, therefore, that John's protection was to apply to lands of the monks of St Augustine's very generally, including in areas in which John could have claimed no direct jurisdiction by virtue of his possessions. The royal flavour of this grant is also underscored by the mention that any pleas are to be heard before John or his chief justice, an officer whose existence is suggestive of an attempt by John to administer justice in the same way as the king.

The third of these grants, made in favour of Cirencester Abbey and datable to 1189 x 1199, deployed a simpler formula in defining the protection the monks were to enjoy: 'nec inde ponantur in placitum nisi coram me'.⁴⁴⁶ The tone of this grant was also general, since it applied – at least in the cartulary copy that survives to us – simply to 'terre et homines et possessiones eorum', and addressed John's sheriffs, bailiffs, ministers and all faithful men, in a manner which was similar to the other two charters under immediate discussion. The Cirencester grant does, however, appear to have been made partly as a confirmation of a charter of Henry II, which is referred to in John's charter; the grant of protection from pleas, however, was personal in nature and depended on John alone.

⁴⁴⁵ *Angevin Acta*, 640J.

⁴⁴⁶ *Angevin Acta*, 4055J.

These three charters granted Count John's personal protection from pleas to the beneficiaries, and therefore rested on John's personal authority to intervene in the regular operation of judicial process; by the 1190s, such protection would necessarily have had to have included common law pleas – which were a matter of royal jurisdiction – to be of any practical value. For these reasons, the granting of protection from being impleaded and of the right to have any pleas heard in the presence of the donor necessarily depended on royal authority, and was generally the preserve of the king.⁴⁴⁷ John's grants of protection to the houses of Kirkstall, St Augustine's, and Cirencester should, therefore, be seen as further evidence that the count was perceived by beneficiaries as a source of royal authority in the place of the king, and that the charters to which John set his seal attempted to exercise such authority. Each of these charters may be seen as evidence that complements the picture, which emerges from the Bristol and Reading grants already discussed, of John as a figure upon whom fluid and adaptable expectations of royal authority could be projected; not least those in favour of St Augustine's and Cirencester, houses which were also situated in Gloucestershire, closer to the centre of John's landed holdings.

The case of Kirkstall Abbey is also, however, an interesting one since, whilst it was situated outside of John's counties of Nottinghamshire-Derbyshire and his honour of Lancaster, it was not far from either of these jurisdictional areas. Whilst we should not be surprised that beneficiaries might have sought the patronage of figures who were powerful in neighboring vicinities, especially if the monks had lands in those areas, the tone of John's grants was general and did not suggest that his protection was to be limited to a few scattered estates in Derbyshire or Lancaster. The Kirkstall Abbey grant, as well as those John made to the Gloucestershire houses, may also indicate that beneficiaries – especially those with interests that lay close to John's – did not concern themselves with what the defined limits of Count John's sovereign jurisdiction were supposed to be (based on the grants that King Richard had given him). Rather, the perception of beneficiaries was that Count

⁴⁴⁷ Turner, *The King and his Courts*, 80–82.

John was able to deliver them with patronage backed by royal authority which, together with John's willingness to make such grants, seems to have caused John's royal jurisdiction to bleed across county borders and transcend the limits of what the king had intended for him.⁴⁴⁸ This occurrence may have been especially acute when the interests of beneficiaries laid close to, but beyond, the counties in which John had been afforded royal jurisdiction as tetrarch, as in the grants to Bristol and to Reading Abbey, and to those houses discussed here. Beneficiaries across the whole kingdom, however, were not deterred from having similar expectations of John, as shown by the grants to the see of Ely, to the Templar and Hospitaller orders, and to the monks of Canterbury.

Personal bonds could also interact with geographical proximity to extend the reach of the jurisdiction John had been allowed beyond the limitations of his own shires. A final concord made between Hamo de Valognes and Henry fitz Reiner of London recorded an agreement concerning the division of the custody of the lands and heir of Roger de Somery, which had been granted to the two

⁴⁴⁸ The question remains more ambiguous as to what Count John's own intentions were and the capacity in which he thought he was acting. In another example of a grant in which he conceded royal rights in the honour of Gloucester, John granted rights in the forest of Malvern to St Peter's Abbey, Gloucester, before October 1191; see *Angevin Acta*, 2143J. In making this grant, however, John was following the example of his predecessor, Earl William of Gloucester, who had also granted forest rights in Malvern, which were claimed via the lordship of the manor of Hanley. The extent of royal, as opposed to comital, control in Malvern had, therefore, long been ambiguous and rights in the forest were eventually confirmed to Earl Gilbert de Clare in 1217; see J.P. Toomey 'A Medieval Woodland Manor: Hanley Castle, Worcestershire', (unpublished PhD thesis, University of Birmingham, 1997), 49, 53. In this specific case, therefore, John's grant may have depended as much on the customary claims of his earldom than on the royal example. That the lines between comital and royal authority were blurred in respect of forest rights in Gloucestershire is, however, suggested by another charter, datable to 1189 x October 1191, by which John confirmed (among other grants) the land of Ashworthy (*Aisselesword*) to St Augustine's Abbey, Bristol, quit of 'visu forestariorum meorum et de reguardo foreste'; see *Angevin Acta*, 641J.

men by Count John.⁴⁴⁹ It was agreed that Hamo would take custody of the land of North Mimms, Hertfordshire (*Mimmes*), whilst Henry was to retain the custody of Haslingfield, Elmdon, and Elmdon Lee (*la Lee*) in Cambridgeshire. Roger de Somery had died before Michaelmas 1190, and his lands of North Mimms, Haslingfield and Elmdon were accounted for at the royal exchequer by the constable of the Tower of London, William Pointel.⁴⁵⁰ That Roger's lands and heir, Miles, had been taken into royal custody might seem natural enough, as Roger was a tenant of the earldom of Essex for Haslingfield, and the earldom had itself escheated following the death of Earl William de Mandeville in November 1189.⁴⁵¹ The escheated lands of the earldom had also been placed in the custody of William Pointel within his Tower account during the exchequer year 1189–90, following the brief seisin of Geoffrey de Say, a claimant whose difficulty in discharging his large fine caused him to return the lands to royal custody; the earldom was obtained thereafter by Geoffrey fitz Peter in right of his wife, via a fine made in summer 1190.⁴⁵² It would seem, therefore, that Roger de Somery's lands had been taken in hand by the royal government and assigned to the custody of William Pointel as part and parcel of the earldom of Essex.

North Mimms, however, was held by the Somery family of John's honour of Gloucester, which meant that its seizure by royal custodians had been enacted at the expense of John's rights as

⁴⁴⁹ London: TNA, E40 8716.

⁴⁵⁰ *PR 2 Richard I*, 2; D.K. Bolton et. al., 'Parishes: Haslingfield', in *A History of the County of Cambridge and the Isle of Ely: Volume 5*, ed. C R Elrington (London, 1973), 227–240. *British History Online* <http://www.british-history.ac.uk/vch/cambs/vol5/pp227-240> [accessed 27 March 2018].

⁴⁵¹ Bolton et. al., 'Haslingfield', 227–240. For the death of William de Mandeville and the background to the succession to his lands, see R.V. Turner, 'The Mandeville Inheritance, 1189–1236: Its Legal, Political and Social Context' in *HSJ*, 1 (1989), 147–68, 152.

⁴⁵² *PR 2 Richard I*, 1–2; T. Keefe, 'Counting Those Who Count: A Computer-Assisted Analysis of Charter Witness-Lists and the Itinerant Court in the First Year of the Reign of Richard I', in *HSJ*, 1 (1989), 135–45, 143–4.

lord.⁴⁵³ Such a royal seizure was typical in cases where the tenant had held at least some of his lands directly of the king as a tenant-in-chief, as part of the right of prerogative wardship.⁴⁵⁴ It seems that the royal government might have had good grounds to argue that Roger de Somery had held some of his lands in chief, since his predecessor, Adam de Somery, had paid scutage to the exchequer for his knights in Cambridgeshire and Huntingdonshire at Michaelmas 1161. Some ambiguity may, therefore, have developed about the status of the Somery lands in relation to the earldom of Essex.⁴⁵⁵

Such justifications presumably did not satisfy John in relation to his rights of wardship and the final concord in question shows that he sought to assert his rights over the custody of Miles de Somery. It seems reasonable to suppose that John would have acted shortly after the death of Roger de Somery and that the grant to Hamo de Valognes and Henry fitz Reiner was most likely made some time in 1190, possibly in direct conflict with the custody exercised by William Pointel. Such an interpretation is especially appealing when we consider William de Longchamp's likely involvement in the matter as royal co-justiciar. Longchamp remained the key figure in the royal government at the time that the earldom of Essex was placed in William Pointel's custody and also appeared at the head of the witness list of a charter of Geoffrey fitz Peter which granted the latter William custody of other escheats from the earldom's sub-tenancies.⁴⁵⁶ Given the tension between Count John and

⁴⁵³ Adam de Somery, Roger's predecessor, held seven fees of the earldom of Gloucester in 1166. More explicitly, upon his succession Miles de Somery held *Mimmes* of the honour of Gloucester in 1204 x 1212; see *Red Book*, i, 228; *Book of Fees*, i, 125.

⁴⁵⁴ *Glanvill*, 84; 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. by G. Garnett and J. Hudson, (Cambridge, University Press, 1994), 223–44, 223–25.

⁴⁵⁵ *PR 7 Henry II*, 45; Bolton et. al., 'Haslingfield', 227–240.

⁴⁵⁶ Keefe, 'Counting Those Who Count', 144–5, n.23.

William de Longchamp that had begun to grow by 1190, it would hardly be surprising if John's grant of the Somery custody to his own appointees was an attempt to assert himself against the co-justiciar's government.⁴⁵⁷ Alternatively, since Miles de Somery did not attain his majority until sometime before 1199, the grant may have been made after Geoffrey fitz Peter had obtained seisin of the earldom of Essex. This possibility raises further questions about the nature of John's relations with another key member of the king's government, especially as the other patronage that Geoffrey fitz Peter exercised towards William Pointel indicates likely approval of William's custody of the Somery lands.⁴⁵⁸

Irrespective of exactly when John's grant of the custody of the Somery lands was made, its greatest significance lies in the assumptions it reveals on the part of all concerned parties about the donor's rights. John did not seek to assert his rights over the lands of his Gloucester tenant merely by appointing a custodian to take the dependent land of North Mimms in hand on his behalf. On the contrary, he sought to exercise the right of prerogative wardship over the heir of Roger de Somery and all his lands for himself because Roger had been his man. In terms of his legal claim as earl of Gloucester, John had no business intervening in the custody of Haslingfield and the other Somery lands, whether they were considered to be held of the earldom of Essex, or else in chief of the king. These lands were in Cambridgeshire, outside the bounds of the jurisdiction that John exercised in his own counties. Nor do they seem to have had any tenurial connection with any of John's other honours. That John sought to appoint Henry fitz Reiner as custodian of these lands must, therefore,

⁴⁵⁷ Especially, as Keefe has suggested, if John had argued the case of Geoffrey de Say for the succession to the earldom, whilst Geoffrey fitz Peter enjoyed the support of other royal curial servants. See Keefe, 'Counting Those Who Count', 142, 145.

⁴⁵⁸ *PR 1 John*, 37; Bolton et. al., 'Haslingfield', 227-240. Geoffrey fitz Peter's grant to William Pointel of 1190 x 1191 is transcribed in A. Charlton, 'A Study of the Mandeville Family and Its Estates', unpublished PhD thesis, (University of Reading, 1977), 426.

have been a consequence of the personal bond of lordship that had existed between John and Roger de Somery as his tenant in North Mimms. That John had been Roger's lord seems to have been sufficient for John to claim wardship of Roger's heir, together with the rest of his lands, wherever in the kingdom they were and however they were held. John's actions, therefore, are a direct mirror of the approach taken by the royal government when the Gloucester fee of North Mimms was placed in the custody of William Pointel. In other words, by appointing Henry fitz Reiner as a custodian, John acted as if his rights over the lands of his tenants throughout the kingdom were the same as those of the king; i.e. that he could exercise prerogative wardship over the lands of men who held of him directly. This position did not necessarily conflict with the idea that John was a legitimate royal representative since his actions were consistent with the sort of authority he had been granted elsewhere. That John's perceived rights had extended beyond their initial geographical bounds is nonetheless clear.

The case of the Somery custody, therefore, confirms that John himself was, where circumstances allowed, willing to push the boundaries of his sovereign authority to exercise jurisdiction across the kingdom in the manner of a king. The potential agency of the beneficiaries of this grant should also not be forgotten. Both Hamo de Valognes and Henry fitz Reiner retained an interest in the Somery lands that might lead us to suppose that they were active agents in petitioning John for their custodies. Both men had pre-existing links with John and might have expected their requests to be favourably received. Henry fitz Reiner was the brother of Richard fitz Reiner, the London alderman to whom John granted his London soke pertaining to the honour of Peverel, and who would be a key supporter in John's conflict with William Longchamp in October

1191.⁴⁵⁹ Hamo de Valognes was an established member of John's household.⁴⁶⁰ Henry fitz Reiner's family held lands of the Somery fee, which Henry himself obtained full rights over in a final concord made with his brother, William, in November 1191.⁴⁶¹ Hamo de Valognes had been married to the sister of Miles de Somery before the death of Roger, giving him an obvious interest in the family estates and likely fostering hopes of securing them for himself.⁴⁶² Both men, therefore, would have had good reasons for wishing to secure the custody of the Somery lands and seem likely to have taken the lead in approaching John in order to get what they wanted. The grant may, therefore, be read alongside John's charters in favour of the monastic beneficiaries discussed above as an indicator of the expectations that individuals throughout England had of his authority.

The expectations of beneficiaries from across the kingdom who sought the patronage of Count John's royal authority may have been derived from a variety of sources: his close association with King Richard early in the reign; the supreme position which John occupied in ruling his various counties as tetrarch; his *de facto* ability to exercise royal authority as a figure who was sufficiently powerful to take the kingdom in hand and deliver upon his grants (wherever they might have been made); or the possibility that John himself might one day become king. The likelihood is that a combination of all these interrelated factors played into the calculations of the beneficiaries who petitioned John for his favour between 1189 and October 1191, and thereafter. It seems a limited interpretation – not to mention, excessively providential – to attribute significance only to the

⁴⁵⁹ *Angevin Acta*, 608J; *Giraldi Cambrensis Opera*, ed. by J.S. Brewer, 8 vols. (London, Rolls Series, 1861–91), iv (1873), 405. Count John was also present in the *curia regis* when Henry fitz Reiner made a fine with his brother William to settle the property of their brother Richard in November 1191, see *Angevin Acta*, [final concord made between William and Henry fitz Reiner] [London: TNA, E42/312].

⁴⁶⁰ Jones, 'Acta', 67.

⁴⁶¹ *CRR*, iii, 168. For the final concord referred to in that case, see London: TNA, E42/312.

⁴⁶² *CRR*, xiv, 1387.

paradigm of the succession, whilst understating the immediacy of John's authority. To do so would also be to ignore the uncertainty that still characterised English royal succession in general in the late twelfth century, an uncertainty which remained apparent in the specific case of John. It is true that astute individuals might have attempted to hedge their bets to insure their positions against all eventualities. William Marshal was later reportedly accused of 'planting vines' by trying to ingratiate himself into John's favour even after the count's lands were confiscated in 1194.⁴⁶³ Gerald of Wales, in his *Vita Galfridi*, referred to John as the king's heir in relating Richard fitz Reiner's attitude towards the count in autumn 1191.⁴⁶⁴ Richard of Devizes also thought that Count John was sometimes called the king's heir by his followers and noted that John did not attempt to restrain them from doing so.⁴⁶⁵ The same chronicler also reported that John's settlement with William de Longchamp of July 1191 included a promise on the part of the chancellor that he would support John in obtaining the crown if the king should die.⁴⁶⁶

But no one could have been sure how the chips would fall. John had rivals for the succession. Arthur of Brittany's candidacy was at one stage in 1190–91 boosted by the support of the king, which William de Longchamp personally sought to further.⁴⁶⁷ The idea that John was safely consolidated as Richard's successor in 1189 x October 1191 also belies the concern John showed in obtaining pledges of loyalty from key individuals in the kingdom after William de Longchamp's flight.

⁴⁶³ The story was related in retrospect in the *L'Histoire de Guillaume le Marechal*, composed after William's death, and concerned William's refusal to do homage to King Richard for the lands he held of John in Ireland. The possibility of embellishment intended to emphasise the Marshal's loyalty must, however, be kept in mind. See Crouch, *Marshal*, 94.

⁴⁶⁴ *Giraldi Cambrensis Opera*, iv, 405. The work was completed in c.1193; see R. Bartlett, 'Gerald of Wales', in *ODNB*.

⁴⁶⁵ Devizes, 29–30.

⁴⁶⁶ Devizes, 35.

⁴⁶⁷ Newburgh, 335–6.

Oaths of fealty and pledges to receive John in the kingdom – but only if Richard were to die without offspring – were given at a council at St Paul’s, London, in October 1191, at the very end of the period in which most of the charters under discussion were granted.⁴⁶⁸ If John’s eventual succession had been commonly assumed to be assured then such actions would have been less pressing. Oaths given were no guarantee of success in any case. The uncertain nature of succession within the Angevin ruling family was, in fact, eventually demonstrated by the struggle that ensued between John and Arthur after King Richard’s death in 1199.

It is, therefore, no less significant to consider the impact of the authority which Count John had already obtained after 1189 as a primary factor in understanding his ambiguous role in the kingdom. The possibility of John’s eventual succession was undoubtedly important, and may have affected the way he was perceived, but it only formed part of the wider picture. John’s prospects of succeeding to the kingship were, in any case, unavoidably intertwined with his relationship to the king, and with the power and influence he could command in practice. These issues were complementary, not mutually exclusive. Richard of Devizes’s account of the reception John was given by the citizens of London upon entering the city in October 1191 – just before the St Paul’s council at which he received oaths of fealty – underlined the royal status John already enjoyed at that time, with the chronicler giving the impression that the welcome was barely short of that of a king.⁴⁶⁹ The complaints that the same chronicler placed in the mouth of William de Longchamp, speaking from his refuge in the Tower of London, also make clear that an impression was current that John had effectively already replaced Richard as a source of royal lordship.⁴⁷⁰ Count John himself may have conceived of his position and the basis of his authority differently to those who

⁴⁶⁸ *Gesta*, ii, 214.

⁴⁶⁹ Specifically, that the welcome lacked only the cry of ‘Chere Basileos’. Devizes, 46.

⁴⁷⁰ Devizes, 50.

sought his patronage, and this may have differed depending on context.⁴⁷¹ What is clear is that John did not shy away from making grants which were usually the preserve of the king, not only within his ‘tetrarchy’, but in the rest of the kingdom. He was able to do so because of the role which he already occupied in the kingdom between 1189 and autumn 1191.

It may be that John’s role in the kingdom was clarified, if not substantially altered, at the St Paul’s council of October 1191. According to Richard of Devizes, as well as receiving the aforementioned oaths of fealty, John was made ‘sumum rectorem totius regni’ by all those assembled, which included all the nobles of the realm.⁴⁷² No specific clarification was given by Richard of Devizes as to what he understood the title of *rector* to have meant, although he also noted that all of the castles in the kingdom were placed in the keeping of custodians appointed by John; the selection of Walter of Coutances, archbishop of Rouen, as chief justiciar was also portrayed as having been John’s appointment, with the justiciar being ‘supreme after the count’.⁴⁷³ It would seem, therefore, that the title *rector* implied a sense – real or imagined – that Count John was recognised as the official representative of royal authority in the kingdom at large. Such an interpretation is implied by a translation of the word *rector* as ‘ruler’, ‘leader’, or ‘helmsman’.⁴⁷⁴ The title assigned to John by Richard of Devizes may be compared usefully with the way that William Marshal’s position in the kingdom early in the minority of Henry III was described by the royal

⁴⁷¹ As in the example of the grant of forest rights in Malvern discussed above, which should clearly be seen in the context of the earldom of Gloucester. See *Angevin Acta*, 2143J.

⁴⁷² Devizes, 48–9.

⁴⁷³ Devizes, 48–9, 55.

⁴⁷⁴ ‘Rector’, in R.K. Ashdowne, D.R. Howlett and R.E. Latham (eds), *Dictionary of Medieval Latin from British Sources*, (Oxford 1975–). Richard of Devizes also used the word elsewhere in his chronicle to refer to Henry II’s chief justiciar, Ranulph de Glanvill (*regni rector*), to the captain of one of the ships in the king’s fleet (*Asscribitur navis regimini rector doctissimus*), and to the rulers of lands which bordered those of King Richard (*terrarum rectoribus*); see Devizes, 5, 15, 76.

chancery. As the leading agent of royal authority and guardian of the king, William was described as *rector noster et regni nostri* when Magna Carta was re-issued in the name of the young Henry III at Bristol on 12 November 1216.⁴⁷⁵ The title *rector totius regni*, or a variation thereof, was not used in relation to Count John in October 1191 by any contemporary chronicler other than Richard of Devizes. There is some consistency, however, in the way that other chroniclers chose to portray John at the head of the council at St Paul's, in a way that suggests he took the leading role in dictating the affairs of the kingdom. Ralph Diceto – a London-based observer – placed John as the foremost individual at the council, who took the lead in swearing fidelity to the king, with all others following his example.⁴⁷⁶ Roger of Howden's account of the council also consistently listed John ahead of all, including Walter of Coutances, in meeting the citizens of London, granting privileges to them, and replacing William de Longchamp as justiciar with Archbishop Walter in accordance with the king's letters. Roger's account concludes with the statement that fealty was sworn to John (saving that owed to the king), as noted above.⁴⁷⁷ Only the accounts of Gerald of Wales, and of William of Newburgh, appear not to have assigned the leading role in the council to John, with both accounts focusing more on the figure of Walter of Coutances.⁴⁷⁸ The balance of the evidence, therefore, accords with the spirit of Richard of Devizes's view of events.

The title of *rector* attributed to Count John by Richard of Devizes may actually have been conferred at St Paul's. Even if the title itself was a fanciful invention, however, this detail represents the chronicler's imagined reflection on the role that John occupied after the deposition of William de Longchamp in October 1191. The chronicler clearly thought that Count John's role throughout the kingdom at large had been defined with certainty (whether by a title, or simply in practice), in a way that had not been possible when the chief justiciar had been the antagonistic Longchamp. Richard of

⁴⁷⁵ Crouch, *Marshal*, 161.

⁴⁷⁶ Diceto, ii, 99.

⁴⁷⁷ *Gesta*, ii, 214.

⁴⁷⁸ *Giraldi Cambrensis Opera*, iv, 407–9.

Devizes therefore presented October 1191 as a moment of harmony, in which the government of the kingdom in King Richard's absence was finally settled and John remained at its head. The charter evidence already examined shows that John's close involvement in the exercise of royal authority throughout the kingdom was nothing new. The real difference may have been that, in Walter of Coutances, John was now confronted with a chief justiciar who was willing to recognise his role as the leading royal authority in the kingdom and collaborate with him in governing the realm.

Evidence relating to the aftermath of William de Longchamp's removal shows this new close association between the *rector* and tetrarch of the kingdom and the chief ministers of the royal government in action. A united front was immediately shown at the council at St Paul's, when the assembly granted the right to a commune to the citizens of London who had supported the removal of William de Longchamp. Roger of Howden's account of this grant attributed it primarily to Count John, Archbishop Walter, and the king's other justices, and whilst Richard of Devizes's version is less explicit in apportioning agency, the grant immediately followed the communal recognition of John as *rector* and Walter as chief justiciar, which implies that they took the lead.⁴⁷⁹ Ralph Diceto attributed the grant to *omnes* present, although presented John as the leading figure.⁴⁸⁰ The overall impression given by the chroniclers, therefore, is that John had begun to collaborate with Walter and the other key ministers of King Richard's government to settle business that concerned royal prerogatives. The granting of the privilege of a commune to the city of London was so much a matter of carefully-guarded royal jurisdiction that Richard of Devizes was moved to comment that London would never have been allowed it by Henry II or Richard for a fine of one million marks.⁴⁸¹ The way this issue was framed by the chronicler, however, raises the question of whether the grant still depended upon the

⁴⁷⁹ *Gesta*, ii, 214; Devizes, 48–9.

⁴⁸⁰ Diceto, ii, 99.

⁴⁸¹ Devizes, 49.

backing of John as a source of necessary royal authority, since the legitimacy of such a remarkable grant made only by the agreement of the king's ministers would surely have been seen as questionable. A similar co-operative approach to the business of royal government can also be seen in another action taken after William de Longchamp's deposition: the appointment of a new abbot of Westminster. Richard of Devizes noted that the monks elected their new abbot under Count John's influence, whilst Ralph Diceto noted that the election – which he dated to 9 October, the day after the St Paul's council in his narrative – took place *ante regis justiciarios*.⁴⁸² This variation between the two accounts indicates that both John and King Richard's ministers were actively involved in overseeing the abbatial election, a matter in which the royal right of nomination needed to be upheld.

The impression that John and Archbishop Walter jointly took a lead in governing the kingdom at large is also given by the available charter evidence. Letters relating to the issue of the Canterbury vacancy, which have already been examined above, show John – his authority throughout the kingdom now recognised by the royal government – acting as *rector* (as Richard of Devizes saw it) alongside Walter of Coutances, the chief justiciar. The operation of the royal government in early October 1191 is clarified by the letters sent to the convent of Canterbury in that month. The first of these, a royal letter dated 10 October, and witnessed only by Archbishop Walter, instructed the monks to send a delegation to London in order that their choice of archbishop be known.⁴⁸³ This letter was accompanied by a second which, although undated, was issued jointly in the names of Count John and Archbishop Walter; it sought to clarify the authenticity of the royal orders in the first by explaining that royal government was, henceforth, to be conducted by common

⁴⁸² Diceto, ii, 100.

⁴⁸³ *Angevin Acta*, 1026R.

counsel of the king's *fideles*, with orders to be issued under the royal seal.⁴⁸⁴ Whilst commonality of action was emphasised in the letter, the fact that it was issued in the names of John and Walter underlines that they occupied the leading positions in the realm at the head of the royal government.

This reality was highlighted in a third Canterbury letter, also issued under the king's seal in early November 1191, which instructed the monks that Walter, John, and other unnamed royal justices and servants would travel to Canterbury in early December to consult with them on the matter of the election.⁴⁸⁵ Count John had been engaged with the matter of the archiepiscopal vacancy since early in the year, but it is clear that, by October 1191, the replacement of William de Longchamp with Walter of Coutances as chief justiciar had allowed John to conduct his role in governing those parts of the kingdom that lay outside his counties with the support of the king's ministers.

The unity between John and Richard's justices with regard to the royal business done in London in autumn 1191 is also shown neatly by a final concord, made at 'in curia domini reg[is]' at Westminster between William and Henry fitz Reiner on 30 November. The fine was made 'coram loh[ann]e comite de Moret' fratre domini reg[is] et coram W[altero] Rothomag' archiepiscopo tunc iustic[iario] Angl[ie] et Ric[ardo] Lond' episcopo tunc domini regis thesaur[ario] et coram baronibus de scakario'.⁴⁸⁶ In this case, therefore, Count John sat as the foremost representative of royal authority in the *curia regis* at Westminster, named alongside (but ahead of) the king's ministers, Archbishop Walter, the bishop of London, and the barons of the exchequer. John was afforded no ministerial title by the scribe who composed the chirograph, such as the *rector* which Richard of

⁴⁸⁴ 'communi deliberatione fidelium domini regis statutum est ut sub sigillo domini regis de negotiis regni mandata regia fiant communiter'; *Angevin Acta*, 995J.

⁴⁸⁵ *Angevin Acta*, 1028R.

⁴⁸⁶ *Angevin Acta*, ???J, [final concord made between William and Henry fitz Reiner].

Devizes had attributed to him, but the choice to style him as *frater regis* may itself be indicative of John's heightened authority, as it emphasised his royal blood and relationship with the king.⁴⁸⁷ The style also set him apart from the rest of the ministers whose names were listed thereafter, since it suggested that his authority was more inherently personal than contingent on possession of an office. The fine underlines, therefore, that by November 1191 Count John remained the most powerful figure in the kingdom by virtue of his royal authority, but that he was now able to fulfill this role in conjunction with, rather than in opposition to, Richard's key officers.

Count John continued to be associated with the personnel and machinery of royal government after November 1191. John spent Christmas with Hugh de Puiset, bishop of Durham, whose role as co-justiciar in the north had been diminished by the aggression of William de Longchamp.⁴⁸⁸ Hugh had, however, recently been restored in his earldom of Northumberland at the council of St Paul's.⁴⁸⁹ A new feature in the diplomatic of John's charters is also detectable from 1192 that seems to indicate that John and his chancery were experiencing closer contact with scribes associated with the royal chancery at Westminster (that is, that part of the royal chancery which did not accompany the king on crusade). A minority of John's charters are dated by a full dating clause by regnal year, as opposed to the simple place-date clause which was deployed in the majority of the documents issued by his chancery in imitation of the diplomatic of Henry II's charters.⁴⁹⁰ Of these

⁴⁸⁷ The style is consistent with the way that John was regularly styled as a witness to King Richard's charters.

See, for example, *Angevin Acta*, 1196R, 2274R, 3425R, 1002R, 1033R, 1034R, 83R. For the emphasis on royal blood relationships in the styles of collateral family members, see D. Crouch, 'Aethelings, *duces* and *comites* in Insular Societies, 800–1300' in *Rank and Order: The Formation of Aristocratic Elites in Western and Central Europe, 500–1500*, ed. by J. Peltzer (Ostfildern, 2015) 117–130, 120–22.

⁴⁸⁸ Church, *John*, 50.

⁴⁸⁹ Devizes, 49.

⁴⁹⁰ Vincent, 'Jean', 42.

charters, many are dated after 1194, when John spent much of his time in Normandy in close proximity to the king following a period of confiscation and exile in 1194–5.⁴⁹¹ Twenty-four charters which employed full dating clauses, however, were issued by John between 1189 and 1194, and not one of these was given earlier than 1192; of these, fourteen were issued in 1192, seven in 1193.⁴⁹²

It may be that most of those charters in which a full dating clause was employed were dated as such as a consequence of interaction between Count John's chancery and the machinery of the royal government, since dating by regnal year was the standard practice of Richard's chancery.⁴⁹³

⁴⁹¹ Church, *John*, 57–8.

⁴⁹² *Angevin Acta*, 732J [men of Dublin, surviving as an original], 532J [St. Thomas' Priory, Dublin, surviving as a copy], 565J [Archbishop John Cumin, surviving as a copy], 615J [a proto-*inspeximus*, of even date with 565J, confirming Archbishop John Cumin's grant to Geoffrey de Marsh, surviving as a copy], 743J [Eye Priory, surviving as a copy], 571J [Bishop Hugh of Coventry, dated by the incarnation and therefore possibly a beneficiary production, but surviving in an original *inspeximus* of Henry III], 2148J [Glendalough Abbey, surviving as a copy], 376J [Gervase of Hampton, surviving as an original], 2532J [the church of Kells, surviving in an enrolled *inspeximus* of Richard II], 572J [the church of Lichfield, surviving as a copy and with an atypical address clause, but given *per manum Stephani Rid' cancellarii mei*], 5284J [St. Bartholomew's Hospital, London, surviving as an original], 557J [Montacute Priory, surviving as a copy], 558J [Montacute Priory, surviving as an original], 745J [Reading Abbey, surviving as a copy], 2150J [Henry Tyrel, surviving in an enrolled *inspeximus* of Edward III], 528J [Archbishop John of Dublin, surviving as an enrolled copy], 566J [St. Patrick's cathedral church, Dublin, of even date with 528J and surviving as a copy], 210J [men of Lancaster, surviving as an original], 261J [Margam Abbey, surviving as an original], 536J [notification of a treaty made with King Phillip, surviving as an original], 612J [Peter Pipard, surviving as an original], 9J [Hamo de Valognes, surviving as an original], 1841J [Richard de Vernon, surviving as an original], and ???J [grant to Savigny Abbey] [Paris BN ms. nouv.acq.Francais 21861 fo.200r-v] [Savigny Abbey, surviving as a copy]. 2168J [Priory of Le Plessis-Grimoult, not dated by regnal year and possibly post-1194, surviving as an original] is a possible addition to the list, but a later date seems likely based on the witnesses.

⁴⁹³ Jones, '*Acta*', 32, 79.

Many of the dated charters may even have been produced by scribes attached to the royal chancery, with which John would have been unlikely to have had contact before the expulsion of the chancellor, William de Longchamp, and the surrender of the royal seal. The seal itself may even have spent some time in the keeping of a member of John's own household, Master Benedict, suggesting a close association between royal and comital writing offices in late 1191.⁴⁹⁴ Once the royal chancery was at the service of Walter of Coutances, the evident association between John and the archbishop would have made exchange with royal scribes much more likely.

The impression given by these dated charters is, therefore, of a closer degree of association between John and the royal government in 1192 and beyond. Increased interaction is also hinted at by the appearance of some of the king's key ministers as witnesses to John's charters. The letters King Richard had given to Archbishop Walter at Messina, which authorised him to replace William de Longchamp as chief justiciar, also approved the appointment of William Marshal, Geoffrey fitz Peter, Hugh Bardulf, and William Brewer to assist Walter as his associates.⁴⁹⁵ Whilst William Marshal's status as an earl and significant landholder (including as John's tenant in Ireland) makes it difficult to discern the capacities in which he came into contact with John, the cases of the other three men may be more instructive.⁴⁹⁶ None of these men were regular witnesses of Count John's charters at any point before 1199, meaning that none can be said to have been regularly associated with John, either before or after October 1191. The few charters which were witnessed by these three, however, seem to have some concurrence with those dated charters which were issued in 1192,

⁴⁹⁴ Church, *John*, 59, note; for the surrender of the king's seal, and the possibility that John's own seal-bearer, Master Benedict, took custody of it for a time, see *Gesta*, ii, 224; Jones, 'Acta', 58–60.

⁴⁹⁵ *Gesta*, ii, 213.

⁴⁹⁶ William Marshal witnessed John's charters in a variety of contexts at various different points in time. See, for example, *Angevin Acta*, 530J [before 1189, concerning Ireland], 285J [1189 x Oct 1191], 298J [1193 x 1194], 2166J [8 September 1196].

many of which may have been dated as such precisely because John was in close proximity to the royal government.

William Brewer, for example, witnessed five charters issued by Count John before 1199. Of these five, three – those in favour of Gervase of Hampton, Reading Abbey, and Bishop Hugh of Coventry – are among those datable to 1192, whilst a fourth was a charter given in favour of Walter of Coutances.⁴⁹⁷ The Rouen charter is datable with certainty only to 1189 x 1194, but the context of John and Walter's close association makes a potential date after October 1191 a more appealing possibility, together with the detail that it was made 'ad petitionem etiam domine matris mee Alienor Anglorum regine'.⁴⁹⁸ The fifth charter witnessed by William Brewer, given in favour of Alard fitz William, is also datable only to 1189 x 1199.⁴⁹⁹ Geoffrey fitz Peter witnessed only two of Count John's charters, namely those given in favour of Reading Abbey and the church of Rouen which

⁴⁹⁷ *Angevin Acta*, 376J [in favour of Gervase of Hampton, given 22 August 1192 at Winchester, granting a former escheat at Gussage, Dorset], 745J [to Reading Abbey, given 28 August 1192 at Reading, granting a burgage in Dunwich, Suffolk, that is, in the honour of Eye], 571J [to Bishop Hugh of Coventry, dated to 1192 by the incarnation and given at Coventry, granting the church of Hope with the chapel of Tidewell, Derbyshire likely in the honour of Peverel].

⁴⁹⁸ *Angevin Acta*, 2147J. The charter granted the chapelry of Blyth (near Tickhill), among other properties, to Archbishop Walter and the church of Rouen. This grant followed an earlier charter given by John which also concerned the chapelry of Blyth, datable to September x 31 December 1189 based on the appearance of William de Longchamp as bishop-elect of Ely; see *Angevin Acta*, 2129J. Queen Eleanor did not return to England until 11 February 1192, having conducted Berengaria of Navarre to Richard in Cyprus, and thereafter travelled to the king in Germany in early 1194; see J. Martindale, 'Eleanor of Aquitaine: The Last Years', in *King John: New Interpretations*, ed. by S.D. Church (Woodbridge: Boydell, 1999) 137–164, 145; Devizes, 58. Another witness, Walter de Dunstanville, died in 1194; see Jones, 'Acta', 70.

⁴⁹⁹ *Angevin Acta*, 2155J, given at Shaftesbury, granting land at Gothamton? (*Gathamtona*), possibly Oxfordshire/Buckinghamshire and most likely related to the honour of Wallingford.

William Brewer also attested. Geoffrey was also the beneficiary of a further charter of Count John, which granted him the honour of Kirkton, known only from a passing reference and therefore not datable with any precision.⁵⁰⁰ The Rouen charter witnessed by William and Geoffrey also represents the only occasion Hugh Bardulf is known to have attested one of John's grants.

All three of these royal justices, therefore, seem to have associated themselves with Count John primarily in the year 1192. The evidence of the dates of the charters they witnessed is not definitive. The charter in favour of Bishop Hugh of Coventry was not dated by regnal year and thus is not inherently suggestive of contact between John and the royal chancery. The charter in favour of the Archbishop of Rouen is the only document to which all three men stood witness, but cannot be dated with any certainty, despite the common involvement of so many of the king's ministers. Nor do these charters seem to have any coherence in terms of the transactions they record. The grant to the Archbishop of Rouen stands as a moment when John was in the company of all three justices in addition to the justiciar, Walter of Coutances, and thus indicates a certain uniformity of purpose in securing a grant for Walter's see. Yet the substance of the grant – the chapelry of Blyth – concerned rights to property in John's honour of Tickhill and thus might also appear from the donor's perspective to have been a matter of honourial management rather than royal administration. A similar interpretation might be applied to the properties granted to Reading Abbey (land in the honour of Eye), the bishop of Coventry (churches in the honour of Peverel), Alard fitz William (land most likely pertaining to the honour of Wallingford) and, perhaps less clearly, Gervase of Hampton (land in John's shire of Dorset). The three royal justices do not seem to have been engaged in attesting transactions that were of great consequence to the administration of the realm; rather, all the surviving charters that these men witnessed concerned John's lands or shires.

⁵⁰⁰ *Angevin Acta*, 2600J.

Nonetheless, the overall impression given by these charters is of an association between Count John and the king's government that existed only after the expulsion of William de Longchamp in October 1191. Whilst neither William Brewer, Geoffrey fitz Peter, nor Hugh Bardulf can be said to have become regular attendees upon John on the basis of these charters, their interaction with the count may still be indicative of a more co-operative relationship between the count and the king's ministers than had existed before.⁵⁰¹ Further incidental examples of collaboration can also be found beyond the charter evidence. It seems, for example, that John campaigned in the Welsh Marches alongside Geoffrey fitz Peter and William Marshal in summer 1192, a mission that has the appearance of royal business.⁵⁰² Even after John's loyalty to Richard later became more questionable during the king's captivity, indeed, it seems that the royal ministers sought to maintain their relations with him for as long as possible and refrained from besieging John's castles in summer 1193, preferring to make a truce. Their calculations were likely influenced as much by the prominence of John's existing position in the kingdom and the loyalty he was already able to command as by expectations of his succession in the future.⁵⁰³

The evidence of the witness lists may, therefore, be read together with the dating of John's 1192 charters, and the count's evident collaboration with Archbishop Walter, as an indication that the count remained in amicable contact with the individuals at the head of the royal government after October 1191. John's role as an embodiment of royal authority throughout the kingdom may have been diluted by the return of his mother, Queen Eleanor, in February 1192 and by suspicions of his collaboration with the recently-returned king of France. According to Richard of Devizes, the queen quickly sought to take matters in hand upon her return regarding the discord that had

⁵⁰¹ Although, by 1193, Hugh Bardulf felt sufficiently bound to the count that he refused to besiege the castle of Tickhill because he was John's man; see *Chronica* iii, 206.

⁵⁰² Strickland, 'Bones', 151–2.

⁵⁰³ Strickland, 'Bones', 155–7.

resulted from the mutual excommunications that had been exchanged between Archbishop Walter and William de Longchamp in the aftermath of the latter's flight. Soon thereafter, it was Eleanor who acted to summon and preside over councils to implore John not to cross the Channel to meet with King Phillip.⁵⁰⁴ By spring 1192, therefore, it was the queen, and not the count, to whom the royal government looked first for leadership in the way that it had looked to John in October 1191. This change of emphasis was entirely natural given that Eleanor was an anointed queen – with all the divine grace which that implied, together with the established tradition of queens acting as royal representatives – and, therefore, enjoyed an even closer dynastic connection to royal authority than John.⁵⁰⁵ The charter evidence suggests, however, that the cordial nature of John's contact with the personnel and machinery of the royal government was unaltered throughout 1192, and into 1193. Despite the changes that had been brought about by the return of Queen Eleanor and King Phillip to the political landscape, John's fundamental position remained the same as it had been since 1189; he continued to associate with Richard's ministers and scribes and he could still be appealed to by the royal government as a source of political authority in the kingdom at large, as he was at a council held later in 1192 which sought to rebuke the return of William de Longchamp.⁵⁰⁶

Conclusion

The way that Count John had been positioned as tetrarch within his own counties and as *rector* throughout the kingdom meant that he continued to represent royal authority and was able to play a significant role in ruling England in Richard's absence before the king's capture late in 1192.

⁵⁰⁴ Devizes, 58–60; For an overview of these events, see Church, *John*, 50–1.

⁵⁰⁵ D. Bates, 'The Origins of the Justiciarship', in *ANS*, 4 (1982) 1–12, 10.

⁵⁰⁶ Devizes, 62–3.

John had been placed in this position by Richard at the outset of the reign in anticipation of the king's departure and the charter evidence examined here illustrates that he shared in royal authority in practice before summer 1190. Despite Richard's confidence in John apparently wavering in the context of his new justiciar, William de Longchamp's, probable hostility in early 1190, the king did nothing to materially alter the position in which John had been placed and continued to enlist his brother in the defense of royal rights. The significance of the expulsion of William de Longchamp and conciliar recognition of John as *rector* in October 1191 was primarily that it marked the installation of a royal justiciar, Walter of Coutances, who was willing to work in harmony with John as a channel of royal authority. Charters issued before and after October 1191 indicate, indeed, that beneficiaries of property outside of John's shires sought his patronage in respect of rights that might be characterised as royal prerogatives, and that John himself felt able to grant them. In other words, John was able to exercise royal authority throughout the kingdom as an adjunct to the king throughout the period 1189–92, although the charter evidence suggests that he was able to co-ordinate with the royal administration more consistently only once Walter of Coutances was installed as justiciar. Within his own shires, however, the authority which the king had afforded to John was independent and extensive and was exercised throughout the period 1189–94. This tetrarchal authority also served to entrench John's parallel significance as a royal representative in other shires, meaning that his status throughout the realm as an associate in Richard's kingship remained effective in practice whether or not it came with the recognised title of *rector*. That John's prominence outside his own shires seems to have been altered more significantly by the return of Queen Eleanor, than the removal of William de Longchamp, underlines the point that his role as a channel for royal authority depended upon his close relationship with Richard and membership of the ruling dynasty, qualities which remained fundamentally consistent throughout the period.

Part 2

The Kingdom of Ireland

Chapter Three

John, *dominus Hibernie*

The basis of John's authority in Ireland can be traced to the Council of Oxford of 1177, at which his father Henry II 'coram episcopis et principibus regni sui, constituit Johannem, filium suum minimum, regem Hiberniae.'⁵⁰⁷ Just prior to this event, Henry had sent the earl of Chester to Ireland, alongside William fitz Audelin, Hugh de Lacy and Robert Poer, 'ad subjiciendam eam sibi et Johanni filio suo, cui eam concesserat', having sought sanction 'ab Alexandro summo pontifice quod liceret ei filium suum quem vellet coronare et regem facere de Hibernia.'⁵⁰⁸ This account, provided by Roger of Howden – a chronicler with strong links to the English royal court – is unequivocal.⁵⁰⁹ It clearly states that John was granted and made king of Ireland by his father and that Henry II had sought papal permission for him to be crowned and made king.⁵¹⁰ The dispatch of royal agents to Ireland to take custody of specified lands and subdue the kingdom suggests that Henry's intention was to keep the grant in custody for the time being; John himself was no more than ten years old in 1177.⁵¹¹ Howden's account nonetheless gave a clear impression of John's future role. The permanent grants of Irish lands which Henry is stated to have made at the council were specified 'tenendum ipso et Johanne filio suo' and the king required those beneficiaries 'jurare sibi et praedicto Johanni ligantias

⁵⁰⁷ *Gesta*, i, 162.

⁵⁰⁸ *Gesta*, i, 161.

⁵⁰⁹ For Roger of Howden's links to the royal court, see D. Corner, '*Gesta and Chronica*'.

⁵¹⁰ Papal permission to crown John was not, however, forthcoming until the pontificate of Urban III in 1186; see Church, *John*, 27.

⁵¹¹ William fitz Audelin was to take custody of the city of Wexford and its adjacent area, with Hugh de Lacy appointed custodian of Dublin and Robert Poer of Waterford, both in the same fashion; see *Gesta*, i, 161–2; For John's birth, see Church, *John*, 1.

et fidelitates contra omnes homines.⁵¹² Howden's testimony therefore indicates that John was to be the future king of Ireland and that, in conjunction with his father, men had sworn fealty to him as such and held their Irish lands of him.⁵¹³ Henry may have retained his authority as overlord of Ireland for the time being, but John was already associated in this authority as an equal in status, in a way that was superficially comparable to – but practically distinct from – the way his brother, the Young King Henry, had been associated in Henry II's rule in England, Normandy and Anjou.⁵¹⁴

John was, however, never crowned king of Ireland, and neither he nor any of his medieval successors used the title *rex Hibernie*. By the time that papal dispensation for John's Irish coronation was received in 1186, dynastic circumstances had changed with the death of his elder brother Geoffrey; John was recalled by his father from an imminent return to Ireland, a venture that would presumably have included a coronation.⁵¹⁵ The fact that John was never crowned and his consequentially consistent use of the style *dominus Hibernie* have shrouded his status and intentions in Ireland in ambiguity. The obscurity of the exact nature of John's political authority in Ireland is encapsulated in the difficulty in interpreting a comment made by Gerald of Wales – who was among John's entourage in Ireland in 1185 – when he recorded that John made his expedition 'translato in ipsum Hibernici regni dominio'.⁵¹⁶ Gerald's comment inherently acknowledged that Ireland had the status of a kingdom, yet he described John's authority as *dominium*, a term that was fluid in meaning

⁵¹² *Gesta*, i, 162–3.

⁵¹³ The position is reflected in Henry's own extant Irish charters, many of which gave lands to be held of himself and of John. See, for example, *Angevin Acta*, 5283H, 4969H, 4965H.

⁵¹⁴ The key difference with the Young King's situation being that John was given the independence to rule Ireland – a recently-acquired territory – directly. For the grievances arising from Young Henry's lack of autonomy see M. Strickland, *Henry the Young King, 1155–1183*, (New Haven, Yale University Press, 2016), 122–27.

⁵¹⁵ Church, *John*, 27.

⁵¹⁶ Gerald, *Expugnatio*, 226.

and difficult to construe with precision. This difficulty has manifested itself in the interpretations of modern scholars who have attempted to explain the nature of John's political status in Ireland, many of whom have taken 'lordship' to be a distinct brand of authority in its own right and have emphasised this above and beyond the chronicle evidence that Henry II's stated intention for John was kingship.⁵¹⁷ G.H. Orpen, for example, long ago sought to distinguish 'lordship' as a separate entity to kingship in relation to John in Ireland.⁵¹⁸ Edmund Curtis backdated John's title of *dominus* to 1177, thereby excluding the possibility of royal aspirations altogether.⁵¹⁹ This tendency to assume something other than kingship at the beginning of Angevin involvement in Ireland was shared by Otway-Ruthven.⁵²⁰ Flanagan wrote of John's 'lordship' as a distinct sort of authority to the kingship which had been envisaged for him, but recognised that it was no less significant in practice.⁵²¹ James Lydon expressly stated that the style *dominus Hibernie* meant that John and his successors exercised 'dominion, or lordship'.⁵²²

The historiographical landscape has begun to shift in the last twenty years. In 1999, Sean Duffy wrote that John came to Ireland in 1185 to take personal charge of 'the lordship' but that observers in both Ireland and England at the time expected him to become king.⁵²³ The current position is nicely captured by some contributions in the recently-published *Cambridge History of*

⁵¹⁷ For a recent summary of the scholarship on the problem, see Church, '*dominus Hibernie*', 808–9, n.6.

⁵¹⁸ Orpen, *Normans*, ii, 31, n.1.

⁵¹⁹ E. Curtis, *A History of Medieval Ireland from 1110 to 1513*, repr. (Oxford, Routledge, 2012) 91.

⁵²⁰ Otway-Ruthven, *Medieval Ireland*, 61.

⁵²¹ Flanagan, *Irish Society*, 281.

⁵²² J. Lydon, 'Ireland and the English Crown, 1171-1541' in *Government, War and Society in Medieval Ireland: Essays by Edmund Curtis, A. J. Otway-Ruthven and James Lydon*, ed. by P. Crooks (Dublin, Four Courts, 2008) 65–78, 65–6.

⁵²³ Duffy, 'John', 228–9.

Ireland, in which Colin Veach described John in 1185 as a ‘would-be king’⁵²⁴ and Nicholas Vincent briefly noted that the title *dominus Hibernie* was ‘an exalted style’ which had a wider context of use by the Angevin dynasty in England during periods of interregnum.⁵²⁵ The precise meaning of the title *dominus* in the wider context of the Angevin dynasty has been examined in detail in a recent article by Stephen Church, who has demonstrated that in English royal circles *dominus* was specifically the title of an uncrowned *rex*, used by a ruler ahead of their consecration to relate that they possessed and exercised royal rights. Seen in this context, Church showed that John’s use of the title *dominus Hibernie* from 1185 was a statement of uncrowned kingship with the full plenitude of royal power, rather than ‘lordship’, which invites the conclusion that John’s rights in Ireland were the royal rights of a brand-new kingdom of Ireland, newly minted for him by Henry II.⁵²⁶

This historiographical shift has introduced a new perspective on John’s relationship with Ireland that is yet to be interrogated in detail with reference to the most extensive corpus of source material available with reference to his earliest activities in Ireland: the 109 extant Irish charters issued in John’s name before the death of Richard I in April 1199, after which John claimed the English kingship in addition to his authority in Ireland. John’s English coronation was a development which serves to obscure the nature of his status in Ireland because it meant that he was, in political terms, more than one person at once. This complication makes it difficult to distinguish between John’s actions as *dominus Hibernie* and as *rex Anglie* after 1199, which in turn has meant that the ‘lordship’ of Ireland has regularly been seen from the very beginning through an English prism; as a dependant political entity that was an attachment to England, rather than as an independent polity with strong connections to the neighbouring kingdom.

⁵²⁴ C. Veach, ‘Conquest and Conqueurors’, in *The Cambridge History of Ireland*, ed. by B. Smith (Cambridge, Cambridge University Press, 2018) i, 157–82, 167.

⁵²⁵ Vincent, ‘Angevin Ireland’, 194.

⁵²⁶ Church, ‘*dominus Hibernie*’, 808–23.

By beginning with the period between 1185 and 1199, however, we can isolate John's actions in relation to Ireland and thereby gain a clearer perspective on how his authority and status as *dominus Hibernie* were conceptualised in Angevin court circles and among Anglo-Norman settlers, if not by the Irish community. When placed under examination the charters reveal the rights which John claimed to possess in Ireland, the expectations that he and his entourage had of its political and tenurial structure, and his anticipated relationship with its political communities.

The Charters

A body of at least 109 charters survive which were issued by John, *dominus Hibernie*, with respect to the kingdom of Ireland.⁵²⁷ Each of these charters was issued by John before the death of his brother, King Richard I, on 6 April 1199, after which John also claimed the English kingship. An examination of these pre-(April) 1199 Irish charters may, therefore, be instructive as to the nature of John's status as *dominus Hibernie* in the years before the picture was complicated by his accession in England. Once he had been crowned king of England, John embodied two distinct roles within the British Isles, as his habitual use of both the styles *rex Anglie* and *dominus Hibernie* indicates. The texts of John's pre-1199 charters – and how the grants which they record were later perceived by beneficiaries – allow us, therefore, to view in isolation how John, *dominus Hibernie*, sought to rule Ireland: the rights he claimed there and the assumptions that underpinned his status as *dominus*. The subsequent treatment of John's pre-1199 Irish gifts and grants, both by beneficiaries and by John himself, is also examined in this thesis to form an impression of the overall political status of

⁵²⁷ Nicholas Vincent counts a minimum of 108 pre-1199 Irish charters, being 29% of the overall total issued by John; Vincent, 'Angevin Ireland', 214. For the wider context of the corpus of John's charters, see Vincent, 'Jean', 41-2.

the kingdom of Ireland under the *dominus Hibernie* and, indeed, what this title seems to have meant in practice.

Of the 109 Irish charters issued before April 1199, twenty-two are datable to the months in which John was personally present in Ireland in 1185. A further twenty-two were issued before the death of Henry II, meaning that a total of forty-four can be dated to before 6 July 1189, a period during which John was typically styled 'filius domini regis Anglie et dominus Hibernie'.⁵²⁸ Many of the remaining sixty-five charters are datable only to a period of 1189 x 1199, although a select group of sixteen carry fuller dating clauses that allow them to be assigned to particular days.⁵²⁹ Of the remaining forty-nine charters that lack full dating clauses, some are nonetheless able to be dated with greater specificity through the appearance of particular individuals in their witness lists, where these survive.⁵³⁰ The range of dates to which John's pre-1199 Irish charters may be assigned are summarised in Table II.

⁵²⁸ See, for example, John's gift to Hubert Walter of the vill of Lusk, *Angevin Acta*, 2128J.

⁵²⁹ *Angevin Acta*, 2532J, 732J, 2148J, 2150J, 532J, 565J, 615J, 612J, 9J, 528J, 566J, 2162J, 533J, 534J, 724J, 2169J.

⁵³⁰ Nine charters may confidently be assigned a *terminus ante quem* of 7 October 1191 based on the appearance as a witness of Roger de Planes, who was killed on that date; see Diceto, ii, 99. The charters thus datable are *Angevin Acta*, 526J, 568J, 522J, 262J, 263J, 2135J, 5138J, 523J, 527J. *Angevin Acta*, 525J is datable to before the departure of Bertram de Verdun on crusade in the company of Richard I in summer 1190; see B. Smith, 'Verdon [Verdun], Bertram de', in *ODNB*.

Table II: Dates of charters issued by John, *dominus Hibernie*.

| Date | Number of charters |
|--|--------------------|
| 1185 | 22 |
| 1183 x 6 July 1189 (excluding those issued in Ireland) | 22 |
| 7 July 1189 x summer 1190 | 1 |
| 7 July 1189 x 7 October 1191 | 9 |
| 1192 | 7 |
| 1193 | 4 |
| 1195 | 1 |
| 1197 | 3 |
| 1198 | 1 |
| Unspecified dates in the period 7 July 1189 – 6 April 1199 | 39 |
| Total before 7 July 1189 | 44 |
| Total between 7 July 1189 – 6 April 1199 | 65 |
| Grand total, 1183 – 6 April 1199 | 109 |

John's very earliest personal involvement in Ireland is a much-discussed historiographical topic. The conduct of his 1185 expedition, his actions towards the established Irish and English communities, and the strategies he pursued in establishing himself in Ireland have each been considered at length. Much attention has been given to assessing the enterprise. Orpen, for example, largely followed the narrative account of Gerald of Wales in judging John's first foray into Irish politics 'a disastrous failure' and, whilst he listed a number of John's grants, summarised these as 'reckless' in their dispossession of established tenants – Irish and English – and used the charter evidence primarily to outline John's itinerary.⁵³¹ Warren, on the other hand, presented a very different perspective on the events of 1185, emphasising that the likely goal of John's expedition was not the submission of the Irish (as Gerald of Wales would have had it) but the establishment of an ordered system of government in Ireland through which both English settlers and the native population could be controlled under a new political order with John at its head, eventually as king. Establishing 'law and order', Warren argued, was a long-term project which John's actions in 1185 set in motion.⁵³² In a later work Warren also went on to characterise John's subsequent activities in Ireland up to 1212 as those of a successful 'high king', and sought to emphasise co-operation with and reasoned treatment of Irish lords, as opposed to a policy of disruption and English expansion.⁵³³ More recently, Duffy responded to Warren's conjecture that John's initial goals were simply to control the entire political community of Ireland, rather than to establish dominance at the expense of the Irish. He re-emphasised John's essential alienation of Irish potentates – including those who

⁵³¹ Orpen, *Normans*, ii, 91–108, with quotations at 95, 106.

⁵³² W.L. Warren, 'John in Ireland', 11–23, with quotation at 19.

⁵³³ W.L. Warren, 'King John and Ireland' in *England and Ireland in the Later Middle Ages: Essays in Honour of Jocelyn Otway-Ruthven* ed. by J. Lydon, (Blackrock, Irish Academic Press, 1981) 26–42, 36–9.

had previously acquiesced to Henry II's lordship – as a result of speculative land grants made to his followers, and the conflict which arose in 1185, concluding that John's actions indicated a commitment to territorial expansion and the exclusion of the Irish from government and justice in favour of John's own followers.⁵³⁴ Duffy, however, also engaged with the issue of Ireland's relationship to the kings of England when he sought to argue that John was inhibited in his actions in Ireland by paternal control during Henry II's lifetime, but was able to be more freely 'interventionist' in making new land grants to favoured beneficiaries thereafter.⁵³⁵ Duffy's treatment, therefore, examined John's goals and his success in achieving them, with the effect of once again underlining John's relative failure. John's most recent biographer has also contributed to this line of historiographical enquiry in a chapter which summarised his involvement in Ireland before 1189 and emphasised John's lack of success in establishing himself on the Irish political scene, concluding that his difficulties resulted from a failure to rise above the factional politics of the island in the manner that Henry II had, and thereby to assure the loyalty of Irish and English communities alongside the new men of his entourage.⁵³⁶

Whilst much of the relevant historiography has, therefore, been concerned with examining John's aims in Ireland and assessing and explaining his success or failure, some studies have given context to more focused aspects of John's earlier Irish activities. Empey examined the patterns of settlement which John's grants sought to introduce in Munster, underlining John's attempts from 1185 to establish his own loyal followers, such as Theobald Walter, William de Burgh, and Phillip of Worcester, as a 'buffer zone' between his own Waterford demesne – lands which John also sought

⁵³⁴ Duffy, 'John'.

⁵³⁵ Duffy, 'John', 234–5.

⁵³⁶ Church, *John*, 24–7.

to buttress by the building of the castles of Lismore, Ardfinnan, and Tibberaghny on the river Suir – and the areas to the north which were dominated by the O’Brien kings.⁵³⁷

The composition of the household that accompanied John to Ireland, and the offices held by the most prominent of these followers, were also examined by Flanagan, who noted the role of Bertram de Verdun as seneschal immediately after John’s departure in late 1185, but also the difficulty of determining whether such officers’ duties were confined to the household or were intended to have wider administrative responsibilities in Ireland. The prominence of these newly-arrived ‘household favourites’, as reported by Gerald of Wales, may also have sowed discontent among the English who were already established in Ireland before 1185.⁵³⁸ Flanagan also explored John’s relationship with the English settlers who had obtained their Irish lands before his arrival in another study, which focused on the rights of Strongbow to the lordship of Leinster; she highlighted that John followed Henry II’s example in respecting the property rights of Strongbow’s heirs to succeed to the lordship in full whilst it remained in his custody (likely under duress), departing from this position only after his father’s death, when he attempted to alienate Leinster lands to his own men.⁵³⁹ This scholarship, therefore, has illuminated aspects of John’s approach to property rights in Ireland, and how he conceived of his relationship with English lords to whom he had not given land. The question of how John’s authority in Ireland was conceived within Angevin court circles has also begun to receive more dedicated scholarly attention. In an article already mentioned above, Church

⁵³⁷ C.A. Empey, ‘The settlement of the kingdom of Limerick’, in *England and Ireland in the Later Middle Ages: Essays in Honour of Jocelyn Otway-Ruthven*, ed. by J. Lydon (Dublin, Blackrock, 1981), 1–25.

⁵³⁸ M.T. Flanagan, ‘Household Favourites: Angevin Royal Agents in Ireland under Henry II and John’ in *Seanchas: Studies in Early and Medieval Irish Archaeology, History and Literature in Honour of Francis J. Byrne*, ed. by A.P. Smyth (Dublin, 1999), 357–80, 370–75.

⁵³⁹ M.T. Flanagan, ‘Strongbow, Henry II, and Anglo-Norman Intervention in Ireland’ in *War and Government in the Middle Ages*, ed. by J. Gillingham and J.C. Holt (Cambridge: Cambridge University Press, 1984) 62–77, 75–6.

examined the problem with reference to John's title *dominus Hibernie*, concluding that *dominus* was a style that expressed John's possession of royal rights over a newly-created kingdom of Ireland.⁵⁴⁰

The nature of the relationship between John, *dominus Hibernie* and the kingdom of Ireland has, therefore, received a great deal of historiographical attention, yet a significant body of evidence for John's approach to rulership in Ireland is yet to be systematically exploited. None of the existing scholarship has attempted a dedicated assessment of how John's authority and rights as *dominus Hibernie* were constructed through a close analysis of the diplomatic of his Irish charters issued from 1185. The diplomatic of John's charters allows us to look beyond the perspectives of the narrative sources and engage with the political thought-world in which John and his beneficiaries operated, with the additional benefit that these were documents with a practical legal purpose; their implications for the rights which John claimed to possess were not, therefore, simply theoretical, but were rooted in political reality because they were intended to have an effect 'on the ground'.

Forty-four of John's pre-1199 Irish charters can be dated to the period before the death of Henry II in July 1189. These charters were documents to which John set his seal under the oversight of his chancery staff and can reasonably be interpreted, therefore, as texts which reflected the self-image that he wished to communicate to the community of his *fideles* in Ireland. Most of these charters, nevertheless, would have been issued in response to the petitions of beneficiaries and, therefore, are as much a reflection of the expectations that some of John's subjects had of him as they are of his ambitions as a donor. A close examination of these texts, therefore, allows us the benefit of insight into the assumptions – of both donor and beneficiaries – which underpinned John's actions in Ireland as *dominus Hibernie* during his initial involvement in the kingdom. These texts reflected the pretensions and ideologies of John and his immediate household following, but also tell us how members of the secular and ecclesiastical elite – predominantly the English members of that elite – that was already established in Ireland in 1185 interacted with John and

⁵⁴⁰ Church, '*dominus Hibernie*'.

interpreted his authority.⁵⁴¹ Just what, therefore, did the elite that had been established in Ireland before John's arrival, as well as John's immediate entourage and the followers who had accompanied him to Ireland in 1185, think that it meant to be *dominus Hibernie*?

Tenurial Overlord

A number of John's charters make clear that, as *dominus Hibernie*, he claimed ultimate tenurial rights over lands held by tenants located widely across the kingdom of Ireland. The way that John gave and confirmed lands – and, indeed, the fact that beneficiaries sought his confirmation of their grants – both within and outside of those estates that had been reserved as demesne by Henry II around the cities of Dublin, Waterford, Cork and Limerick is instructive as to assumptions about his rights as a tenurial overlord.⁵⁴²

John issued charters giving or granting title to lands that were widely dispersed throughout Ireland. That he made such grants is hardly surprising in the case of his reserved demesne lands. A grant of 1185 made in favour of the men of Bristol, for example, illustrates the direct lordship that John was able to exercise.⁵⁴³ This text is a confirmation of a grant of privileges originally made by Henry II during his Irish expedition of 1171-2, and both the original and John's confirmation have previously been explained as acts of patronage designed to encourage the settlement of loyal men of Bristol in Dublin, and to license and strengthen existing trade links between the two towns via the

⁵⁴¹ There is evidence for a single grant made to Irish beneficiaries before 1199. John granted a cantred in Limerick to Dermot and Roderick MacGilmeholmoc, which he later confirmed in 1207. See *Angevin Acta*, 4647J.

⁵⁴² E. Curtis, *A History of Ireland: From the Earliest Times to 1922*, repr. (London: Routledge, 2005), 47.

⁵⁴³ *Angevin Acta*, 609J.

grant of the customs which the beneficiaries held in Bristol.⁵⁴⁴ By reasserting the rights that the men of Bristol held by virtue of Henry's earlier gift, John was also providing patronage to the chief town of the honour of Gloucester, which was due to come to him as a consequence of the agreement his father had made with Earl William of Gloucester, making John the earl's designated heir and betrothing him to his daughter, Isabella.⁵⁴⁵ Whilst issuing this charter was, therefore, within John's interests as future earl of Gloucester, the text also indicates some basic points about his relationship with Dublin. The city is described in the text as 'civitatem meam', just as the men of Bristol were described as 'hominibus meis de Bristowe'. Just as significant is the stipulation that the men of Bristol were to hold Dublin 'de me et heredibus meis', a phrase which indicates that John claimed perpetual hereditary lordship of the city as early as 1185.⁵⁴⁶ That this confirmation presented John as a tenurial overlord is unsurprising in the case of Dublin, since an assumption of this kind of relationship with the city had first been established by Henry II's reservation of it, along with Waterford and Wexford, from the lands of Strongbow upon the latter's settlement with the king in 1171-2.⁵⁴⁷ The charter confirms, nonetheless, that there was an assumption on the part of John and his inner circle that his rights over the city were the same as those Henry II had claimed, transferred from his father in unadulterated fashion. Perhaps more significantly, we can suppose that the beneficiaries likely petitioned John for his confirmation of Henry's earlier charter and, therefore, that they had the same expectations from John as their lord as they had had of Henry II. In other words, as early as 1185 the Bristolians assumed that John's rights over Dublin were held in perpetuity and were as unlimited as any which Henry II had been able to convey as an overlord to whom many kings

⁵⁴⁴ S. Duffy, 'Town and Crown: the Kings of England and their City of Dublin' in *Thirteenth Century England X*, ed. by M. Prestwich, R. Frame and R. Britnell (Woodbridge, Boydell, 2005), 95-117, 100.

⁵⁴⁵ Diceto, i, 415.

⁵⁴⁶ *Angevin Acta*, 609J.

⁵⁴⁷ *Angevin Acta*, 609J; Orpen, *Normans*, i, 250-51.

and conquerors in Ireland had submitted, despite John's own difficulties in obtaining the submission of many Irish kings and obedience of established English magnates.⁵⁴⁸

Similar assumptions about John's tenurial rights over other lands in Ireland that had been reserved as demesne by Henry II can also be inferred from the charter evidence. A charter in favour of William de Burgh recording a gift of half a cantred at Tibberaghny, also issued in 1185, concerned lands that can be identified as pertaining to John's Waterford demesne.⁵⁴⁹ The half cantred given to William was described as that 'in which Kilsheelan is' and must, therefore, have been part of Iffowyn, which straddled the northern edge of what later became the counties of Waterford and Munster (later Tipperary), on either side of the Suir. Kilsheelan was certainly in this cantred and was later considered its capital manor.⁵⁵⁰ In 1177 Henry II had specified that the whole land of Osraige, as well as all the land between Waterford and the Blackwater, was to pertain to the service of the city when he appointed Robert le Poer as its custodian.⁵⁵¹ It is notable that this half cantred lay upon the frontier of these demesne lands and, as Empey has highlighted, the grant should be seen in the context of the recent erection of John's castles of Tibberaghny, Ardfinnan, and Lismore, which seem to have been designed to guard the borders of his demesne from Irish attack. More broadly, the gift of half of Iffowyn to William de Burgh can be viewed alongside those grants made to Phillip of Worcester in Ardfinnan, and to Theobald Walter further north in the kingdom of Limerick – as well as successive conflicting grants of the western half of the cantred of Iffowyn in favour of John de St Michael (1183 x 1189) and William Deyncourt (after 1189) – as part of a strategy to create a buffer

⁵⁴⁸ Flanagan, *Irish Society*, 264–6.

⁵⁴⁹ *Angevin Acta*, 583J.

⁵⁵⁰ P. MacCotter, *Medieval Ireland: Territorial, Political and Economic Divisions* (Dublin, Four Courts, 2008) 217–18.

⁵⁵¹ *Gesta*, i, 164.

zone inhabited by loyal men between the remaining core of the Waterford demesne and areas dominated by Domnall Ua Briain.⁵⁵²

For the purposes of the present discussion, however, what is most notable are the terms of the gift to William de Burgh. William was to hold his half cantred ‘de me et heredibus meis per seruicium duorum militum et dimid(ii).’⁵⁵³ That is, the grant was contingent upon at least the theoretical provision of military service owed to John personally, and perpetually to his heirs after him. This grant, therefore, has similarities to the grant of the city of Dublin to the men of Bristol in that it assumes that ultimate, perpetual, tenurial rights to the lands lay solely with John, with no mention of Henry II as a party to the transaction. The diplomatic relating to knight service presupposed a relationship between donor and beneficiary that cast William de Burgh in the position of a military tenant in chief in a feudalized tenurial structure, with John as overlord.⁵⁵⁴

The charter for William de Burgh does not, in itself, imply an assumption of wider absolute tenurial overlordship because the cantred given pertained to John’s own Waterford demesne. It should, however, at least be noted here that the diplomatic of the grant was composed on the basis of legal assumptions about land tenure that were based on non-Irish norms, which were nonetheless familiar to the Western European political context in which John and his entourage would have been

⁵⁵² C.A. Empey, ‘Kingdom of Limerick’, 2, 5 n.42; for the grants themselves, see *Angevin Acta*, 520J, [grant to John of St Michael] [Dublin, National Archives of Ireland RC 7/9, 232-233 (6-7)], [grant to William Deyncourt].

⁵⁵³ *Angevin Acta*, 583J.

⁵⁵⁴ For an overview of early knight service in Ireland that does not reach the conclusion arrived at here, see A.J. Otway-Ruthven, ‘Knight Service in Ireland’ in *Government, War and Society in Medieval Ireland: Essays by Edmund Curtis*, A.J. Otway-Ruthven and James Lydon, ed. by P. Crooks, 2nd edn. repr. (Dublin, Four Courts, 2019), 155–68.

well versed, and in the Irish grants of Henry II and English settlers such as Strongbow.⁵⁵⁵ In making this grant, John once again acted on the understanding that his rights to lands reserved as demesne by his father had been transferred to him to enjoy on the same unfettered basis as Henry had exercised his authority in Ireland.

A gift given by John in favour of the cathedral church of Limerick, also in 1185, gives the impression that John's approach to his tenurial rights in his demesne also extended to lands pertaining to the city of Limerick. This charter recorded a gift to the church and canons of four ploughlands near Limerick, which the diplomatic portrayed as an original gift, 'concessisse et dedisse'.⁵⁵⁶ The provision of an original gift (indicated by the word *dedisse*) of land given in perpetual alms (*in liberam et puram et perpetuam elemosinam*) suggests a new permanent and unlimited alienation of land of a sort which necessarily required the permission of a donor who held full rights in that land in order to be effective. The nature of this gift, therefore, implies both that John supposed that he held unrestricted tenurial rights in the city of Limerick and its appurtenant lands, and that the beneficiaries supposed that he was plausibly in a position to guarantee lands in this

⁵⁵⁵ The employment of the language of feudal military service, including the knight's fee as a unit of service, was not unprecedented in Ireland in 1185, but had already begun to be used in a practical legal context by earlier English settlers. Charters had been made in such terms in the early 1170s by Richard fitz Gilbert and subsequently by Henry II during his visit to Ireland, among others. See, for example, Strongbow's grant of Aghaboe to Adam de Hereford and Henry II's grant of Meath to Hugh de Lacy. For the former, see Orpen, *Normans*, i, 394–95. For Henry's grant see *Angevin Acta*, 3253H, Orpen, *Normans*, i, 285–6. For the rather different conceptions of rights to land and systems of military service that were practised by native Irish kings, see K. Simms, *From Kings to Warlords*, repr. (Woodbridge, Boydell, 2000), 39, 96, 100–3, 129, 132. For the absence of evidence pertaining to military service from Irish royal charters composed in both the Celtic and Latin traditions, see M.T. Flanagan, *Irish Royal Charters: Texts and Context*, (Oxford, Oxford University Press, 2005), 23–4.

⁵⁵⁶ *Angevin Acta*, 554J.

type of transaction.⁵⁵⁷ This charter is, therefore, likely an indicator that John considered Limerick to have been passed to him from Henry II as reserved demesne, despite the fact that he was unable to visit the vicinity of the city personally in 1185.⁵⁵⁸ A grant of the kingdom of Limerick ‘excepta civitate de Limeric cum uno cantredo quem dominus rex retinuit in manu sua ad opus suum et haeredum suorum’ had been offered by Henry II to Herbert fitz Herbert, William fitz Herbert (the brothers of Reginald, earl of Cornwall) and their nephew Jocelin de Pomeray in 1177⁵⁵⁹ and, whilst this grant was not accepted on account of the lands being unconquered, an equivalent grant was later given to Phillip de Braose, to be held of Henry himself and his son John, although this too was ultimately unrealised.⁵⁶⁰ John’s Limerick charter would appear to be consistent with Henry’s stated intentions eight years earlier, in that the city was to pertain to him as the first of Henry’s ‘heirs’. It seems clear

⁵⁵⁷ It should be noted, however, that the charter may be seen in the context of competition for influence in Limerick between John and Domnall O’Brien (who had issued his own charter in favour of the see of Limerick in 1178 x 1185 in which he was styled ‘king of Limerick’), meaning that John’s ability to grant these lands may not have been considered exclusive by the beneficiaries. See Flanagan, *Irish Royal Charters*, 134, 145–6, 149–51.

⁵⁵⁸ Flanagan, *Irish Royal Charters*, 150.

⁵⁵⁹ *Gesta*, i, 163. That Henry II should have offered the [albeit half-] brothers and nephew of Earl Reginald such a grant shortly after the earl’s death is notable in the context of his reservation of Cornwall for John.

⁵⁶⁰ Whilst this grant was not described with the same reservations as the original, its equivalence is implied by its placement in the context of the grant to the fitz Herberts, being directly followed by an explanation of their refusal of the grant. See *Gesta*, i, 172–3; A later reference to a fine made for the confirmation of this grant by Phillip’s heir William, dated 12 January 1201, included the specification: ‘retentis etiam omnibus in manu domini regis quam excipiuntur et continentur in carta Henrici regis’, implying that Henry II had indeed retained some territories from Phillip; see *Angevin Acta*, 4642H. Gerald of Wales initially reported the grant to Phillip without noting the retention of the city, but did acknowledge it in later versions of his text; see Gerald, *Expugnatio*, 184–85, n.330.

from this charter, therefore, that Limerick was considered within John's household to pertain to his demesne, held as fully as he held Dublin and Waterford. The same conclusion can be drawn with regard to lands pertaining to the city of Cork based on a grant of four carucates in this vicinity, given 'in liberam et puram et perpetuam elemosinam' to the priory of St Nicholas, Exeter, recorded in a charter issued at Dublin in 1185 which was likely a confirmation of an earlier grant by Henry II's custodians Robert fitz Stephen and Miles de Cogan.⁵⁶¹

The conclusions drawn from the charters discussed thus far are elementary insofar as the lands granted pertained to John's own demesne, to which he claimed rights derived from the reservations of the coastal cities previously made by Henry II. These relatively straightforward grants nonetheless provide context to further grants made by John of lands upon which he had no direct claim as his own demesne. These further charters are instructive in that they show that John's tenurial rights were not conceived of as being limited to his demesne cities of Dublin, Waterford, Cork and Limerick, and their appurtenant cantreds.⁵⁶² It has, in fact, been well-recognised in the historiography that John issued several speculative grants to his favoured beneficiaries of lands which had previously not been occupied by the English, and some of these included lands situated outside of cantreds which Henry II had claimed as his own demesne.⁵⁶³ Whilst the grants themselves

⁵⁶¹ *Angevin Acta*, 476J. Upon granting the 'kingdom of Cork' to Robert fitz Stephen and Miles de Cogan in 1177 to be held of himself and John, Henry II had retained the city of Cork and the adjoining cantred – the cantred of the Ostmen – as demesne and made the two beneficiaries his custodians of these reserved areas. See *Gesta*, i, 163; Gerald, *Expugnatio*, 184–5; Orpen, *Normans*, ii, 32.

⁵⁶² The demesne status of the city of Wexford by 1185 is ambiguous, since Henry II had returned it to Strongbow in 1173. That is not to say, however, that John may not have seen matters differently. See Flanagan, *Irish Society*, 131–2, n.80.

⁵⁶³ See, for example Orpen, *Normans*, ii, 102–3.

are well-recognised, their full implications for the nature of John's authority as *dominus Hibernie* – as expressed in the practical legal context of extant charters – are worthy of emphasis.

A clear example of a gift made by John of lands for which no reservation as demesne had previously been made by Henry II is that issued to Theobald Walter and Ranulf de Glanville in 1185, giving them five and a half cantreds in Limerick.⁵⁶⁴ In terms of motivation, this charter can be seen alongside other such grants made by John in 1185 of lands in the same region of East Munster (modern co. Tipperary) to William de Burgh, and Phillip of Worcester, as part of a strategy to advance his own trusted beneficiaries in this Irish-dominated area.⁵⁶⁵ The lands given are identifiable as: the borough of Killaloe, with the cantred of Truohekedmalech in which that borough was situated; the cantred of Elykaruel; the cantred of Euermun (later known as Ormond); the cantred of Arech and Wetheni; and the cantred of Wodeny O Cathelan and Wodeny O Flian (which represented the local kingdom of Uaithne Cliath, which comprised half of the kingdom of Uaithne).⁵⁶⁶ These cantreds were situated, therefore, in the 'kingdom of Limerick' (that is, Thomond) which, according to Roger of Howden, Henry II had granted to Phillip de Braose to be held of himself and John by knight-service in 1177, although Phillip was not ultimately able to take control of them.⁵⁶⁷ The terms upon which John gave these cantreds to Ranulf and Theobald are comparable to Roger of Howden's description of the terms by which Henry II gave the kingdom of Limerick to Phillip de Braose, yet their lack of novelty does not render them unworthy of comment. The gift to Ranulf and Theobald was also clearly made as a hereditary fief, and was given to them: 'tenendos de me et heredibus

⁵⁶⁴ *Angevin Acta*, 520J.

⁵⁶⁵ C.A. Empey, 'Kingdom of Limerick', 5, and n.42.

⁵⁶⁶ For Killaloe see Orpen, *Normans*, ii, 102. For the cantreds, see MacCotter, *Divisions*, 192, 211-13.

⁵⁶⁷ *Gesta*, i, 172. The charter issued by Henry in favour of Phillip de Braose does not survive but is referred to in John's own confirmation of Limerick to William de Braose in 1201; see *Rot. Chart.* 84b. For Phillip's failure to take possession, see Flanagan, *Irish Society*, 255–6.

meis in perpetuum illis et heredibus suis in feodo et hereditate per servicium feodi viginti et duroum militum.⁵⁶⁸ The definition of military service, measured in knight's fees, makes clear that these lands were given by John on the basis that he solely held – and would retain and transmit to his heirs – an ultimate perpetual right to them.

The terms upon which the gift was made are, therefore, also directly comparable with some of the grants John made from his demesne already mentioned: the lands in the vicinity of Waterford given in the charter to William de Burgh discussed above, which were also to be held of John and his heirs for knight service⁵⁶⁹, and the grant of John's demesne city of Dublin to the men of Bristol, which was also to be held of John and his heirs.⁵⁷⁰ It is notable that Theobald Walter and Ranulf de Glanville's cantreds were to be held on the same perpetual basis, based on knight service, because these terms defined a relationship in which John and his heirs would maintain ultimate rights over the lands concerned. Indeed, the diplomatic employed appears to have been chosen to place an unusually-strong emphasis on John's rights in the copy of the charter which survives. Rather than using the more typical formula of *dedi et concessi*, the scribe stated that John 'feodasse... in feodamento autem suo dedi eis', with the verb *dedi* used only secondarily.⁵⁷¹ This variation could be a consequence of the fact that the document survives only from a later copy. If this was the original form, however, the choice of construction is striking, as it suggests an effort to hammer home the fact that Ranulf and Theobald had been enfeoffed by John, and that their lands were to remain a fief, dependent upon the provision of service and subject to John's ultimate right. The use of such language, if original, might indicate a particular anxiety on the part of the donor to underline his continuing rights over lands which had never previously been held in fee by Anglo-Norman tenants.

⁵⁶⁸ *Angevin Acta*, 520J.

⁵⁶⁹ *Angevin Acta*, 583J.

⁵⁷⁰ *Angevin Acta*, 609J.

⁵⁷¹ *Angevin Acta*, 520J.

The terms of this gift, therefore, were a statement that the rights John claimed in these lands were effectively no less than those he held in demesne.

Whilst we might suppose that in his demesne cities John's tenurial rights relied upon his direct possession, his gift of these Limerick (Thomond) cantreds indicates that these rights were not represented as being limited to lands which Henry had transmitted to him as demesne. On the contrary, John's rights were claimed more generally throughout the kingdom on a consistent and indiscriminate basis, and this basis – the authority that underpinned his gifts – was articulated to the charter's audience through the style *filius domini regis Anglie et dominus Hibernie*. The representation of John as Henry's son was clearly significant as an expression of status and dynastic prestige. Styles acclaiming an individual's kinship with a king were commonly used as markers of status, including elsewhere in the Angevin dynasty.⁵⁷² Yet *filius domini regis Anglie* attempted to articulate nothing that was specific to an Irish context; *dominus Hibernie* clearly did, and continued to be John's consistent style with reference to Ireland after Henry's death, suggesting that expressing a link to Henry was desirable while his father lived, but was not deemed a definitive descriptor of his authority in Ireland.⁵⁷³ John's issuing of gifts of land over which he retained perpetual rights via terms of military service was consistent with the approach that Roger of Howden tells us that Henry II had taken to Phillip de Braose's prospective tenure of land in the kingdom of Limerick in 1177. The difference was that John's claim to the same tenurial rights his father had implicitly claimed was expressed in the context of documents that explicitly articulated his authority in the kingdom in a specific Irish style. Thus in the charter to Ranulf and Theobald, the same tenurial terms imposed by Henry on Phillip de Braose were deployed in a document that had pragmatic legal implications that was issued solely in John's name as *dominus*, with no mention of

⁵⁷² Crouch, 'Aethelings, *duces* and *comites*', 120–22.

⁵⁷³ It is feasible to imagine John using a style such as *filius regis Henrici* after 1189 if his authority in Ireland had been characterised by his relationship to Henry.

his father's direct agency. John's assumptions about his ultimate rights over land in Thomond seem, therefore, to have been based upon the foundations laid by Henry II, but they were expressed in a context that emphasised that these rights now pertained to him alone as *dominus Hibernie*. Tenure by perpetual military service, indeed, was especially significant when imposed by a donor who called himself *dominus Hibernie* because the title *dominus rex* had been used in an English royal context – with which John and his staff were well familiar – since the Norman Conquest as a title which inherently designated the king's claim to ultimate tenurial rights to all land in the kingdom, among other royal rights.⁵⁷⁴ Henry II had claimed the same tenurial rights in Ireland as John did, but Henry's claims had never been formalised by being articulated in an Irish title; they were instead based on a more nebulous authority in the British Isles derived from his *de facto* power, exercised as king of the English. John's wide-ranging tenurial rights, on the other hand, were expressed in the context of documents that also proclaimed a definition of his Irish authority. The charter for Ranulf de Glanville and Theobald Walter, therefore, communicated that ultimate tenurial overlordship was one aspect of what it meant to be *dominus Hibernie*.

Some further grants reinforce this impression that John claimed ultimate tenurial rights over parts of Ireland beyond his own demesne lands through the issuing of confirmations giving his assent to earlier grants. A relevant example is John's confirmation to Mellifont Abbey of lands previously confirmed by Henry II.⁵⁷⁵ The grant confirmed lands previously given to the abbey by Henry – grants 'quam dominus rex Anglie pater meus eis fecit' – as well as grants given by Hugh de Lacy and by a certain 'Roberti Flandrensis', namely Richard le Fleming, a de Lacy sub-tenant whose lands were focused at Slane.⁵⁷⁶ By confirming these grants by his own charter, John thereby made an assertion of his lordship in an area in which Hugh de Lacy's influence was prominent; Mellifont, near

⁵⁷⁴ G. Garnett, 'The Origins of the Crown' in *Proceedings of the British Academy* 89 (1996), 171–214, 188–89.

⁵⁷⁵ *Angevin Acta*, 2116J.

⁵⁷⁶ *Angevin Acta*, 2116J; Orpen, *Normans*, ii, 84–5.

Drogheda, was not a de Lacy foundation, but it was situated in the Irish kingdom of Airgialla, close to the lordship of Meath, and had obviously received the patronage of Hugh and his tenants.⁵⁷⁷ The house was clearly within the orbit of direct de Lacy influence, and by granting this confirmation John ensured that his own predominance in the region was communicated to all those to whom the document was addressed. Aside from this broader message, however, the charter may also have carried connotations that John exercised tenurial rights over parts of Ireland that lay beyond his personal demesne. Whilst a direct tenurial claim was not necessarily implied by the confirmation of the gifts of others, some other features of John's charter make it seem plausible that, by confirming Mellifont's possessions, he was attempting to assert that his rights as *dominus Hibernie* were inclusive of the ability to guarantee lands in or beyond Meath. This implication is consistent with the address of the document to 'Francis et Anglis et Hybernensibus de tota Hybernia', which indicates that John viewed a broad spectrum of individuals as his subjects, drawn from an imagined political community comprising all of Ireland.⁵⁷⁸ The issuing of this confirmation also appears inconsistent with the spirit of Henry II's initial grant of Meath to Hugh de Lacy, which specified that Hugh was to hold it with extensive liberties, and therefore implied that – notwithstanding the service owed – his authority there was to be unsurpassed by anyone.⁵⁷⁹ John's confirmation to Mellifont, on the contrary, seems to imply an assumption that he was the ultimate guarantor of title to lands in Ireland with no limitations to his authority, in like manner to how Henry II had made gifts of Irish lands. The difference for John is that his rights in Ireland were better-defined than his father's had been, as expressed through the style *dominus Hibernie*, although his position as Henry's heir

⁵⁷⁷ Orpen, *Normans*, i, 57. For the situation of Mellifont Abbey, see Flanagan, *Irish Royal Charters*, 150 n.120.

⁵⁷⁸ *Angevin Acta*, 2116J.

⁵⁷⁹ *Angevin Acta*, 3253H; Orpen, *Normans*, i, 285-6.

remained a relevant factor, as his concurrent use of the style *filius domini regis Anglie* makes clear.⁵⁸⁰

The impression that John claimed ultimate tenurial rights outside his Irish demesne as *dominus Hibernie* is strengthened if we consider that the beneficiaries of this charter would likely have sought his confirmation of their possessions, which suggests that they too may have considered John to be a higher guarantor of their title than a more local authority such as Hugh de Lacy, who in 1185 remained prominent. John's willingness to confirm the lands of Mellifont was clearly based on the precedent of Henry II's actions in granting lands throughout Ireland and perhaps this example also influenced beneficiary expectations of John's authority.⁵⁸¹ Whatever the mentalities of the parties involved, the charter indicates that 1185 marked a significant shift in the type of authority which existing English settlers such as Hugh de Lacy had to contend with in Ireland, due to the physical presence of John as a defined authority in the realm who claimed to surpass them within their own lordships. In this context, it is perhaps revealing that Hugh de Lacy – an otherwise regular witness of John's 1185 charters given in favour of monastic beneficiaries – is

⁵⁸⁰ *Angevin Acta*, 2116J.

⁵⁸¹ That is not to say that beneficiaries felt the need to be exclusive in seeking patronage from a single source. A minority of beneficiaries continued to seek Henry II's favour as an authority who could protect their Irish property and rights after 1177 (significantly including Mellifont Abbey), and Henry occasionally acquiesced to their petitions without reference to John. Yet these examples are exceptional, and John's own charters almost never mention Henry as an authority. For Henry's post-1177 Irish grants that do not acknowledge John's authority, see *Angevin Acta*, 2211H (a letter of protection rather than a grant of lands, but certainly issued after 1177) and potentially 4810H and 4402H (of uncertain date). 3258H dates to the 1180s but is considered by its editor to be of spurious authenticity.

absent from the witness list of this document, which suggests that he may have seen John's actions in making the grant as a threat to his tenurial autonomy.⁵⁸²

The Mellifont charter, therefore, may indicate that John claimed tenurial rights in or beyond the lordship of Meath, and this impression is strengthened when the charter is considered alongside some other examples. In a charter in favour of Robert de St Michael, for example, John appears to have made an original gift of land in the lordship of Leinster, in addition to confirming other lands in Meath. This charter can be most likely be attributed to 1185 on account of its place-date of *Seferges*, which, although of uncertain identification, appears to be a Latin translation of an Irish name.⁵⁸³ The charter recorded both the confirmation of lands which Robert had previously received from Henry II and a fresh bequest of John's own gift. Robert de St Michael was a Leinster sub-tenant of Strongbow, who seems to have been enfeoffed by the earl at Reban (modern co. Kildare), and witnessed a charter of Robert fitz Richard, who held nearby at Narragh.⁵⁸⁴ Whilst not all of the lands granted by John in this document are clearly identifiable, those which had originally been granted to Robert by Henry II seem to have included Dangan, near Trim (modern co. Meath).⁵⁸⁵ If this identification is correct, John's confirmation would appear to be a grant of land which was situated within Hugh de Lacy's lordship of Meath. In this context, de Lacy's absence from the witness list is once again conspicuous (just as in the case of John's Mellifont charter) and may indicate a perception on Hugh's part that the grant represented an attempt by John to assert ultimate rights of lordship over land in Meath at his expense. The grant which John made 'de dono meo' included some lands which had belonged to 'Thome de Sancto Michaelis fratris sui', and others 'quas habuit

⁵⁸² *Angevin Acta*, 2116J. A wider point about Hugh de Lacy's possible opposition to John and his household in 1185 being reflected in an absence from witness lists of John's secular grants is made by Duffy, 'John', 233.

⁵⁸³ *Angevin Acta*, 2125J.

⁵⁸⁴ Orpen, *Normans*, ii, 383, n.2. Reban was in the cantred of Omurthy; see MacCotter, *Divisions*, 177-8.

⁵⁸⁵ *Angevin Acta*, 2125J.

de Thoma Flandrensi.⁵⁸⁶ Thomas of Flanders was another Leinster tenant, who held in the nearby parish of Ardee.⁵⁸⁷ The personal and geographical associations of these two men would seem to indicate that at least some of the lands given to Robert were likely in the locality of his other lands at Reban. There is a likelihood, therefore, that these grants represented an encroachment upon the rights of the heirs of Strongbow as lord of Leinster of a sort which it has previously been suggested John was precluded from making whilst under the supervision of his father in Henry II's lifetime.⁵⁸⁸ John's charter specified that 'Has autem terras predictas concessi et confirmaui predicto Roberto et heredibus suis tenendas de me et heredibus meis per seruicium unius militis et dimidium michi faciendum apud Dublin', terms which indicate that he claimed perpetual rights over the lands given, in addition to military service owed by the beneficiary.⁵⁸⁹ If the lands given were, indeed, situated in the lordship of Leinster – as seems likely – then these gifts may be taken to be another example of John's assertion of ultimate tenurial rights over land outside of his own demesne. The lordship of Leinster remained in John's hand under the administration of his household until at least 1189, first due to the minority of Strongbow's son, and later due to the unmarried status of Strongbow's heiress, Isabella.⁵⁹⁰ That John seems to have made a permanent alienation from this lordship, and that the land given would continue to owe service to him personally, was therefore a statement of his ultimate tenurial rights over Leinster, both during the period that it remained in his custody and thereafter. This statement of John's rights as *dominus Hibernie* appears all the stronger given that it

⁵⁸⁶ *Angevin Acta*, 2125J.

⁵⁸⁷ Orpen, *Normans*, ii, 384.

⁵⁸⁸ Flanagan, 'Strongbow', 70, 74–5. To John's action we can also add a similar earlier encroachment in Leinster by Henry himself. See *Angevin Acta*, 4969H.

⁵⁸⁹ *Angevin Acta*, 2125J.

⁵⁹⁰ Flanagan, 'Strongbow', 74–5.

appeared in a charter alongside at least one other grant by which he had asserted his role as an ultimate guarantor of title to lands in Meath.

To this example may also be added the general confirmation John issued of the lands of St Mary's, Dublin.⁵⁹¹ This charter included a confirmation of 'terre de Baliukerde quam Adam de Feipo addidit predictae terre de Baliumorkaid, et ecclesiam de Scrin.'⁵⁹² Adam de Feipo was a tenant of Hugh de Lacy, having been enfeoffed with the barony of Skreen in Meath.⁵⁹³ This confirmation, therefore, may be taken alongside the other examples as an assertion of John's rights over Meath as an overlord, since it carried the assumption that he could act as a guarantor of title from whom it was desirable to seek confirmation. Whilst in this example the grant was one of many, this should not detract from its significance as an assertion of John's rights in Meath. Intriguingly, the charter as it survives in a cartulary copy also lists Hugh de Lacy as its first witness, thereby suggesting that, in this case, Hugh acquiesced to an act that communicated John's authority in the vicinity of his own lordship.⁵⁹⁴ Taken alongside the other examples already discussed, we may conclude that this statement of general tenurial overlordship was no isolated example. Nor were the issuing of such grants of lands outside John's demesne confined to the year 1185. In fact, John continued to make permanent gifts and grants of property situated outside his own demesne into the 1190s, with the surviving examples including gifts of lands situated in the lordships of Leinster and Meath, and others of lands in the region of Louth that had not previously been enfeoffed.⁵⁹⁵ These charters, in

⁵⁹¹ *Angevin Acta*, 730J; 731J is a linked version of the same grant.

⁵⁹² *Angevin Acta*, 730J.

⁵⁹³ Orpen, *Normans*, ii, 85.

⁵⁹⁴ *Angevin Acta*, 730J.

⁵⁹⁵ *Angevin Acta*, 611J and 734J [two separate gifts of lands at Arklow and Tullow, to hold of John and his heirs for knight service, made at the expense of the rights of the heirs of Strongbow in the lordship of Leinster, although the possibility remains that Arklow was considered to be within John's demesne; for both grants see

the context of one another, therefore illustrate that John consistently sought to assert a claim to ultimate tenurial rights over lands in diverse parts of the kingdom of Ireland. The participation of his beneficiaries and witnesses in these transactions suggests that they accepted, to some extent, that possession of these rights was part and parcel of what it meant to be *dominus Hibernie*.

Addressing the Irish

The address clauses of John's Irish charters are also instructive as to how he sought to communicate his authority as a tenurial overlord. Returning to the charter in favour of Theobald Walter and Ranulf de Glanville, another notable feature is that it was addressed generally, with the specification 'Francis et Anglicis et Hibernensibus'.⁵⁹⁶ This address indicates that John included Irishmen among his *fideles* who might have been expected to be notified of the grant. The national descriptions employed in this address are consistent with references to groups of people defined by language, which were common in contemporary diplomatic practice and had previously been employed in the Irish charters of Henry II.⁵⁹⁷ Whilst it cannot be proven that individuals defined as Irish would have been expected to read Latin documents, the existence of translators in late twelfth-century Ireland can be attested.⁵⁹⁸ The formula employed here, however, presumably was not

Flanagan, *Irish Society* 131–33], 526J [the half cantred of Glendalough Abbey, Leinster, to hold in free and perpetual alms], 881J [the church of Duleek, Meath, given in free, pure and perpetual alms], 5138J [land in *Uriel* to hold of John and his heirs for knight service], 612J [land in Louth to hold of John and his heirs for knight service].

⁵⁹⁶ *Angevin Acta*, 520J.

⁵⁹⁷ For example, *Angevin Acta*, 4969H, 4965H.

⁵⁹⁸ Sharpe, 'Peoples and Languages', 54–5, 103–16.

intended to include Irishmen who had not submitted to John upon his arrival in Ireland, and particularly not those such as Domnall Ua Briain and his followers;⁵⁹⁹ in other words, the sort of people who were likely to be dispossessed by this grant.⁶⁰⁰ What this address clause seems to communicate, therefore, within the redistributive context of the grant as a whole, is that John saw those Irishmen who had submitted to him as part of the political community of the realm under his authority, whilst those who had not were outside of this community.⁶⁰¹ This outlook presumably meant that the lands of independent Irishmen were potentially subject to being granted out to people who could be described as being among John's *fideles*, because independent Irishmen would likely have been seen as lacking legitimate title as a consequence of their failure to submit. On the other hand, it seems that those Irishmen who had submitted to John were represented in address clauses as his tenants in the same way that French and English subjects were, with the implication that their lands were held of, and guaranteed by, John as an ultimate tenorial overlord (a conclusion strengthened by the address clauses of other charters in which John's Irish addressees were described as his *homines*, a word more suggestive of a direct tenorial relationship than *fideles*).⁶⁰² Gerald of Wales's comment that some initially loyal Irishmen were alienated by the granting out of their lands to newcomers, however, may be an indication that theoretical principles were not consistently adhered to in practice, and that grants such as that in favour of Theobald Walter and

⁵⁹⁹ John received some Irishmen at Waterford upon his arrival in Ireland, for example, which most likely involved the giving of submissions in a similar manner to those received by Henry II in 1171–2. See Orpen, *Normans*, ii, 96–7.

⁶⁰⁰ Gerald of Wales claimed that John alienated all of the Irish who came to submit themselves to him; see Gerald, *Expugnatio*, 236–9. It is clear, however, that Irish opposition to John was not unanimous; see Orpen, *Normans*, ii, 100.

⁶⁰¹ For the Irish kings who did and did not submit to John at Waterford in 1185 see Flanagan, *Irish Society*, 264–5.

⁶⁰² See, for example, *Angevin Acta*, 3239J, 2117J, 2150J.

Ranulf de Glanville may have been given in a summary fashion which did not always give close consideration to who was being dispossessed.⁶⁰³ What the presumptions inherent in the address clause do suggest, however, is that John would have claimed the authority to summarily redistribute Irish lands that lay outside those demesne areas over which he exercised direct lordship. In other words, the diplomatic of John's charter in favour of Theobald Walter and Ranulf de Glanville supposed that the donor held ultimate tenurial rights over areas of the kingdom held neither by him, nor by any English settler.

To this example may also be added at least fourteen additional charters issued in Ireland in 1185 in which *Hyberniensibus* were addressed as John's *fideles* (or else, in some cases, *homines*) and a further eighteen Irish charters datable to the subsequent years up to 1199.⁶⁰⁴ Over half of the twenty-two extant charters which John issued in Ireland in 1185, therefore, included an address that recognised that the political community over which he claimed authority included Irish subjects. These charters, however, were issued in a wider context of tenurial redistribution which implied that independent Irishmen who were not his *fideles* were not considered to possess legal title to their lands under John's authority, because John acted as the fount of all legal title, just as his father did as king in England. That a significant number of the charters issued in 1185 employed such an

⁶⁰³ Gerald, *Expugnatio*, 238.

⁶⁰⁴ *Angevin Acta*, 609J, 2119J, 3239J, 730J [with no.731J being a related text], 2112J, 2113J, 2114J, 2116J, 2117J, 2119J, 583J, 567J, 690J, 2125J. 2120J may also be attributable to 1185, although this dating is inconclusive. 2121J and 2183J are datable to 1183 x 1189. 2128J and 611J are datable to 1186 x 1189. 2175J, 2170J, 2171J, 697J and 613J [which differs in addressing justices, bailiffs, barons and knights defined by nation, alongside all *fideles* and *homines* in Ireland] are datable to 1189 x 1199, whilst 525J [1189 x 1191], 5138J, 2135J [both 1189 x Oct 1191], 2148J [11 May 1192], 732J [15 May 1192], 2150J [21 July 1192], 532J [25 July 1192] and 612J [25 January 1193] may be assigned more specific dates in this same period. 179J, a grant of liberties to the burgesses of Bristol issued between 1189 and October 1191, also included *Hiberniensibus* among John's 'hominibus et amicis'.

address indicates that the formula was not merely incidental, but that the assumptions about John's tenurial rights that seem likely to be bound up in its usage were well understood. The continued usage of the address after 1185 also indicates that this understanding of John's rights was not abandoned, although it may have been emphasised more in the context of the initial flurry of grants made upon his first arrival on the Irish political scene in 1185 than it was thereafter.

The beneficiaries of these charters that addressed loyal Irishmen also presumably accepted this construction of John's authority, seeing as they stood to benefit from it and since some, such as Theobald Walter and Ranulf de Glanville, were also members of his household this is hardly surprising. The fact that the address clause of the charter in favour of Theobald and Ranulf excluded independent Irishmen who were not John's *fideles* – among the document's other internal features – suggests, therefore, that use of John's title *dominus Hibernie* included a claim to tenurial overlordship of lands situated in previously-unconquered parts of the kingdom of Ireland. The charter thus also implies that the beneficiaries were willing to accept, at least notionally, that their possession would be defined by a dependent tenurial relationship with John. John's own motivation in making a gift of such unconquered lands may have been as much a pragmatic, pre-emptive, act as a grand premeditated statement of wide-ranging authority, in that he may have recognised a need to assure that any lands occupied under future English expansion would be held from him, rather than independently.⁶⁰⁵ Yet the practical effect of John issuing a charter that gifted lands that were hitherto unoccupied by his *fideles* was no less than making a statement – however aspirational – that he claimed absolute tenurial rights over these areas *a priori*, at the moment the document was issued.

⁶⁰⁵ I owe this perspective to a discussion with Dr Stephen Hewer.

The diplomatic of John's charters was consistent, therefore, with a claim that as *dominus Hibernie* he possessed ultimate tenurial rights across various parts of the kingdom of Ireland situated outside his own demesne, including lands in the lordships of Leinster and Meath, and in those outside of areas which had previously been occupied by English settlers. The way that these charters were addressed is also indicative of how John perceived the political community of Ireland as being comprised of his *fideles* and suggests a distinction between faithful followers and independent outsiders. The lands of those Irishmen who were dispossessed were presumably re-distributed because they did not belong to this group of *fideles*. These two features of the diplomatic of John's Irish charters, when read together, reveal that he sought to communicate that as *dominus Hibernie* he exercised the rights of a feudal overlord from whom all lands in the realm were ultimately held. Such an understanding is comparable with the rights that the king of England enjoyed in his kingdom and, therefore, is consistent with the interpretation that John's title was understood by contemporaries around Henry II's court to represent the rights of an uncrowned king of a new kingdom of Ireland.⁶⁰⁶ That John's beneficiaries – not all of whom were members of his household – likely actively sought their charters from him and attested to grants given to others, however, suggests that they too were willing to accept this understanding of his authority. It is apparent from John's charters, therefore, that general tenurial overlordship of land throughout the kingdom was one aspect of the rights claimed and exercised by the *dominus Hibernie*.

The Treatment of the Past

If John's earliest Irish charters conveyed the impression that he claimed the rights of an overlord over lands and tenants throughout Ireland, what were the implications of this claim for the structure of landholding that existed in the realm before 1177? It is clear enough that the tenurial

⁶⁰⁶ Church, '*dominus Hibernie*'.

slate had not been wiped clean. Among the charters already discussed were some which confirmed earlier gifts by Henry II to which John gave sanction, which inherently indicates that a sense of continuity was propagated – by both donor and beneficiaries – that suggested that John held his rights in succession to his father, just as one might suppose from reading Roger of Howden’s account of the Council of Oxford and from Henry’s own charters in which he gave Irish lands to be held of himself and John.⁶⁰⁷ Yet this willingness to confirm some of Henry’s acts of patronage did not mean that John simply accepted the situation in Ireland as he found it, especially in regard to the rights to which he sought to lay claim. Some of John’s charters illustrate his freedom to break with his father’s precedent in the treatment of rights and jurisdiction, thereby indicating that a new structure of authority had been introduced into Ireland with the rule of the *dominus Hibernie*; a style which, after all, Henry II had never claimed for himself.

Henry II and Jurisdiction in the Lordship of Leinster

Upon arriving in Ireland in 1185, John issued a number a confirmations of lands which had previously been granted by Henry II.⁶⁰⁸ Issuing confirmations of Henry’s gifts positioned John as the successor to the rights which Henry had first claimed in Ireland some fourteen years previously, and it is significant that beneficiaries of Henry’s charters clearly petitioned John for his assent to – and thereby, protection of – their continued enjoyment of their properties. By confirming Henry’s gifts, John also implicitly recognised that title to Irish lands and rights in under his lordship could legitimately depend on gifts or grants first made as early as 1171. Not all of John’s charters, however, present a simple picture of seamless continuity with the past. The terms upon which some

⁶⁰⁷ Henry had caused homage to be sworn to himself and John at the council, whilst the gifts that he gave at the same time were given to be held of himself and John. See *Gesta*, i, 162–3; *Angevin Acta*, 5283H.

⁶⁰⁸ See, for example, *Angevin Acta*, 2116J, 609J, 2125J, 730J.

of John's confirmations were made, on the contrary, indicate that he sought to redefine the tenurial and jurisdictional landscape that had been established by Henry II's grants to fit his own conceptions of his rights.

The clearest indication of Henry II's approach to rights over land and jurisdiction in Ireland can be seen from the king's original grant of Meath to Hugh de Lacy, given at Wexford during the king's expedition to Ireland in 1172. This grant was specified to have been given with all liberties and free customs 'ibi habeo vel habere possum' and with all liberties 'quasi ibi habeo vel illi dare possum et hac mea carta confirmavi.'⁶⁰⁹ That is, Henry II made no attempt to limit the rights that Hugh was to enjoy in Meath in any way whatsoever upon his first intervention in Ireland. The terms of the grant were without reservation, and Henry thereby made no direct claim to any rights in Meath, save for the service Hugh was to render to him. The lordship of Leinster was also granted to Strongbow by Henry during his 1171–2 expedition, the text of which unfortunately does not survive. Orpen, not unreasonably, but without evidence, speculated on the basis of the grant to Hugh de Lacy that the grant of Leinster would have been made on similar terms, with no reservations being made.⁶¹⁰

John's approach to the definition of the rights held by himself and his tenants-in-chief (as the lords of Meath and Leinster would have been considered, given that John was his father's successor) differed from that which Henry II had taken. This difference is hardly surprising. It has been well-recognised that John's arrival in Ireland brought the prospect of more direct authority being exercised over the lords of Leinster and Meath by an overlord, whilst Henry II's influence had

⁶⁰⁹ *Angevin Acta*, 3253H; Orpen, *Normans*, i, 285–6.

⁶¹⁰ Orpen, *Normans*, i, 285–6. Henry's approach of allowing his acknowledged subordinates a free hand was also applied to his relations with Irish kings, as articulated in the 1175 Treaty of Windsor, which allowed Ruaidrí Ua Conchobair to hold his lands on the same basis as he had before Henry entered Ireland, in exchange for the payment of tribute. See Flanagan, *Irish Society*, 235.

necessarily been distant and exercised by proxy. John's presence promised a shift in the dynamics of Irish politics, with Angevin influence being a more permanent fixture with which the previously-established English settlers would have to contend.⁶¹¹ It might be considered natural, in such circumstances, that John would seek to assert his rights more strenuously than Henry II had. The existing historiography, however, has sometimes emphasised that limitations were apparently placed upon John's freedom to suppress the rights of his tenants-in-chief in his own favour during Henry II's lifetime, especially the rights of the heirs of Strongbow in the lordship of Leinster, with Henry's experienced agents in John's household acting to contain his ambitions.⁶¹²

Some of John's confirmations, however, give no such impression that his attempts to assert his rights at the expense of his previously-unencumbered tenants-in-chief was restrained by the experienced members of his household. A confirmation in favour of William fitz Maurice of his barony of Naas, for example, is clear in specifying that pleas of the crown are to be reserved in lands which were situated in the lordship of Leinster and had originally been granted to the beneficiary by Strongbow.⁶¹³ If we accept Orpen's suggestion that Leinster had likely been given to Strongbow without any rights being reserved to Henry II, the implication of this charter is that, in 1185, John took the opportunity to impose the reservation of certain rights in the lordship of Leinster where no such limitation had previously existed.⁶¹⁴

⁶¹¹ The account given in the most recent history of Ireland, for example, emphasises that, whilst Henry 'reinforced this tendency towards marcher autonomy in Ireland by not reserving crown pleas in his chief grants', John's arrival in 1185 solidified the role of the Angevin court in Irish politics. See Veach, 'Conquest and Conquerors', 166–7.

⁶¹² Flanagan, 'Strongbow', 75–6; Duffy, 'John', 234–5.

⁶¹³ *Angevin Acta*, 2117J.

⁶¹⁴ The later status of Leinster as a liberty, and particularly the very similar terms upon which William Marshal and Walter de Lacy were confirmed in their respective lordships of Leinster and Meath by John in 1208,

That John was apparently satisfied that his ultimate jurisdictional rights in William fitz Maurice's lands were protected by this confirmation is indicated by a further charter. When John later issued another confirmation to Gerald fitz Maurice, William's brother, datable to 1185 x 1189, confirming to him 'dimidiam cantredum quem habuit de dono Willelmi filii Moricii fratris sui' (that is, presumably some of the land which John had previously confirmed to William), no clause reserving crown pleas was included.⁶¹⁵ John's initial confirmation in favour of William fitz Maurice is otherwise notable for the conspicuous attention it paid to respecting the rights of the future lord of Leinster at a time when the lordship remained in John's custody; the confirmation was granted 'tenendam de heredibus comitis Ricardi per servicium v. militum pro omni servicio.'⁶¹⁶ These terms have rightly been emphasised as a sign that John was, in 1185, compelled to accept the complete transmission of the lordship of Leinster to Strongbow's heirs, just as Strongbow himself had held it of Henry II.⁶¹⁷ Such an impression of continuity does, indeed, emerge in terms of the tenurial integrity of the lordship of Leinster before and after 1185. Yet the reservation by John of certain jurisdictional rights 'que ad opus meum retinui' was most likely a novelty in 1185, and suggests that, upon his arrival, John actively sought to protect what he perceived to be his own rights in Ireland, even those rights which Henry II had never sought to reserve.⁶¹⁸ Nor does this charter support the impression that the extension of John's rights in Leinster was inhibited by the experienced administrators of his household, upon the instructions of Henry II. The confirmation to William fitz Maurice, on the

suggests that Leinster was treated as having been held on similar terms to Meath. For these 1208 confirmations, see *Rot. Chart.* 176, 178.

⁶¹⁵ *Angevin Acta*, 2121J; for Gerald fitz Maurice and this grant of land, see M. T. Flanagan, 'Gerald fitz Maurice Fitzgerald' in *ODNB*.

⁶¹⁶ *Angevin Acta*, 2117J.

⁶¹⁷ Flanagan, 'Strongbow', 75, n.76.

⁶¹⁸ *Angevin Acta*, 2117J. The precise nature and implications of the rights defined as 'pleas of the crown' in John's Irish charters is examined at length below in chapter 4.

contrary, was witnessed by Bertram de Verdun and Gilbert Pipard, both of whom had been placed in John's following by his father to provide him with seasoned administrative guidance.⁶¹⁹ That men such as these two were actively involved in this transaction indicates that John's assertion of previously-undefined rights in the lordship of Leinster was far from the action of an unrestrained individual whose more reckless instincts in the 1180s were to be checked by experienced advisors.

John's confirmation of William fitz Maurice's lands does not stand in isolation. The terms of that grant are comparable to those of a charter to Walter de Riddlesford which recorded a series of original gifts, as well as the confirmation of lands first given to Walter by Strongbow.⁶²⁰ The lands confirmed by John were thus located in the lordship of Leinster, just as those confirmed to William fitz Maurice were, and included Castledermot alongside several other *tuaths*. The grant is datable only to 1183 x 1189 based on John's style as 'filius domini regis Anglie et dominus Hibernie', and was most likely issued, therefore, while the lordship of Leinster remained in John's custody. The charter specified that Walter was to hold his lands with a generous series of specified jurisdictional rights including not only sake and soke, toll and team, and *infangentheof*, but also the even more privileged *outfangentheof*, rights over the spoils of wrecks, and the right to conduct judicial duels.⁶²¹ The opportunity to obtain confirmation of these lands and this wide range of rights within them was, no doubt, appealing for the beneficiary and it is notable that Walter sought John's confirmation, thereby acquiescing in the conception that such rights were within John's gift. That the lordship of Leinster was in John's custody at the time that the confirmation was issued, however, means that it is difficult to untangle the beneficiary's likely motives; it is possible that Walter approached John to confirm his rights because he was, at that time, the *de facto* lord of Leinster, rather than because he was *dominus Hibernie*. It remains possible, however, that Walter recognised that John could bring a

⁶¹⁹ *Angevin Acta*, 2117J. Flanagan, 'Household Favourites', 370–75.

⁶²⁰ *Angevin Acta*, 2183J.

⁶²¹ For a detailed treatment of the granting of such rights in John's Irish charters, see below, chapter 4.

higher authority to bear on the protection of his rights than he might previously have obtained from the lord of Leinster, and, furthermore, that John's recognition might in the future be deemed necessary, given what has already been noted about John's apparently uncompromising interpretation of his rights as an overlord.

Perhaps more significant, however, is what the charter suggests about John's approach to jurisdictional rights in the lands of his tenants-in-chief. Whilst the charter recorded original gifts made by John as well as confirmations of Strongbow's earlier original grants, it also specified that the jurisdictional rights defined as pleas of the crown were to be reserved to John with reference to 'omnes predictas terras', thereby specifically including those lands first given by Strongbow.⁶²² This charter, indeed, was more specific in its jurisdictional limitations than William fitz Maurice's charter had been, since rights pertaining to ecclesiastical lands and appointments – 'croceis et donationibus episcopatum et abbatiarum' – were also specifically reserved to John in Walter de Riddlesford's lands.⁶²³ By confirming Walter's lands on these terms, therefore, John was attempting to impose jurisdictional limitations within the lordship of Leinster of a sort that Henry II seems not to have attempted to enforce. Just as with William fitz Maurice's charter, however, John also conspicuously recognised the existing tenorial arrangements attached to Walter de Riddlesford's Leinster lands, which were to continue 'tenenda de heredibus comitis Ricardi'.⁶²⁴ Despite respecting the tenorial rights of the future lord of Leinster, therefore, the terms of this grant nonetheless sought to establish that John claimed to hold exclusive rights over certain types of jurisdiction in the lands of his most significant tenant-in-chief, a claim that was apparently unprecedented before he became *dominus Hibernie*. That the charter also clarified that Walter de Riddlesford's lands were to continue to be held of the heirs of Strongbow underlines that John was not attempting to act in place of the

⁶²² *Angevin Acta*, 2128J.

⁶²³ *Angevin Acta*, 2128J. For a dedicated discussion of these rights, see below, chapter 4.

⁶²⁴ *Angevin Acta*, 2128J.

lord of Leinster when he made these reservations, since this clause defined their rights as being distinct from those John was to retain in the future. John, therefore, reserved these rights because they were his prerogatives as *dominus Hibernie*. The witness list of this charter in its surviving copy also raises the intriguing possibility that the potential future 'heir of Strongbow' was required to give his assent to John's redefinition of the terms upon which the lordship of Leinster was held from him. The first witness to the charter was William Marshal and, since the precise date of the transaction is unknown, it remains a possibility that it was made in the early months of 1189, at a time when the Marshal had already been promised the hand of Strongbow's heiress, Isabella, by an ailing Henry II.⁶²⁵ If so, William's presence may have been intended to signal his acquiescence in the new arrangement, perhaps in an attempt to ensure John's co-operation to his future succession to the lordship of Leinster from a position of relative weakness. This interpretation must remain no more than an appealing possibility, not least because Walter de Riddlesford's charter does not survive as an original, yet it may provide another dimension to our understanding of how John sought to assert his rights in Leinster in relation to William Marshal; after 1189 John's position was sufficiently robust that William sought the aid of Richard I to indirectly pressure John to even allow him seisin, which William could only gain at John's discretion as Richard had no rights in Ireland.⁶²⁶

The remainder of Walter de Riddlesford's charter – especially when read together with the charter to William fitz Maurice – nonetheless indicates that John sought to supersede the comparably free terms of Henry II's grant of Leinster to Strongbow. These charters show that, whilst John largely portrayed himself as the heir of Henry II in terms of the rights he claimed in Ireland, he also sought to assert his own interpretation of his prerogatives and overwrite the precedent set by his father's grants when they did not cohere with how he conceived of his position as *dominus Hibernie*. By attaching reservations to the lands of Walter and William, John also attempted to define

⁶²⁵ *Angevin Acta*, 2128J. For Henry's promise to marry Isabella to William Marshal, see Crouch, *Marshal*, 67.

⁶²⁶ Flanagan, 'Strongbow', 75.

his jurisdiction in these parts of the lordship of Leinster on the same terms as lands he gave afresh to new beneficiaries elsewhere in Ireland, in charters which included similar reservations of jurisdictional rights defined as crown pleas. By issuing these Leinster confirmations, therefore, John claimed the same rights in the lordship of Leinster as he did in previously-unsettled areas of Munster or Louth that he gave to beneficiaries such as Theobald Walter and Peter Pipard.⁶²⁷ This similarity of approach across different regions with different tenorial contexts serves to highlight, once again, the uniformity of John's interpretation of his rights across Ireland. This interpretation, however, necessarily broke from direct continuity with the more distant overlordship that Henry II had asserted, suggesting that John's personal rulership as *dominus Hibernie* had, by 1185, begun to be constructed as a something greater in practice than what his father had attempted to claim before 1177.⁶²⁸

Confirmations and Augmentations

Many of the confirmations of Irish lands that John issued did not explicitly seek to alter the terms under which the property concerned was held. The issuing of these more straightforward confirmations, nonetheless, allowed for the expression of John's lordship over those who had not received their property directly from him or his father, but were already established in Ireland before John's arrival. Previous gifts to Dunbrothy Abbey, for example, made by Hervey de

⁶²⁷ *Angevin Acta*, 520J, 568J.

⁶²⁸ The implications of this charter evidence are, therefore, coherent with the practical expression of an understanding of the style *dominus Hibernie* as an expression of the rights of kingship, if yet uncrowned, in a newly-created kingdom of Ireland. See Church, '*dominus Hibernie*'.

Montmorency and Gilbert of Essex were confirmed by John.⁶²⁹ Another charter, granted to Mellifont Abbey, included confirmations of lands first given by Hugh de Lacy and Robert le Fleming, as well as gifts made by Henry II.⁶³⁰ Earlier gifts made by various donors to St Mary's Abbey, Dublin, were also granted by John in a general confirmation charter, including the gifts of Adam de Feipo, a de Lacy tenant in Meath (in a charter to which Hugh de Lacy himself stood witness, thereby acquiescing to the act).⁶³¹ Each of these confirmations was made in 1185, shortly after John's arrival in Ireland, and in making them he effectively communicated that his was a higher authority to which beneficiaries might appeal as a guarantor of their title, over and above the original donors or their heirs, most of whom were among the English settlers who had come to Ireland before the first Angevin intervention of 1171. The willingness of these beneficiaries to seek John's confirmation in the first place underlines the point that they considered his backing as a tenurial overlord to be desirable, perhaps even necessary, for their future security of tenure. Beneficiaries, in other words, were content to participate in transactions that advanced the Angevin perspective that, as *dominus Hibernie*, John's rights extended to the sort of tenurial overlordship that made him a potential guarantor of their lands over the heads of the original donors. The beneficiaries themselves may not necessarily have swallowed John's perspective whole (they may have deemed his confirmation desirable simply because he was a powerful individual rather than because they saw him as their ultimate landlord) but in practice their private calculations did not matter as much as the implications of their actions, which told the world that John's confirmation was authoritative. By accepting such petitions for confirmation, John also implicitly recognised that grants made before his arrival by English settlers could be a legitimate source of title and that the tenurial slate was not wiped clean when he obtained his Irish kingdom.

⁶²⁹ *Angevin Acta*, 2114J.

⁶³⁰ *Angevin Acta*, 2116J.

⁶³¹ *Angevin Acta*, 730J; for Adam de Feipo, see Orpen, *Normans*, ii, 85.

In other cases, however, John attempted to augment the existing landscape through the re-assignment of lands that had previously been claimed by other occupants, both English, Irish and Hiberno-Norse, in a way that suggests that his judgement of exactly what qualified as legitimate title to property was essentially arbitrary, and dependent more upon personal favour than an overarching legal principle. It may not necessarily be surprising, therefore, that Irishmen or Ostmen had been explicitly dispossessed by some of John's grants, such as the original gift made in favour of Alard fitz William, or the confirmations issued to William fitz Maurice, Robert of St Michael, and the priory of St Thomas, Dublin. The redistribution of 'unam carucatam terre quam Ricardus de Tuit tenuit iuxta ecclesiam sancti Keuini extra muros de Duuelin' in a gift to the Archbishop of Dublin might, however, appear to be more unusual.⁶³² This latter gift would appear to have been a redistribution of land previously held by an English settler, at the expense of him and his heirs; Richard de Tuit was a tenant of Hugh de Lacy in Meath, and did not die until 1211.⁶³³ This charter seems to indicate, therefore, that John's interpretation of his tenorial rights allowed him to act without regard for established tenorial structures, at least within his Dublin demesne, but this is not to imply that he sought to extend the rights to which he laid claim without foundation. It is possible, indeed, that from John's perspective Richard de Tuit's tenure of this land appeared as an unlicensed alienation, since Richard's connection with Hugh de Lacy might indicate that the latter may have initially given this land to Richard during his period as Henry II's custodian of Dublin.⁶³⁴ The charter

⁶³² Whether the previous occupants of the lands had immediately been dispossessed in 1185, or whether they had held at some point in the past, such that the land continued to be referred to with reference to them for convenience of identification, cannot be known. For these charters, see *Angevin Acta*, 567J, 2117J, 2125J, 529J, 2111J.

⁶³³ Orpen, *Normans*, ii, 89–90.

⁶³⁴ The impression that Hugh de Lacy was deemed to have surpassed his authority in Dublin is given in a report of Gerald of Wales, who noted that Phillip of Worcester – who was sent to Ireland in 1184 to prepare the way

does not, nonetheless, preclude the possibility that John was willing to be flexible with regard to what constituted legitimate title to property; it simply implies that such willingness was to be extended with discretion, insofar as there was no conflict with what he perceived to be his own rights.

Conclusion

A close examination of the earlier charters issued in the name of John, *dominus Hibernie*, reveals a series of assumptions about the rights he claimed to possess in Ireland by virtue of his title. John's authority was represented as being consistent with that which Henry II had assumed he had in Ireland and thus included wide-ranging tenurial rights, applicable throughout the whole of the realm, which were based on the premise that all land throughout the kingdom was ultimately held of him as overlord. For John, however, these rights were now articulated in the form of a specific Irish title that communicated the nature of his authority: *dominus Hibernie*. John's subjects included both English settlers and some native Irishmen, all of whom had submitted to him, or initially to his father, as their overlord. Independent Irishmen such as Domnall Mór Ua Briain, however, were theoretically not considered to possess legal title to their lands, which were treated as being available for allocation to John's beneficiaries, whatever the situation in reality. The address clauses of John's charters imply that such independent Irishmen were not considered to be part of the political community of John's realm, which may indicate how their dispossession was articulated.

John's authority as *dominus Hibernie* was not, however, expressed in the same way that Henry II's overlordship in Ireland had been. The charters indicate that John's jurisdictional rights

for John's arrival – acted to restore the revenues of Saithne, north of Dublin, to John's Dublin demesne because they had been alienated by Hugh. See Gerald, *Expugnatio*, 198; Flanagan, 'Household Favourites', 369.

were conceived of, without limitation, to include certain rights defined as 'pleas of the crown', which he claimed both in areas which were previously unoccupied by English settlers, but also in the previously-enfeoffed lordship of Leinster, which was previously held without reservation. These jurisdictional rights will be examined at length in the following chapter. This approach marked an advancement upon the rights that Henry II had attempted to retain in Ireland, and John acted to lay claim to exclusive jurisdiction in the lands of his tenants-in-chief as early as 1185, without interference from his father's representatives.

These understandings of John's rights as *dominus Hibernie* were by no means hollow diktats issued from the top down because the charters reflect the expectations of beneficiaries as much as the aspirations that emanated from John's household. Some individuals belonged to both of these groups, but many others did not. Many beneficiaries of earlier gifts were evidently eager to seek John's approval of their lands as their new overlord, including monastic beneficiaries within and outside previously-enfeoffed areas. By participating in such transactions, these beneficiaries recognised the desirability of drawing themselves and their lands into the tenurial structure over which John claimed ultimate rights and, in doing so, thereby contributed to their donor's aspirational claims being made good. The charters, therefore, give an insight into John's rulership as *dominus Hibernie* that encompasses a variety of perspectives.

Chapter Four

Ruling the Kingdom of Ireland before 1199

Royal Rights

Before 1199, John, as *dominus Hibernie*, regularly granted and reserved rights in Ireland that may be characterised as royal; that is, rights that were claimed as royal prerogatives in the context of the English kingdom. Irish kingship had very different traditions from the mainstream of European kingship in that royal authority was not monopolised by a single individual, and even relatively powerful over-kings seem not to have claimed a monopoly on judicial rights.⁶³⁵ John's approach to ruling Ireland was quite naturally, however, informed by the customs and norms of kingship that were familiar to him and his household: those of the English polity, as exemplified by the kingship of Henry II and his predecessors. Henry II had made John king of Ireland in 1177, with approval for a coronation finally being received from the Papacy in 1186. As such, John went to Ireland in 1185 as *dominus Hibernie*; a title that, based on English precedent, communicated his full possession of royal rights ahead of an anticipated coronation. No such coronation ever occurred.⁶³⁶ The evidence of John's Irish charters, however, demonstrates that the absence of a coronation had no effect on his approach to ruling Ireland during the 1190s and beyond. The grants and reservations John made show that he considered himself, in terms of practical authority, to be nothing less than king of Ireland, and that his royal rights were entirely independent of the English kingdom and of his father.

John issued a number of charters which granted or reserved a range of different rights that might be characterised as royal in the context of European-style kingship. The obvious models for

⁶³⁵ See below, 259–60.

⁶³⁶ Church, '*dominus Hibernie*'.

John's rule in Ireland were Henry II and his predecessors, and references to jurisdictional rights in John's Irish charters were made in diplomatic formulae that were reminiscent of those used in English royal charters. The notion that such references spread to Ireland simply as a matter of diplomatic imitation, however, may be dispelled by the fact that the clauses that will be discussed were not employed uniformly, but with discretion. The charters themselves were mostly produced in John's chancery, by experienced staff who would have known very well the legal consequences of the diplomatic form that they were using and who were accountable to their lord. John was accompanied to Ireland in 1185 by a household that included men chosen for their administrative experience in the service of Henry II, such as Alard fitz William, Bertram de Verdun, William de Wenneval and Gilbert Pipard.⁶³⁷ Furthermore, Henry II had placed John in the household of Ranulf de Glanville, his chief justiciar, as a youth.⁶³⁸ It is clear, therefore, that from an early age John would have been surrounded by individuals who were familiar with the workings of English royal administration and he continued to be served in his household and chancery by staff who were well-versed in such business. These were the sorts of individuals under whose supervision John's charters were (for the most part) drafted and (always) sealed. When clauses referring to grants of rights characterised as royal prerogatives were included in these documents, therefore, these clauses had likely been deployed selectively, with care and precision. We may also suppose that the beneficiaries of these documents knew what the diplomatic forms used within them meant and expected the rights they described to be upheld in any future dispute.

⁶³⁷ Church, *John*, 24–5. For John's household from 1185, see also Jones, '*Acta*', 47–96.

⁶³⁸ Church, *John*, 25; the affinity of Ranulf de Glanville also seems to have been the place where John first came into contact with Alard fitz William, in 1182, and another central member of his household, Phillip of Worcester 1179 x 1185, see Jones '*Acta*', 49 and n.6.

Nine of John's forty-four Irish charters issued before the death of Henry II contain clauses relating to the jurisdictional rights of sake and soke, toll and team, and *infangentheof*.⁶³⁹ Grants of such rights were made almost exclusively in England by Henry II; in other words, only in situations in which he acted as a king.⁶⁴⁰ The form was not used in charters relating to Henry's continental lands because the rights were prerogatives of his English crown. When John began to make grants of sake and soke, toll and team, and *infangentheof* in his Irish charters in 1185 he did so, therefore, on the same basis that Henry II made such grants in England; with the understanding that justice was his royal prerogative which he might grant away at his discretion. It is notable that the one known occasion upon which Henry II granted sake and soke, toll and team, and *infangenthof* with reference to property outside of England was in a grant to St Mary's Abbey, Dublin, in the period April 1172 x April 1176, an action which broke new ground.⁶⁴¹ John, whose rights in Ireland were subsequently transferred to him from his father, was thus also directly following Henry II's precedent in transplanting this English royal interpretation of judicial rights to Ireland.

Such rights which pertained exclusively to royalty continued to be granted in Ireland by John after the death of his father. Among the sixty-five Irish charters issued between 7 July 1189 and the death of Richard I are five further grants of the jurisdictional rights of 'sake and soke, toll and team, and *infangentheof*', or variations thereof.⁶⁴² That the granting of these rights were understood, at

⁶³⁹ See chapter 3, Table II. The charters in question are *Angevin Acta*, 2117J, 520J, 567J, 2125J, 2128J, 2183J, 2121J, ???H [grant to Richard Talbot of Malahide], ???J [grant to John of St Michael]. For discussion of these charters in the context of grants of similar rights in English lands – and the nature and origins of those rights – see above, chapter 2.

⁶⁴⁰ For Henry II's charters granting sake and soke, toll and team, and *infangentheof*, see Appendix B.

⁶⁴¹ *Angevin Acta*, 2055H.

⁶⁴² *Angevin Acta*, 568J, 5138J, ???H [grant to Richard Talbot of Balimolinide], ???J [grant to William Deyncourt], 612J.

least within the circle of John's household and by the beneficiaries of his grants, to represent a royal prerogative is clear from the wider context of some of these charter texts. The grant to Peter Pipard, for example, given before 7 October 1191, records John's confirmation of land in Louth, which had originally been given to Peter by his brother, Gilbert Pipard, to be held of John for the service of ten knights. The rights granted to Peter to enjoy in those lands were specified to include:

thol et theam, infangentheof cum iudicio aque, feni et furni et wrecco maris et omnibus libertatibus et liberis consuetudinibus exceptis placitis ad coronam pertinentibus.⁶⁴³

In this case, toll and team and *infangentheof* were given without sake and soke, but Peter also received additional rights: to conduct judicial ordeals and to claim the spoils of wrecks, both traditional royal prerogatives.⁶⁴⁴ The reservation of 'pleas pertaining to the crown' applied at the end of this clause, however, places the preceding grants into the context of specifically royal rights and prerogatives. Toll and team and *infangentheof* were granted to Peter with the express limitation that certain other rights, described as 'pleas pertaining to the crown', were kept back because they belonged to John's exclusive jurisdiction. This reservation affects the reading of the entire clause because it implies that the rights that were allowed to Peter were granted only at John's discretion. Certain rights were distinguished as 'pleas of the crown' and kept back, but the fact that such a distinction could be made serves to highlight that even those rights which were granted to Peter were understood to be in John's gift. In other words, the terms of the grant implied that all

⁶⁴³ *Angevin Acta*, 568J. For the wider context of the grant, see B. Smith, *Colonisation and Conquest in Medieval Ireland: The English in Louth, 1170–1330*, (Cambridge, Cambridge University Press, 1999), 31–4.

⁶⁴⁴ For a detailed discussion of grants of the right to conduct ordeals, see below, 272–4.

jurisdiction over justice was ultimately John's prerogative, and what Peter Pipard was allowed had been merely delegated to him.

The 'crown' referred to in those charters in which crown pleas were reserved was undoubtedly the crown of Ireland, with the rights appurtenant to it being Irish royal rights. A key clause in John's charter in favour of Richard Talbot, issued 1189 x 1194, secures the point. In this charter, Richard was granted sake and soke, toll and team, *infangentheof*, and the right to conduct judicial ordeals of iron and water, and judicial duels, with crown pleas reserved. In this document, however, the precise reservation was of 'placitis et querelis que ad regiam coronam pertinent que ad opus meum retinui.'⁶⁴⁵ Crown pleas were thus reserved specifically for John's personal use, eliminating any possibility that the notional crown referred to was anything other than the crown of Ireland, because at this point in time John had no claim to any other crown.

Yet this crown must have represented a new, European-style understanding of kingship in Ireland. Irish kingship was politically fragmented. No single king exercised authority over a single unified kingdom that spanned the entire island of Ireland before the coming of Henry II. Rather, hundreds of mostly locally-based kings existed, each ruling a *tuath* – or later, a *tricha cé* – with some having established provincial dominance over their neighbours.⁶⁴⁶ The existence of a high-kingship of Ireland conferred only a sense of symbolic dominance upon a powerful king, if he was able to temporarily bring his rivals to submission.⁶⁴⁷ The very concept of the crown, furthermore, had no grounding in Irish kingship; rather, inauguration ceremonies typically centred around the

⁶⁴⁵ *Angevin Acta*, ???H [grant to Richard Talbot of Balimolinide]. Similar clauses were included with reference to reserved crown pleas in three further Irish charters, each issued before 1189; see *Angevin Acta*, 2128J, 2117J, 2125J.

⁶⁴⁶ F.J. Byrne, *Irish Kings and High-Kings*, repr. (Dublin, Four Courts, 2001) 7, 270.

⁶⁴⁷ Byrne, *Irish Kings*, 270–71.

transference of a symbolic rod of kingship at a traditional royal site.⁶⁴⁸ Even by the early fifteenth century, a consciousness of a distinction between Irish kings and those elsewhere in Europe based on a lack of a crown is apparent from the Annals of Connacht, which drew a contrast by referring to the kings of England and France as ‘crowned kings’.⁶⁴⁹ There was not, indeed, an Irish word for a royal crown until the later Middle Ages, when a term came into the language from Latin; even then, Irish references to Irish kings (*ri*) from around the late fourteenth century were Latinized as *princeps* rather than *rex*.⁶⁵⁰ The fact that Irish kings were not crowned or anointed also meant that outsiders perceived their kingship as inferior to that of anointed kings of other European kingdoms, being described as in Latin as *reguli*. This word had diminutive connotations, meaning something more like ‘little kings’, or ‘kinglets’. The use of the term *regulus* by outside observers suggested that Irish kings were viewed from afar as having a sort of kingship that was something other than what Stephen Church has recently called the type of kingship that was ‘acceptable to polite society’ – that is, society elsewhere in Western Christendom – because they did not receive unction with holy oil.⁶⁵¹

Nor does it seem that judicial prerogatives over specified functions and types of offence had previously been claimed by Irish kings. Whether any such prerogatives were claimed by Irish kings is difficult to establish with certainty because our impressions of Irish kingship and law have been heavily influenced by eighth-century legal tracts which have only a limited bearing on the activities of twelfth-century kings who dominated entire provinces. The available annalistic evidence, nonetheless, seems to indicate that Irish over-kings did, by the twelfth century, claim authority beyond their dynastic kingdoms to issue and enforce legislative ordinances (*cáin*), exact compensation for injuries suffered by their dependants (a function of lordship at lower levels of

⁶⁴⁸ Simms, *Kings to Warlords*, 30–31.

⁶⁴⁹ Simms, *Kings to Warlords*, 38.

⁶⁵⁰ Simms, *Kings to Warlords*, 38–9; Byrne, *Irish Kings*, 22–3.

⁶⁵¹ Church, ‘*dominus Hibernie*’, 820.

society) and levy tax (*cís*).⁶⁵² This evidence does not, however, give a strong impression that claims to exclusive prerogatives over specific types of plea, or else to the oversight of the judicial activities of subordinates, were a feature of Irish kingship. The crown referred to in John's charters, therefore, was something entirely new in Ireland and it connoted a maximalist understanding of the judicial prerogatives of kingship that was likely unprecedented in an Irish context. The 'pleas of the crown' claimed as prerogatives in John's charters instead seem to have been modelled on English royal diplomatic and legal structures.⁶⁵³

Clauses which specified that crown pleas were to be reserved were included in at least six Irish charters issued by John before the death of Henry II in 1189.⁶⁵⁴ Five of these six were grants or confirmations made to lay beneficiaries, in which the reservations were made in the context of grants of sake and soke, toll and team, and *infangentheof* (or some close variant). The exception is a notification of a grant of protection in favour of Llanthony Priory, in the Welsh Marches, which includes a clause confirming that the canons and brothers of Llanthony who are in Ireland shall have their court and liberties concerning all pleas & complaints 'exceptis his que ad regiam coronam pertinent et excepta iusticia mortis et membrorum.'⁶⁵⁵ In all six charters, therefore, crown pleas were reserved in the context of grants which licensed the beneficiaries to enjoy other minor judicial rights, with the formula thus implying that John claimed a prerogative over the exercise of justice in Ireland which allowed him to determine who could administer (or, at least, collect the profits of) what type of justice. It should be reiterated here that the precise legal meaning of this diplomatic would have been well understood by those present when these grants were made. Of the six charters which

⁶⁵² Flanagan, *Irish Society*, 236–42.

⁶⁵³ For a discussion of the evidence for the practical implementation of English common law in Ireland before 1199, see below, 290–8.

⁶⁵⁴ *Angevin Acta*, 2127J, 2125J, 2128J, 2183J, 520J, 2117J.

⁶⁵⁵ *Angevin Acta*, 2127J.

reserved crown pleas cited above, the beneficiaries of one were none other than Ranulf de Glanville, the justiciar of England, and his nephew Theobald Walter; the grant was witnessed by other experienced royal administrators in Bertram de Verdun, William de Wenneval and Gilbert Pipard. Another was issued in favour of Theobald's brother Hubert and witnessed by Ranulf de Glanville alongside Bertram de Verdun and Gilbert Pipard.⁶⁵⁶ The charter in favour of Robert of St. Michael was witnessed by William de Wenneval and Gilbert Pipard, whilst the confirmation in favour of William fitz Maurice was witnessed by Bertram de Verdun (styled as John's seneschal) and Alard fitz William (styled as chamberlain). The grant to Walter de Riddlesford was witnessed by Phillip of Worcester, another established royal servant who had been sent to Ireland by Henry II ahead of John's party in 1184 to prepare for his arrival. Only the charter in favour of Llanthony Priory lacked the explicit involvement of a seasoned royal administrator, but this document was witnessed only by John himself, *teste me ipso* (a clause which does not, in any case, preclude the presence of veteran royal servants).⁶⁵⁷ It is unequivocal, therefore, that when these transactions were made – or else when the charters were drafted – John was surrounded by a core of experienced individuals capable of appreciating the precise meaning of diplomatic reserving crown pleas. These reservation clauses must have been drafted consciously, purposefully and with an appreciation of their implications for John's professed authority.

Reservations of crown pleas were also made in four more of John's Irish charters, issued during the reign of Richard I and granted to William Deyncourt, to St John's Hospital, Waterford, and to the priory of St Thomas, Dublin (two grants made on successive days in October 1197).⁶⁵⁸ Clauses

⁶⁵⁶ *Angevin Acta*, 520J, 2128J; Church, *John*, 25.

⁶⁵⁷ *Angevin Acta*, 2125J, 2117J, 2183J, 2127J; for Phillip of Worcester, see Church, *John*, 22.

⁶⁵⁸ *Angevin Acta*, 920J, 533J, 534J. It is worth noting that the grant to William Deyncourt consisted of lands previously given to John de St Michael before 1189, as highlighted in Empey, 'Kingdom of Limerick', 5. Upon re-assigning the land to William, John gave it under very similar terms

specifying that the rights described as crown pleas were John's royal prerogatives were, therefore, deployed with consistency in a small but significant number of his Irish charters, issued across a number of years before 1199.

Whilst the fact remains that the minimum ten charters that included a clause reserving pleas of the crown represent a minority of the overall corpus of John's Irish charters, this relative scarcity does not render the clause insignificant. References to pleas of the crown are also notably present, yet relatively rare, in the charters of Henry II. Nicholas Vincent has identified five documents issued by Henry II which refer specifically to pleas of the crown (although some others also refer to customs of the crown, or land or rights held of the crown).⁶⁵⁹ Of these, only a single one, a grant to Anselm Campdavaine of the manor of Dartford in Kent, which was given 'tenendum sicut ego illud tenui exceptis placitis et querelis que pertinent ad coronam meam' is comparable with the references to pleas of the crown in John's Irish charters, in the sense of it being a new grant of land in which the king determined to define that these rights were to be retained by him.⁶⁶⁰ The other examples refer to pleas of the crown in more passing contexts, such as confirming that the beneficiaries are able to make proof by judicial duel in pleas that pertain to the crown, or that pleas involving the beneficiary should be heard only in the presence of the king, since they pertain to the crown.⁶⁶¹ In one case the king even confirmed that the church of Ramsey should have all liberties that pertain to the crown in

to his initial gift to John de St Michael, with sake and soke, toll and team, *infangentheof*, justice of iron, water, and duel, and gallows, but reserving liberties that pertain to the crown. See *Angevin Acta*, [grant to John of St Michael]. The only significant difference between the two charters is the inclusion of a grant of the right to a pit (*fossa*) to John de St Michael; the formula of the reservation also differed slightly, with 'pleas and complaints that pertain to the crown' specified.

⁶⁵⁹ Vincent, 'Regional Variations', 77, n.41.

⁶⁶⁰ *Angevin Acta*, 1640H.

⁶⁶¹ *Angevin Acta*, 854H, 1506H, 191H.

its land, in accordance with the grant of Henry I.⁶⁶² These references are therefore relatively rare in the context of the entire body of Henry II's surviving charters, just as those of John are within his.⁶⁶³

An especially salient feature of these documents for this discussion is that every single one of them, as well as those which refer to customs or land held of the crown, relate to an English context, to the extent that 'the crown...appears to have enjoyed specifically English connotations.'⁶⁶⁴ Despite the relative scarcity of the usage of the term in Henry II's documents, the word *corona* and its associated pleas and rights clearly carried a significance that was specific to England, because England was the only kingdom among Henry's various diverse possessions; the only realm in which he could claim to wear a crown and to enjoy royal prerogatives. This context serves to emphasise the significance of the deployment of formulae relating to crown pleas in John's charters. The usage was relatively infrequent, just as it was in Henry's charters, but a comparison suggests that it was

⁶⁶² *Angevin Acta*, 90H.

⁶⁶³ Customs 'que ad Coronam pertinent' were also reserved in a charter of Richard fitz Gilbert (Strongbow) in favour of a certain Vivian de Curzon granting lands near Dublin, a transcript of which was copied into the cartulary of St Mary's Abbey, Dublin. The simplest interpretation of the inclusion of this clause is that it was an attempt by Strongbow to protect the rights of his lord, the king, since the charter was issued during the period in which Strongbow acted as Henry II's custodian of Dublin (1172 x 1176). It remains plausible, however, that Strongbow acted independently of royal influence and sought to exercise these rights himself (perhaps utilising his official position as Henry's custodian): the charter contained no clause acknowledging that the grant had been made with the king's consent and the lands were given to be held of Strongbow and his heirs. If independent and self-interested, Strongbow's use of the clause illustrates a wider awareness of this language as a means of claiming unrestricted judicial prerogatives. See *Chartularies of St Mary's Abbey, Dublin*, ed. by J.T. Gilbert, 2 vols. (London, Rolls Series, 1884–86) i (1884), 258. For clauses expressing Henry II's consent in other charters issued by Strongbow see Duffy, 'Town and Crown', 104–5.

⁶⁶⁴ Vincent, 'Regional Variations', 77.

likely understood to carry the same significance: that Ireland, like England, was a kingdom, and John was the man who possessed royal rights in that kingdom.

The significance of the crown pleas formula as a reference to royal prerogatives is also underlined by its limited deployment in charters issued by John with reference to his English lands. The formula 'placitis et querelis que ad regiam coronam pertinent' appeared in only two other surviving charters issued by John before his accession as king of England, both of which relate to lands in which he exercised jurisdiction that was usually a royal monopoly elsewhere in the kingdom. The first of these was a charter in favour of Theobald Walter, datable to 1189 x 1194, by which John granted the whole of Amounderness (Lancashire).⁶⁶⁵ The grant included the vill of Preston and the whole wapentake and forest of Amounderness, including the pleas of the forest, to be held as well as John himself had held them, 'proceptis. placitis et querelis que ad regiam coronam pertinent'.⁶⁶⁶ The charter was given at a time when John occupied a position in his honour of Lancaster that was analogous to that of the king, a point emphasised by the issuing by King Richard of an equivalent grant in favour of Theobald in near-identical terms (and also employing a clause in which he reserved pleas of the crown), on 22 April 1194, very shortly after the confiscation of Lancaster from John.⁶⁶⁷ The only other reference to crown pleas in John's non-Irish charters also relates to the honour of Lancaster and was made in a grant in favour of William of Furness confirming his liberties

⁶⁶⁵ *Angevin Acta*, 735J. The honour of Lancaster, of which Amounderness was part, was taken from John by Richard I early in 1194, upon the king's return from captivity. John would therefore have been in no position to make this grant to Theobald, which he gave 'cum omnibus dominicis meis que ad Almoldernes pertinent', after this time, and King Richard made his own grant of Amounderness to Theobald in almost identical terms in a charter dated 22 April 1194. See M.T. Flanagan, 'Theobald Walter', in *ODNB*; for Richard's grant, see *Angevin Acta*, 1330R.

⁶⁶⁶ *Angevin Acta*, 735J.

⁶⁶⁷ *Angevin Acta*, 1330R.

in Furness, namely ‘sok et sak, tol et temk et infangandethef et iudicium ferri et aque et duellum et furcas et omnes alias libertates exceptis illis que pertinent ad coronationem et ad gladium.’⁶⁶⁸ In this example, John’s possession of royal jurisdictional prerogatives in the honour of Lancaster as a non-royal individual was emphasised by the qualification that the pleas were of the sword as well as the crown. That what John granted to William of Furness were the same judicial rights is nonetheless clear. These two examples from the honour of Lancaster serve to place the reservation of these same prerogatives in Ireland into sharper focus. The formula reserving crown pleas appeared in John’s charters only when the grant related to lands in which he could lay claim to the judicial rights that in England were typically reserved to the king. Reservations of crown pleas were thus used in John’s documents in the same way as they were in the charters of Henry II.

What is not clear from the evidence of these charter-texts alone is which pleas were considered to be included among those reserved to the crown. The earliest clear definition of which pleas were considered appurtenant to the crown in Ireland was included in John’s charter to William Marshal of March 1208, by which he re-granted the lordship of Leinster on revised terms. An equivalent definition was also included in a similar confirmation granted to Walter de Lacy for his lordship of Meath shortly after. These charters specified the four pleas of arson, rape, forestall, and treasure trove as reserved to the crown.⁶⁶⁹ The issue is complicated, however, by a reference to ‘arson, robbery, homicide and other offences pertaining to the crown’ in a letter sent by John to his justiciar just months earlier, in November 1207, instructing him to act against Geoffrey de Marisco in respect of these offences according to ‘judiciu[m] comit[at]us Dublin[ie]’. The matter related to conflict in which Geoffrey was involved in Munster, perhaps indicating that robbery and homicide were defined as crown pleas within certain contexts in Ireland, but not within the respective jurisdictions of William Marshal or Walter de Lacy in Leinster and Meath (lordships which may not

⁶⁶⁸ *Angevin Acta*, 2157J.

⁶⁶⁹ *Rot. Chart.* 176, 178.

represent the kingdom at large). Alternatively, the case may be an indicator that the definition of what constituted a crown plea in Ireland remained mutable in 1207-8, perhaps purposefully so.⁶⁷⁰ It cannot be known, therefore, whether the definition offered in the charters of 1208 was firmly established, or even if it had consistent application.

A clear definition of precisely which pleas had been conceptualised as belonging to John's exclusive jurisdiction since 1185 is thus lacking, leaving the position ambiguous. It may, therefore, be profitable to consider how these pleas were defined in an English context around the time that John's Irish charters first began to include the formula. In this regard we may look to the evidence of the near-contemporary legal treatise *Glanvill*. This text, written in the late 1180s by an unknown author with links to the court of Henry II, stated that certain offences in England were considered to be reserved to the king's jurisdiction by around the time that John had begun to issue his Irish charters.⁶⁷¹ It stated that 'Item placitorum criminalium aliud pertinent ad coronam domini regis', thereby employing the same language which was deployed by the scribes who produced John's charters.⁶⁷² The text of *Glanvill* went on to define exactly which kinds of plea were included within the category of those that pertained to the crown, listing: lèse-majesté (the murder of the king or sedition or rebellion against his person); the concealment of treasure; breaking the king's peace;

⁶⁷⁰ M.T. Flanagan, 'Defining Lordships in Angevin Ireland: William Marshal and the King's Justiciar' in *Les seigneuries dans l'espace Plantagenêt (c. 1150-c. 1250)*, ed. M. Aurell and F. Boutoulle, (Bordeaux, 2009), 41–59, 52–3, n.50; *Rot. Lit. Pat.*, 77. The inclusion of killing as a matter to be reserved to royal jurisdiction had an English precedent from early in the reign of Henry II: 'Murdo' – presumably relating to the collection of the *murdrum* fine of Anglo-Saxon origin – was reserved by Henry alongside theft in a charter granted between 1155 and 1158 which acquitted the men of Earl Hugh Bigod in Acle (Norfolk) of all other complaints; see *Angevin Acta*, 871H. I am grateful to Dr Alice Taylor for drawing this example to my attention.

⁶⁷¹ *Glanvill*, xxx-xxxiii, lxxv.

⁶⁷² *Glanvill*, 3.

homicide; arson; robbery; rape; and the crime of falsifying.⁶⁷³ It seems likely, therefore, that this definition was well-known among servants of the Angevin administration and, by extension, within John's household. It might also be remarked that the crown pleas defined in the later evidence of 1207-8 relating to Geoffrey de Marisco, William Marshal and Walter de Lacy are broadly consistent with those defined by *Glanvill*, whilst maintaining no impression of a uniform specification.

It is also notable that the pleas defined by *Glanvill* are also broadly consistent with those which were described as 'dominica placita regis' in the *Leges Henrici Primi* several decades earlier, which suggests that their reservation to the king in England – if not the specific formula of their 'pertaining to the crown' – was a well-established theoretical ideal.⁶⁷⁴ These pleas may be distinguished even from civil cases over which the king of England claimed exclusive jurisdiction because, according to *Glanvill*, such cases were referred to distinctly, under a heading of 'Placitum ciuile aliud in curia domini regis tantum placitatur'.⁶⁷⁵ The implication is that, whilst jurisdiction over these latter types of plea was indeed claimed exclusively by the king, they did not specifically 'pertain to' the king's crown in a way that suggested they were rights inherent to his royal authority. *Glanvill's* description of the 'pleas of the crown', by contrast, indicated that these were pleas which were strongly associated with royal jurisdiction, such that they were defined with reference to the concept of the crown. This association remained an indication to be inferred by the reader, rather than a fully articulated theory of royal jurisdiction, and *Glanvill* did not attempt to articulate why such jurisdiction belonged to the king. The treatise did, nonetheless, articulate the norms of

⁶⁷³ *Glanvill*, 3.

⁶⁷⁴ Especially since the *Leges* drew on law codes of Anglo-Saxon kings of the English; *Leges Henrici Primi*, 22–8, 108.

⁶⁷⁵ *Glanvill*, 4.

contemporary judicial process, and these were norms which likely informed the understanding of John and his household.⁶⁷⁶

Rights of another type were also claimed as John's prerogatives in his Irish charters. These rights were described in the diplomatic as 'donationibus episcopatum et abbatiarum et crocearum', which were reserved alongside pleas of the crown in three charters, each issued before 1189 (two of which can be assigned to 1185).⁶⁷⁷ The appearance of this formula in John's charters before 1199 has previously been noted by scholars, though its full significance has not been deconstructed.⁶⁷⁸ 'Donationibus episcopatum et abbatiarum' referred to the right of patronage for filling episcopal and abbatial vacancies, whilst 'Crocearum' ('crosslands') should be understood to mean jurisdiction over ecclesiastical lands.⁶⁷⁹ It is apparent from the geographical spread and tenurial status of the lands to which these three charters referred that John sought to claim these prerogatives indiscriminately throughout the kingdom of Ireland. The reservations were expressed with the same formula with regard to Ranulf de Glanvill and Theobald Walter's previously-unenfeoffed lands in Thomond, to the lands newly given to Robert of St Michael, and to those in Leinster which Walter de Riddlesford had previously held of Strongbow, which John merely confirmed whilst recognising that they were to continue to be held of Strongbow's heirs. In other words, John's charters expressed the view that he possessed these rights in Irish lands whether or not they had previously been held by

⁶⁷⁶ J.E.A. Jolliffe, *Angevin Kingship*, 2nd edn. (London, A. and C. Black, 1963) 25–6.

⁶⁷⁷ *Angevin Acta*, 520J [1185], 2125J [1185], 2183J [1183 x 89].

⁶⁷⁸ Marie Therese Flanagan noted these earlier reservations in the context of a discussion of the crown pleas defined in Leinster in 1208, whilst Colin Veach also drew attention to the reservation of ecclesiastical investitures alongside crown pleas; Flanagan, 'Defining Lordships', 53–4.; C. Veach, *Lordship in Four Realms: The Lacy Family, 1166–1241*, (Manchester, Manchester University Press, 2014), 158.

⁶⁷⁹ G.J. Hand, *English Law in Ireland: 1290–1324*, (Cambridge, Cambridge University Press, 1967) 12.

subjects, and whether or not they lay within a lordship in which no Angevin jurisdiction had previously been claimed.

That such rights should be claimed as John's prerogatives as early as 1185 is notable because such claims are consistent with how jurisdiction over episcopal appointments and 'crosslands' was later defined in the thirteenth century. The charters John granted to William Marshal and Walter de Lacy over twenty years later, in 1208, which re-established the terms upon which they held their respective liberties of Leinster and Meath, specifically reserved 'crociis et dignitatib[us] ad eas p[er]tin[en]tib[us]' to John alongside pleas of the crown, whilst similar reservations of 'donatione e[pi]sco[patu]m [et] abbatia[rum]' had been made upon the grant of the honour of Limerick to William de Broase in 1201.⁶⁸⁰ Whilst the meaning of 'dignities' pertaining to church lands was not explicit in these grants, this may also refer to the right of presentation of a candidate for a vacant ecclesiastical office. Nor did John's reservations of jurisdiction over crosslands remain a matter of empty theorisation; the practical administration of church lands developed in the subsequent decades to make them effective 'islands of royal jurisdiction' within liberties, which by the fourteenth century were administered by specially-appointed royal sheriffs.⁶⁸¹ The reservations of rights over ecclesiastical lands and episcopal and abbatial vacancies that John made in his charters before 1189, therefore, anticipated the jurisdiction which would later be exercised in Ireland exclusively on behalf of him and his successors as kings of England. That John aspired to possession of these rights as *dominus Hibernie*, however, is clear, and demands an exploration of their character.

⁶⁸⁰ *Rot. Chart.*, 84b, 176, 178.

⁶⁸¹ R. Frame, 'Lordship and Liberties in Ireland and Wales, c.1170–c.1360' in H. Pryce and J. L. Watts (eds.), *Power and Identity in the Middle Ages: Essays in Memory of Rees Davies*, (Oxford, Oxford University Press, 2007), 125–38, 131–2.

That the reservation of episcopal and abbatial donations and crosslands appeared exclusively in the context of clauses that also reserved pleas of the crown in all three of the pre-1189 charters under discussion is clearly significant in indicating that these too were understood to be John's ultimate prerogatives. Nominations to vacant episcopal sees had long been claimed as a customary royal prerogative by the Anglo-Norman kings of England, with the use of the word *donum* and the formula *dedisse et concessisse* being regularly used in the context of episcopal appointments, implying that they were in the king's gift.⁶⁸² Whilst this right had been much disputed since the later eleventh century by the reforming ideologies that emerged from the Gregorian papacy (and its successful exercise could depend on political circumstance), the principle was maintained in royal circles that rulers possessed the right to choose their preferred candidates to fill episcopal vacancies in their kingdoms, if not to carry out the actual transfer of office.⁶⁸³ These rights were articulated by John himself in a Norman context – when addressing the canons of the cathedral of Lisieux following the death of their bishop – as being derived 'ex antiqua consuetudine', whilst at the same time claiming that any violation of his rights by the canons would amount to a violation of his dignity.⁶⁸⁴ The right of episcopal and abbatial donation, therefore, was understood as a royal prerogative in the wider European context of kingship which would have been familiar to John's experience. That these rights were reserved by John in Ireland alongside pleas of the crown serves to emphasise that the diplomatic of his charters was intended to reflect these wider European royal

⁶⁸² E.U. Crosby, *The King's Bishops: The Politics of Patronage in England and Normandy, 1066-1216* (Basingstoke, Palgrave MacMillan, 2013) 17-18.

⁶⁸³ Crosby, *The King's Bishops*, 18-19.

⁶⁸⁴ *Rot. Chart.*, 99; Crosby, *The King's Bishops*, 240. That this example concerned a Norman bishopric, and thus John was writing as duke, not king, does not detract from the point that episcopal nomination was a customary sovereign right, since the duke, rather than the king of France, possessed such rights in his duchy before 1204; see F.M. Powicke, *The Loss of Normandy, 1189-1204: Studies in the History of the Angevin Empire*, repr. (Manchester, University Press, 1999) 61-2.

norms, derived from the example of English custom. It is interesting to note, nevertheless, that some potential Irish precedents for the exercise of the royal right to oversee abbatial and episcopal nominations were available for John and his household to draw upon. A claim expressed in a charter of Diarmait Mac Murchada, datable to c.1161–2, relates to the king's assent to the appointment of the abbot of the Leinster house of St Mary's, Ferns.⁶⁸⁵ Ruaidrí Ua Conchobair, likewise, seems likely to have influenced the translation of his nephew, Tommaltach, to the bishopric of Armagh in early 1180, via his connections with Lorcán Ua Tuathail, archbishop of Dublin.⁶⁸⁶ Whether these apparent claims were well-established and formalised and exercised on a consistent basis, however, is less clear.

John's attempt to define the right to make nominations to episcopal vacancies as his exclusive prerogative was not confined to the diplomatic of these three charters; there is some evidence that he took steps towards exercising these rights in practice. Another grant, issued by John in 1185 in favour of the cathedral church of Limerick, has been interpreted by Marie Therese Flanagan as an attempt to assert authority in the see with the ultimate goal of influencing an upcoming episcopal election.⁶⁸⁷ The charter, issued at Ardfinnan, granted lands to 'ecclesie beate Marie de Lymer' et canonicis ibidem Deo servientibus' without a bishop of Limerick being named, and was made in the context of an earlier charter of Domnall Ua Briain in favour of Bishop Briccius, datable to 1178 x 1185, in which he was styled 'king of Limerick'.⁶⁸⁸ Flanagan thus identified a competition for influence in the see of Limerick at the time of a likely episcopal vacancy, but

⁶⁸⁵ Whether Diarmait's claim was should be characterised as a royal prerogative, or less formally as a function of lordship, is ambiguous. See M.T. Flanagan, 'Strategies of Lordship in Pre-Norman and Post-Norman Leinster', in *ANS*, 20 (1997), 107–26, 110.

⁶⁸⁶ Flanagan, *Irish Society*, 260–1.

⁶⁸⁷ *Angevin Acta*, 554J.

⁶⁸⁸ Flanagan, *Irish Royal Charters*, 134, 145–46.

attributed John's interest in the issue to the fact that he likely considered Limerick as his own demesne, the city and surrounding cantred having been reserved by Henry II.⁶⁸⁹ Such a reading does not, however, consider the context of the three charters in which John had reserved the right to episcopal nominations 'ad opus meum proprium et successorum meorum', and especially that these same rights were reserved both in cantreds in the vicinity of Limerick which were definitively outside John's demense (in the charter to Ranulf de Glanvill and Theobald Walter) and in the lordship of Leinster (in the lands of Walter de Riddlesford).⁶⁹⁰ John's interpretation of his rights was the same regardless where a see was located, which means we must attribute his involvement with the see of Limerick not to a tenurial interest, but to jurisdictional prerogatives to which he sought to lay claim more broadly. This point is also demonstrated by another occasion in which John sought to exercise rights over episcopal nominations. In December 1192 he granted 'donationem episcopatus de Glendelacha in perpetuum' to the Archbishop of Dublin, thereby providing a practical demonstration that he considered the right to fill an episcopal vacancy to be within his gift. An impression of how the practical implications of John's prerogatives in regard to episcopal donations were understood by contemporaries is provided by Gerald of Wales, who claimed that John offered him the bishoprics of Ferns and Leighlin in 1185.⁶⁹¹ Even if this story were untrue, the author clearly thought that the granting of bishoprics had been within John's rights in 1185, at about the same time that claims to a prerogative over episcopal nominations were expressed in his charters.

The right to conduct judicial ordeals and duels, alongside the right to have 'pit and gallows' (*furca et fossa*), was also granted by John in Irish charters. Such rights had been included in at least nine charters issued by John before 1189, granted – quite naturally – alongside the rights of sake and

⁶⁸⁹ Flanagan, *Irish Royal Charters*, 149-51.

⁶⁹⁰ *Angevin Acta*, 554J.

⁶⁹¹ Gerald of Wales, *De rebus a se gestis*, 65; Flanagan, *Irish Royal Charters*, 151.

soke, toll and team, and *infangentheof*, within the same clauses.⁶⁹² The placement of such grants within clauses which also reserved crown pleas illustrates that these rights were considered by John to belong to him as royal prerogatives. Judicial ordeals, that is, the ordeals of iron (or fire), and water, had long been conducted in many parts of Europe as a means of proof in court cases. Ordeals of certain types had existed in Ireland before the arrival of the English invaders, including the ordeal of the hot iron, although the ordeal of water was unknown.⁶⁹³ The specific granting of such rights by John from 1185, therefore, broke new ground by assuming the operation of new forms of proof – the ordeal of water, and the judicial duel – in the doing of justice. That John’s grants should presuppose that a form of ordeal familiar in England should operate in Ireland, and that the right to hold such ordeals was within his gift, is consistent with the perception that justice in Ireland was his own royal right.⁶⁹⁴

Having begun to make such grants from 1185 onwards, John issued a further five charters between 1189 and 1199 in which the right to hold judicial ordeals was granted alongside the other jurisdictional rights of sake and soke, toll and team, and *infangentheof*.⁶⁹⁵ The precise terms of these five charters varied but, in essence, they each alienated rights which were regal in nature. Charters in favour of William Deyncourt and Peter Pipard both included the ordeals of fire and water, judicial

⁶⁹² The appearance of such grants made by John before 1199 has previously been noted in Vincent, ‘Angevin Ireland’, 217, n.155. For the pre-1189 charters, see *Angevin Acta*, 2117J, 567J, 520J, 2121J, 2183J, 2125J, 2128J, ???J [grant to John of St Michael], ???J [grant to Richard Talbot of Malahide].

⁶⁹³ R. Bartlett, *Trial by Fire and Water: The Medieval Judicial Ordeal*, (Oxford, Clarendon, 1986), 1–3, 48.

⁶⁹⁴ Paul Brand has previously noted that references to the operation of the ordeals of iron and water, and judicial duels, in Ireland before 1210 – including those of the charters in question – is indicative of the transplantation of elements of English common law before John’s 1210 expedition. See P. Brand, ‘Ireland and the Literature of the Early Common Law’, in *Irish Jurist*, 16 (1981), 95–113, 98–9.

⁶⁹⁵ *Angevin Acta*, 568J, 5138J, ???J [grant to William Deyncourt], 612J, ???J [grant to Richard Talbot of Balimolinide].

duels, and the right to have gallows: ‘ignis et aque et duello et furcis’.⁶⁹⁶ The right to have a gallows was obviously a related judicial matter, but may be distinguished as implying the right to carry out the justice that was a consequence of judgements made via the ordeal, not merely to oversee the form of proof. Richard Talbot’s charter, however, did not specify gallows, whilst that given to Bertram de Verdun included only the ordeal of water.⁶⁹⁷ An earlier charter to Peter Pipard included ‘iudicio aque, feni [ferri?] et furni’, which seems most likely to indicate ‘water, iron and oven’, presumably, therefore, indicating the same ordeals granted elsewhere, allowing for an error of scribe or copyist. The formulae deployed in these grants was, therefore, by no means standardised, and their relative scarcity within the larger group of John’s extant Irish charters suggests that discretion was employed in determining the royal rights to be granted away. These charters, when read together with the pre-1189 examples already noted, indicate a consistent approach by John in the granting of judicial rights relating to procedure in courts, with the assumption being that judicial jurisdiction was his to delegate to chosen beneficiaries.

The royal rights which John chose to grant or reserve in his Irish charters extended further than the rights to jurisdiction encompassed by clauses concerning sake and soke, judicial ordeals, or crown pleas, which strengthen the impression that he saw his rights in the kingdom as royal, on a European model.⁶⁹⁸ Grants of protection from being impleaded, for example, were also issued to

⁶⁹⁶ *Angevin Acta*, 612J [grant to William Deyncourt], 612J.

⁶⁹⁷ *Angevin Acta*, 5138J [grant to Richard Talbot of Balimolinide], 5138J.

⁶⁹⁸ It is also worth noting that rights pertaining to the operation of justice were among the liberties granted by John to Irish cities, albeit the implications of such grants, made within John’s own demesne, are less clearly instructive. John’s grant of liberties to the city of Dublin, given on 15 May 1192, specified that the citizens should only plead for their tenements within the hundred of the city, that they be quit of *murdro* fines, and that they be exempt from judicial duels. The liberties of Dublin were later granted to the citizens of Limerick on 18 December 1197. See *Angevin Acta*, 732J, 724J.

beneficiaries with reference to their lands and rights in Ireland. Such grants were intended to have the effect of assuring the beneficiary of John's personal protection if a plea or plaint was raised against them in court concerning their property. The letters were drafted in order that they could be shown to any relevant officials and halt any action continuing against their holder, either by prohibiting the process of the plea altogether, or by commanding that it be heard in the presence of John himself (or in one case, 'capitali iusticiario meo').⁶⁹⁹ At least five such grants issued between 1189 and 1199 survive with reference to Ireland, with at least two more issued before 1189.⁷⁰⁰ Two further examples granted to beneficiaries who held English lands also serve to emphasise the relative scarcity of such letters of protection in the broader context of John's English and Norman lands, and thus the significance of these acts as statements of judicial authority.⁷⁰¹

Each of these documents informed the addressees that the beneficiaries were in John's protection and were addressed so that they could be shown to a wide range of officials who might be required to take notice of his prohibition.⁷⁰² The protection pledged to the priory of St Thomas,

⁶⁹⁹ The reference to a chief justice was made in a grant issued in 1185; see *Angevin Acta*, 2115J.

⁷⁰⁰ *Angevin Acta*, 613J, 2175J, 3242J, 533J. 640J, to St Augustine's, Bristol, is addressed to John's officers in England, Wales and Ireland. For the pre-1189 examples, see 2112J, 2115J.

⁷⁰¹ The beneficiaries of these two English examples, the abbeys of Furness and Cirencester, nonetheless held lands in the honour of Lancaster and the south-western shires in which John exercised justice in his own right; see *Angevin Acta*, 2156J, 4055J. The possibility that John's grants did not attempt to impose defined boundaries to his judicial authority should not, nevertheless, be discounted; see above, chapter 2. The 1185 letter in favour of Dunbrody Abbey also exhibits a contrast between expectations of John's authority in Ireland compared to England and Wales (at a time when his only claim was to the honour of Gloucester) by specifying that the monks were not to be impleaded 'de aliquo tenemento quod teneant in Hybernia'; see *Angevin Acta*, 2112J.

⁷⁰² Of the grants made between 1189 and 1199, three were given in the form of letters of protection addressed to specific officials. *Angevin Acta*, 2175J, 3242J, 615J. The two others were made alongside other

Dublin, for example, was granted alongside other grants in a generally-addressed charter, with the specification 'totius Hibernie' applied to the address clause.⁷⁰³ It is thus clear that the grant was intended to have a wide application, and included not only specific officials, but everyone of note within the realm, including those who may have had their own courts. Whilst some of the other examples were issued in the form of letters of protection, these were addressed not to specific individuals, but to all John's officers in Ireland, whoever they may have been. The granting of such protection from being impleaded, and the wide-ranging way in which the documents that recorded the grants were addressed, illustrates that they were made by John with the assumption that justice in his kingdom of Ireland was to operate in the same way that justice did in England: with a significant degree of royal oversight, and with the possibility that cases might routinely be removed from non-royal courts to be concluded within the direct remit of the *curia regis*. This assumption is coherent with the processes of English common law which had emerged under Henry II.⁷⁰⁴ The address clauses of these grants envisage the existence in Ireland of royal officers and subjects – in the case of the grant to St Mary's, Dublin, to 'iusticiis, constabulariis, bailluis et fidelibus suis' – to whom the document could be shown, and who would be expected to act on John's orders.⁷⁰⁵ The

grants in generally-addressed charters; 613J, 533J. The pre-1189 grants are both letters of protection addressed to John's officials.

⁷⁰³ *Angevin Acta*, 533J.

⁷⁰⁴ The implication being that all those who possessed courts were effectively considered to be officials within a single royal judicial system, and that all justice done was subject to potential royal oversight. See Brand, 'Multis Vigiliis Excogitatam Inventam', 98–100. The tenor of these grants of protection is consistent with John's later specification, on 9 November 1207, that no one in Ireland was to answer for their lands in any court without the command of him or his justiciar, as well as the conditions relating to default of justice imposed on William Marshal and Walter de Lacy in the 1208 charters which confirmed their lands on new terms. See Flanagan, 'Defining Lordships', 54, n.64.

⁷⁰⁵ This address was used in *Angevin Acta*, 2175J.

inclusion of *fidelibus* among the addressees of the St Mary's grant is especially revealing, since faithful subjects were not necessarily John's officials, but any member of the political community of Ireland who had sworn allegiance to John, including anyone who held lands from him and who might do justice in their own court.

The grants themselves make plain that the anticipated consequence of John's beneficiary being impleaded, and the document being shown to an official, was to be the termination of the plea on John's authority, or else the removal of the matter to be determined in front of John himself (*nisi coram me ipso*).⁷⁰⁶ A notional scenario in which an appeal for John's personal intervention concerning justice done in a local court was envisaged in another letter of protection he issued in this same period, in favour of Jerpoint Abbey. The Jerpoint letter was addressed widely, to 'iusticiis, constabulariis et omnibus ministris et balliuis et fidelibus suis de tota Hibernia', a group that may be assumed to include individuals who were not John's own officers.⁷⁰⁷ This Jerpoint grant did not specify that the monks were not to be impleaded, but it did order that they not be injured or vexed, such that John should not hear complaints from them for default of justice (*ne clamorem inde audiam pro defectu iusticie*).⁷⁰⁸ The deployment of such a phrase, however formulaic, presupposes that if John's orders were not followed, and the monks were subject to losses resulting from an action brought against them – an outcome the monks would, no doubt, attribute to a lack of justice done to their rights – they would have recourse to appeal to John's favour for an intervention. Whether such an intervention would have been understood as the removal of the same plea to John's court to be determined in his presence, or whether the meaning here is simply that John would apply his higher jurisdiction to remedy the injustice done in another court more informally, the underlying assumptions of the grant are the same as those exhibited in the protections from

⁷⁰⁶ *Angevin Acta*, 2175J.

⁷⁰⁷ *Angevin Acta*, 2176J.

⁷⁰⁸ *Angevin Acta*, 2176J.

being impleaded: that justice done elsewhere in Ireland was subject to effective escalation and amendment in John's own presence.

The overall impression that John's grants of protection in Ireland give, therefore, is that he envisaged his jurisdiction over justice there to amount to nothing less than the kings of England enjoyed in their kingdom. John's grants of protection from being impleaded, therefore, represent his authority as *dominus Hibernie* as extending to the ability to exert his personal will over the operation of justice; in other words, that he possessed ultimate judicial jurisdiction in the kingdom and that he considered his rights to be royal in character.⁷⁰⁹ A similar conclusion might be drawn from the assumptions implicit in an 1185 grant in favour of Alard fitz William that included forest rights. The charter recorded gifts of lands in John's demesne at Dublin and Wexford, and others at Kildare that seem to have represented alienations from the lordship of Leinster.⁷¹⁰ The rights that Alard was licensed to enjoy in all of these lands included not only sake and soke, toll and team, *infangentheof* and the right to ordeals and duels, but 'venatum cervi et bisse et dame et porci et leporis et wlpis et cunini et cuiuslibet alterius venationis'.⁷¹¹ The diplomatic of the charter thus presupposed that these hunting rights, like those judicial rights specified earlier in the grant, were within John's gift and, moreover, required his permission to be exercised. If the lands which Alard had been given at Kildare did pertain to the lordship of Leinster, rather than to John's own demesne, the implication would be that John considered hunting rights throughout Leinster – and not merely in his own demesne – to be his prerogative. A note of caution must be sounded here in that this grant was made at a time when the lordship of Leinster was in John's custody, meaning that he made the grant in the capacity of *de facto* lord as well as overlord and might not, therefore, necessarily be indicative of wider assumptions about his authority as *dominus Hibernie*. Yet the period of custody of the lordship of

⁷⁰⁹ Turner, *The King and his Courts*, 80–82.

⁷¹⁰ Flanagan, *Irish Society*, 132 n.82.

⁷¹¹ *Angevin Acta*, 567J.

Leinster might equally simply have been a convenient window in which John was able to impose his rights as overlord. If this grant of forest rights was made in John's capacity as ruler rather than custodian it might imply that, in 1185, John aspired to implement a similar system of forest law in Ireland to that which the kings of England enjoyed; a system that was ultimately founded upon the personal rights and will of the ruler.⁷¹² Whether John was subsequently able to put these potential claims to forest rights over lands beyond his own demesne into practice, however, is less clear, although Hamo de Valognes, as justiciar, was active in defending perceived encroachments on forest rights around Dublin – presumably within John's demesne – by Archbishop John Cumin in 1197.⁷¹³

The charters issued by John, *dominus Hibernie*, before he also became king of England in 1199, therefore, make many diverse references to jurisdictional rights either granted or reserved. These rights encompassed matters of judicial jurisdiction, such as pleas of the crown, sake and soke, *infangentheof*, and the right to hold judicial ordeals and duels, as well as ecclesiastical rights: jurisdiction over church lands, and the confirmation of episcopal elections. Judicial rights were also implicit in grants of protection from being impleaded. The appearance of formulae which refer to some of these rights has been noticed in passing in recent scholarship.⁷¹⁴ The way in which these

⁷¹² Young, *Royal Forests*, 3–6.

⁷¹³ For the dispute, see M. Murphy, 'Balancing the Concerns of Church and State: The Archbishops of Dublin, 1181–1228' in *Colony and Frontier in Medieval Ireland: Essays Presented to J.F. Lydon*, ed. by T.B. Barry, R. Frame and K. Simms, (London, Hambledon, 1995), 41–56, 45–6. The matter was presumably related to the Archbishop's management of the forest of *Lagenia*, of which he had been given custody by John (a grant which itself serves to emphasise that Alard fitz William's grant was not isolated in conceiving of forest rights in Ireland); see *Angevin Acta*, 2171J.

⁷¹⁴ Flanagan noted some of John's pre-1199 Irish charters that included reservations of undefined crown pleas (as well as ecclesiastical appointments and jurisdiction over church lands), in the context of a discussion of the

rights were represented in the diplomatic of John's charters – the context in which certain rights appeared, the substance of the grants being made, and the very formulae chosen and expressed in the diplomatic – all indicate, however, that John and the members of his household saw them as royal rights, over which John possessed the ultimate prerogative as the yet-uncrowned king of Ireland, with an English royal exemplar in mind.

Whether this royal perspective was universally accepted among the political community of Ireland, or whether the diplomatic was aspirational in the first instance, is less important than what it reveals about the assumptions of John and his officers about the nature of his status and authority in Ireland. Aspirational diplomatic needed first to be expressed to be made good in practice.⁷¹⁵ The beneficiaries of John's charters, at least, would very likely have sought these rights from him, having actively petitioned for his royal favour. It may be concluded that these individuals accepted the royal perspective (at least tacitly) and, indeed, stood to benefit from it through the continued enjoyment of their jurisdictional rights, even if, in practice, they had exercised them long before John arrived in Ireland. The consistency with which John's charters expressed his possession of these royal prerogatives throughout the period 1185–1199 also suggests that their appearance in the diplomatic was no mere notional exercise in political thought, but henceforth had a practical legal application. Clauses granting or reserving royal rights were not standardised diplomatic even by the later 1190s, but they continued to be deployed, with discretion, in a way that suggests that the underlying assumption that these were royal rights remained unaltered.

crown pleas defined in John's 1208 charter for Leinster issued to William Marshal; Flanagan, 'Defining Lordships', 53–4. The reservation of ecclesiastical investitures alongside crown pleas was noted by Veach in *Lordship in Four Realms*, 158. Grants of judicial duels in John's charters have also been most recently highlighted in Vincent, 'Angevin Ireland', 217, n.155.

⁷¹⁵ Barret, Stutzmann and Vogeler, 'Introduction', 14.

It should not be assumed that John's coronation as king of England in 1199 affected his status as *dominus Hibernie* or his approach to his royal prerogatives in Ireland. By examining the degree to which the formulae of John's Irish charters relating to royal prerogatives changed after 1199 we can form an impression of whether contemporaries considered that his Irish rights had been altered or enhanced when he became king of England. Previous scholars have perceived that Irish charters issued soon after John's English coronation and enrolled by royal chancery scribes had begun to include a standard clause reserving undefined pleas of the crown.⁷¹⁶ These post-English coronation Irish charters do differ from those issued previously in terms of the precise formulae employed to describe rights granted and reserved. This change seems likely to be linked to developments within John's chancery, and the influence of diplomatic practice transmitted by staff and scribes from the royal chancery of Richard I.⁷¹⁷ A charter given to Walter Crop on 6 August 1199, for example, granted lands:

⁷¹⁶ Marie Therese Flanagan considered such clauses to have been included in 'the majority' of those charters issued after 1199; see 'Defining Lordships', 54. In discussing the timing of this change in diplomatic, Colin Veach was cautious in locating it to 'about 1199', without attributing it directly to John's English coronation. See *Lordship in Four Realms*, 158.

⁷¹⁷ The influence of King Richard's administration on the chancery of King John is suggested by John's appointment of Archbishop Hubert Walter, who had been Richard's justiciar between 1194 and 1198, as his chancellor after 1199; see J. Gillingham, 'Bureaucracy, the English State, and the Crisis of the Angevin Empire' in *Empires and Bureaucracy in World History: From Late Antiquity to the Twentieth Century*, ed. by P. Crooks and T.H. Parsons (Cambridge, Cambridge University Press, 2016), 197–220, 213. John's royal chancery did also maintain elements of continuity with his pre-1199 chancery in terms of personnel. John de Gray, for example, continued in King John's service as vice-chancellor. See Jones 'Acta', 84–6.

cu[m] soc[a] [e]t sac[a], tol' [e]t them, [e]t infangenthef [e]t utfangenthef [e]t cu[m] om[ni]b[us]
lib[er]tatib[us] [e]t lib[er]is consuetudinib[us] exceptis hiis q[uod] ad corona[m] regia[m]
p[er]tine[n]t.⁷¹⁸

This clause represents the standard formula which has been attributed to John's post-coronation Irish charters. The main distinctions from the pre-1199 texts are the more consistent addition of *utfangentheof* – a wider-ranging variant of *infangentheof* – to the grant of 'sake and soke, toll and team, and *infangentheof*', and a preference for reserving '[liberties and free customs] that pertain to the crown' as opposed to 'querelis et placitis'.⁷¹⁹ The exact clause was not, however, deployed universally, and the rights which were allowed did vary with the circumstances of individual grants. Precisely the same form of clause relating to rights as that found in Walter Crop's charter did appear in nine further charters issued within two months of it, between September and October 1199, many of which were given on the same day as one another.⁷²⁰ Other charters given in the same period, however, showed variation. A grant to Hamo de Valognes, John's justiciar of Ireland, which was made on the same day – 6 September 1199 – as five of the aforementioned

⁷¹⁸ *Rot. Chart.*, 30.

⁷¹⁹ *Utfangentheof* had, however, been reserved in the charter in favour of Walter de Riddlesford, granted before July 1189, albeit this text is known only from an enrolment; see *Angevin Acta*, 2183J. For 'querelis et placitis', see, for example, *Angevin Acta*, 533J.

⁷²⁰ *Rot. Chart.*, 19b-20 [charters in favour of Thomas fitz Maurice, William of Naas, William de Burgh, Lambekin fitz William, and Robert Sergeant, all given on 6 September 1199. William de Burgh's charter was also enrolled with the clauses *teste ut supra*, *datum ut supra*, suggesting that it was probably also enrolled alongside that of William of Naas], 20-20b [charters in favour of Elias fitz Norman and Humphrey of Tickhill dated 12 September 1199 and likely enrolled together since the latter was dated *ut supra* in this copy], 28-28b [charters in favour of Geoffrey fitz Robert, given 14 October 1199, and John de Gray, given 15 October 1199].

charters with superficially 'standard' clauses relating to rights, omitted *utfangentheof* from the list of rights granted, but instead granted judgement of the ordeals of water and iron, and judicial duels, as well as rights to danegeld, aid, tallage and stallage; the charter, nonetheless, still reserved 'those things that pertain to the crown'.⁷²¹ Hamo's charter is distinguished by the fact it was a confirmation of a grant John had previously made 'du[m] com[es] eram[us] Moret[oni]', yet the terms of the original charter were clearly maintained, rather than updated to suit a revised standardised formula (with the effect of allowing Hamo further rights).⁷²² A further charter, granted to Miles le Bret on 13 September 1199, confirms the impression that the formula employed in Walter Crop's charter was not applied as a uniform measure. Miles was not granted any specified rights of sake and soke, toll and team, *infangentheof* and *utfangentheof*; the charter simply reserved those things that pertain to the crown, indicating that, if any aspect of the wider clause relating to royal rights had been standardised, it was the latter formula which specified these crown reservations.⁷²³

A certain degree of standardisation within the diplomatic did, therefore, take place in the diplomatic of John's Irish charters from around 1199. The deployment of this revised formula reserving crown pleas in Irish charters was, however, by no means uniform, even after John's English coronation. If all the surviving texts of John's Irish charters issued throughout his reign in England are considered, the picture that emerges is one of significant variation. It should initially be noted that the precise formula which appeared in the charters given in September 1199 was not a model that was always followed to the letter. Diplomatic, unsurprisingly, varied with context, and certain rights were included or excluded from grants as required. The formula concerning the reservation of crown pleas was, however, generally employed without significant variation when it was used, such that

⁷²¹ *Rot. Chart.*, 19.

⁷²² The charter which recorded John's earlier gift to Hamo made 'when we were count' is known only from this confirmation, but is noted in *Angevin Acta*, 4517J. *Rot. Chart.*, 19.

⁷²³ *Rot. Chart.*, 20.

liberties were granted ‘exceptis hiis q[uod] ad corona[m] regia[m] p[er]tine[n]t’, just as they were in the September 1199 group of charters, or with a reservation that encompassed these same rights.⁷²⁴ Considering the entire body of surviving charter texts, we can see that such reservations of crown pleas were common in grants made in Ireland after the group issued in September 1199: a total of twenty-three further grants were made in which crown pleas were reserved.⁷²⁵ The reservation of crown pleas was not, however, consistent enough to be considered a norm: twenty-three grants were made up to John’s death in which no such rights were reserved.⁷²⁶ Reservations may have been

⁷²⁴ See, for example, *Rot. Chart.*, 71b, 77, 79b–80, 84b. The grant to the canons of Connell, found at 157b–58, used a more specific – and perhaps more inclusive – reservation of ‘pleas, complaints, rights and dignities which pertain to our crown’, but this included the pleas reserved elsewhere.

⁷²⁵ Only notifications of grants of lands or rights – in which the formula might be expected to appear – have been considered here, as opposed to letters of protection, and grants of custodies, churches or fairs. See *Rot. Chart.*, 71b [to William de Burgh], 77 [to Meiler fitz Henry], 79b–80 [to Geoffrey of Constance], 80 [to Geoffrey Marsh], 84b [to William de Braose], 157b–58 [to the canons of Connell], 172 [to William de Barry], 172–72b [to Richard de Latimer], 172b [to Jordan *Lochard*’], 171b [to Phillip de Prendergast], 172 [to Robert fitz Martin], 172b [to David de Rupe], 172b [to Eustace de Rupe], 172b [to Henry fitz Phillip and his brothers], 172b–73 [to Adam de Hereford], 173 [to Richard de Cogan], 173 [to Gilbert de Angulo], 173 [to Dermot Macgilmeholmoc], 173b–174 [to John Marshal], 176 [to William Marshal], 178–78b [to Walter de Lacy], 210b–211 [to the citizens of Dublin], 219 [to the King of Connacht].

⁷²⁶ *Rot. Chart.*, 69 [to Hugh Hose] 77b–78 [to St Mary’s Dublin], 78 [to the monks of Mayo]; 113 [to Heverbrict], 139b [to Walter and Hugh de Lacy], 139b–40 [to Hugh de Lacy], 151 [to Hugh de Lacy], 165 [to Athsissel priory], 172 [to the monks of Grean], 186b [to Reginald of Man], 194 [to Thomas of Galloway], 194b [to the Archbishop of Dublin], 210 [to Alan fitz *Roll*’], 210 [to Thomas of Galloway], 194–94b [to the citizens of Drogheda], 211–11b, [to the citizens of Dungarven], 213 [to the church of Holy Trinity, Dublin & Archbishop Henry], 212–12b [to Geoffrey of Constance], 219 [to the church of St Patrick’s, Cashel], 218b [to the Archbishop of Dublin], 218b–19 [to Richard de Burgh]; *Magna Carta Project*, ed. by N. Vincent et. al., B73A <http://magnacarta.cmp.uea.ac.uk/read/original_charters/Notification_of_the_King_s_confirmation_to_the_

purposefully avoided in some of these cases to preserve the pre-existing rights of others, such as the jurisdictional liberties that had been established in Ulster by John de Courcy, but this caveat hardly implies that John's chancery had embarked on a policy of reserving crown pleas indiscriminately after 1199.⁷²⁷ Crown pleas were, therefore, reserved in John's grants of Irish lands or rights issued after his English coronation as often as they were not.⁷²⁸ Such a split may represent an increase in frequency compared to John's pre-1199 charters, but it does not mark an overwhelming shift in approach. Some of these charters in which a reservation was not included still, nonetheless, granted

men_of_Chester_of_liberties_in_Ireland_> [accessed 31/07/18] [to the men of Chester], 'Notification of the King's confirmation to Adam of Hereford and his heirs of a grant made by William Marshal earl of Pembroke', <http://magnacarta.cmp.uea.ac.uk/read/original_charters/Notification_of_the_King_s_confirmation_to_Adam_of_Hereford_and_his_heirs_of_a_grant_made_by_William_Marshal_earl_of_Pembroke_> [accessed 31/07/18].

⁷²⁷ For the grants concerning Ulster in which crown pleas were not reserved, which included those made at moments which presented opportunities for the re-definition of the liberties enjoyed in Ulster after the fall of John de Courcy, and later the Lacys, see *Rot. Chart.*, 139b, 151, 186b. Hugh de Lacy's charter for all of Ulster of 29 May 1205, did, however, reserve '*ordinac'oe crocearu[m]*', which Daniel Brown has interpreted to mean the confirmation of episcopal nominations, rather than jurisdiction over church lands. Either interpretation would amount to the reservation of royal rights, although not the formulaic 'crown pleas' with which the current discussion is concerned. See D. Brown, *Hugh de Lacy, First Earl of Ulster*, (Woodbridge, Boydell, 2016), 25–6. Royal rights over episcopal nominations were also asserted by John with reservations included in some of the other grants discussed here, including those with and without reservations of crown pleas. See *Rot. Chart.* 79b–80 [to Geoffrey of Constance, and to Geoffrey de Marsh] which reserved crown pleas, and 218b–19 [to Richard de Burgh], which did not.

⁷²⁸ Flanagan's statement that reservations of crown pleas were included in 'a majority' of John's Irish charters from 1199 is inconsistent with the figures presented here, although a slim majority might be accepted if we consider the inclusion of reservations to be incompatible with the context of some of the grants that did not include them, such as the Ulster examples discussed above. M.T. Flanagan, 'Defining Lordships', 54.

variable combinations of the jurisdictional rights of sake and soke, toll and team, *infangentheof*, *utfangentheof*, pit and gallows.⁷²⁹ Another, a confirmation of William Marshal's grant to Adam of Hereford of a half-cantred in Leinster which was situated next to another which John had confirmed to Strongbow's enfeoffee in 1185 – a charter that had reserved crown pleas whilst, nonetheless, respecting the rights of Strongbow's heirs as lords of Leinster – avoided reserving crown pleas despite the existence of a clear precedent.⁷³⁰

That variation, rather than standardisation, is the overriding quality of the post-1199 charters is also emphasised by the way that several that did each reserve crown pleas were issued *en masse*, in groups given on the same date, or within a few days of one another. This tendency is visible in the group issued in early September 1199 that has already been discussed, but also in a further group of ten charters reserving crown pleas, all likely issued on or around 8 November 1207.⁷³¹ It is quite natural that charters issued on the same occasion, and therefore probably

⁷²⁹ These are grants in favour of Hugh de Lacy, Thomas of Galloway, Alan fitz Roll', and Holy Trinity, Dublin and Archbishop Henry; *Rot. Chart.*, 139b–40, 194, 210, 213. Hugh de Lacy's grant, of six cantreds in Connacht, must be contextualised as a confirmation of a grant John had made before 1199. John may also have avoided a reservation here in the interest of preserving the rights of William de Burgh as overlord of all of Connacht. For William's lordship, see *Rot. Chart.* 218b–19.

⁷³⁰ Compare *Angevin Acta*, 2117J, John's 1185 confirmation of a half cantred of Ui Faelain to William fitz Maurice, to the presently-discussed charter concerning the neighbouring half cantred of Ui Faelain nearest Dublin; see *Magna Carta Project*, 'Confirmation to Adam of Hereford'. The situation may, however, have been complicated by the fact that William fitz Maurice later granted half of his lands to his brother Gerald, a grant then confirmed by John, before 1189, without a reservation of crown pleas being specified. See *Angevin Acta*, 2121J.

⁷³¹ *Rot. Chart.* 19–20 contains six charters issued at Rouen on 6 September 1199, each of which reserve crown pleas; 20–20b contains three more that use the same reservation, and although the date of one is contracted, its placement in the roll indicates that it was issued with the other two, around 12–13 September 1199; 171b–

composed and drafted by the same scribes, might be more likely to display consistent diplomatic.⁷³²

Some other factors may also have influenced whether reservations of crown pleas were included in John's charters. It is noticeable, for example, that many of the grants in which crown pleas were not reserved were confirmations, some of which were confirmations of charters issued by John himself before 1199.⁷³³ Whilst it may be considered natural that John would simply confirm a charter presented to him for approval in the same terms as the original gift made by another donor, he would surely have been free to impose new terms, such as the reservation of crown pleas, when it came to issuing confirmations of his own grants (whether before or after 1199). That he appears, in

73 list a series of ten charters (including three for which the dating clause is contracted), all of which reserve crown pleas, and which all seem to have been issued at Woodstock on 8 November 1207. A further four Irish charters were certainly issued at Tewkesbury just four days later, on 12 November, three of which reserved crown pleas, the fourth being a confirmation of a grant by Walter de Riddlesford. See *Rot. Chart.* 172–4. This is not to say that charters which did not reserve crown pleas were not issued concurrently. The grants to Thomas of Galloway and Alan fitz *Roll'* were clearly linked, and both issued on 27 June 1215, but the volume here is far from overwhelming. See *Rot. Chart.* 210.

⁷³² Flanagan noted a group of sixteen charters reserving crown pleas issued throughout the whole month of November 1207 but did not explore the possible implications of this proximity for the diplomatic employed within them; M.T. Flanagan, 'Defining Lordships', 54.

⁷³³ *Rot. Chart.*, 69, 77b–8, 78, 113, 139b–40, 165, 172, 186b, 194b, 218b; *Magna Carta Project*, B73A, 'Confirmation to Adam of Hereford'. Conversely, only five of the post-1199 charters which did reserve crown pleas were confirmations of earlier grants, including those made by individuals other than John. See *Rot. Chart.* 157b–58, 172, 176, 178–78b, 210b–211.

most cases, to have chosen not to would seem to indicate that the reservation of crown pleas was not intended to be a consistent or uniform measure after 1199.⁷³⁴

Not all the charters that lacked reservations of crown pleas, moreover, were confirmations. A number of original gifts were also made without these limitations to the beneficiary's rights being specified.⁷³⁵ It is also worth noting that more of these unreserved originals seem to have been issued in the final years of John's life, at a time when changing political circumstances may plausibly have led to alterations in the diplomatic employed. The likelihood of a systematic alteration in diplomatic practice is, however, diminished by the appearance of a confirmation in favour of the citizens of Dublin, and a gift to the king of Connacht, both of which included reservations of crown pleas.⁷³⁶ The latter charter is especially notable as it was issued on the same day as a related Connacht charter in favour of Richard de Burgh in which crown pleas were not reserved.⁷³⁷ Whilst there may have been good reasons for the differences between the terms upon which the king of Connacht and Richard de Burgh were to hold their portions of Connacht, the lack of limitations placed upon the latter in a charter issued concurrently with the former remains a striking statement that the reservation of

⁷³⁴ The notable exceptions to this trend are, of course, the confirmations of the lands of William Marshal and Walter de Lacy on more stringent terms, as well as the 1215 confirmation of the rights of the citizens of Dublin. See *Rot. Chart.* 176, 178–78b, 210b–211.

⁷³⁵ *Rot. Chart.* 139b, 151, 194, 194–94b, 210, 211–11b, 213, 212–12b, 219, 218b–19.

⁷³⁶ Both of these charters were issued in 1215, with the Dublin grant being a confirmation of an earlier confirmation of 1200 in which crown pleas had not been reserved. See *Rot. Chart.* 210b–211, 219. For the Dublin confirmation of 1200, which was made 'just as John granted when he was count of Mortain' (John's original Dublin charter of 1192), see 78b–79.

⁷³⁷ *Rot. Chart.* 218b–19.

crown pleas was by no means a standardised practice; reservations were used flexibly, and select beneficiaries continued to be allowed a freer rein, just as they had been before 1199.⁷³⁸

The use of this formula reserving crown pleas after 1199 is best represented, therefore, as a refinement – and perhaps a slight extension – of a pre-existing diplomatic trend, rather than an innovation. The reservation of crown pleas in Ireland after John's English coronation is consistent with his pre-1199 Irish charters which have already been discussed, in that reservations were deployed with discretion. The precise formula employed may have become more consistent after 1199, but the frequency with which it was used did not change substantially. This continuity is clear simply from the apparently unaltered clause relating to rights that was included in the September 1199 charter which confirmed the earlier gift to Hamo de Valognes. The earlier charter, given when John was *dominus Hibernie* and count of Mortain, itself must have reserved crown rights, because the 1199 confirmation was given 'sic[ut] carta n[ost]ra q[u]am ei in' fecim[us] du[m] com[it]is eram[us] Moret[oni] testat[u]r'.⁷³⁹ The alterations in the formulae of the reservation clause that occurred around the time of John's English coronation do not indicate that 1199 marked a divide after which royal rights in Ireland began to be reserved without exception.

What has not been previously appreciated, moreover, is the essential continuity of approach which the updated formula reserving crown pleas represented. This continuity is, in part, masked by John's coronation as king of England, together with the absence of a coronation for his kingdom of Ireland; because John also became king of England, and because formulae relating to Irish crown pleas were introduced in Ireland in imitation of English royal diplomatic, it is easy to jump to the

⁷³⁸ It may be that Richard de Burgh was given his lands on the same terms as his father William had held them, and that this was another case of the terms of a pre-1199 charter being preserved. The charter does not state this, simply describing the gift as comprising land 'which his father William held of us'. The earlier grant to William de Burgh does not survive.

⁷³⁹ *Rot. Chart.* 19.

conclusion that the notional 'crown' and its appurtenant rights referred to in post-1199 Irish charters was John's English crown. This is the assumption made by most historians. But such an interpretation overlooks the fact that John had been *dominus Hibernie* long before he became king of England and that these two polities were distinct before 1199 and remained distinct after 1199. The pre-1199 Irish charters make clear, on the contrary, that John's royal rights, and his Irish 'crown' were independent of the English kingship and had been conceived of since the inception of John's kingdom of Ireland. The reservation of crown pleas continued after 1199 in the very same manner that it had before; it was merely expressed with a more standardised formula, and perhaps a little more regularly. The overall practice of defining these rights in charter diplomatic was, however, already established. In their substance, the royal rights thus reserved were fundamentally the same as those that had begun to be claimed as John's prerogatives as early as 1185. This continuity is best explained as evidence that John sought to represent his authority in the kingdom of Ireland as that of its uncrowned king.

Justice: Aspiration or Reality?

Much of the present discussion of the diplomatic of John's Irish charters has focused on the claims to jurisdictional prerogatives which these documents professed on behalf of their donor, and the implications of this diplomatic for understandings of John's authority as *dominus Hibernie*. These claims are significant even if they were merely aspirational, expressed in anticipation of their being made good in the future. The question remains, however, as to whether John's claims to ultimate rights over justice in Ireland – inspired as they seem to have been by English legal structures – were actually put into practice between 1185 and 1199. What was the reality behind the charter diplomatic?

There are some suggestions that the administrative machinery of royal government had begun to be replicated by John in Ireland before 1199. In terms of personnel, the extent to which the members of John's household who were styled with specific titles when witnessing his charters were afforded official roles in the kingdom before 1189 is unclear. Bertram de Verdun appears to have acted as John's representative upon his lord's departure in 1185 whilst styled *senescallus Hiberniae*, while John de Courcy's attested period as *justiciarius Hiberniae* sometime thereafter cannot be dated with precision (and nor, according to Marie Therese Flanagan, can we be sure that he acted as John's agent rather than Richard's). It can, however, confidently be stated that Peter Pipard and William le Petit acted as John's justiciars in the period 1189 x 1194.⁷⁴⁰ The diplomatic of the charter in favour of Dunbrothy Abbey presupposed that John's chief justice would preside over cases in place of his lord (*non ponantur in placitum de aliquo tenemento suorum nisi coram me ipso vel capitali iusticiario meo*) and it would seem that Peter or William did indeed take on an active judicial role in practice.⁷⁴¹ Evidence survives of two cases conducted in the Dublin county court in the 1190s which were presided over by a *justiciaro*, in one of which Peter Pipard was named as the officer concerned.⁷⁴² The existence of a court described as the *comitatu* of Dublin is itself inherently suggestive that a system intended to mimic English shire organisation had, to some extent, already been conceived of before 1199, yet there is no evidence for the operation of multiple officers known as justices or sheriffs – other than a single senior representative such as Peter Pipard – before 1207.⁷⁴³ It seems, therefore, that justice was indeed being administered in John's name in some

⁷⁴⁰ Flanagan, 'Household Favourites', 374-77.

⁷⁴¹ *Angevin Acta*, 2115J.

⁷⁴² *Rotuli Curiae Regis*, ed. by F. Palgrave, 2 vols. (London, Record Commission, 1835) ii, 172-3; *Chartularies of St Mary's Abbey*, i, 145-6.

⁷⁴³ J. Lydon, *Law and Disorder in Thirteenth-Century Ireland: the Dublin Parliament of 1297*, (Dublin, Four Courts, 1997), 109; H.G. Richardson and G.O. Sayles, *The Administration of Ireland, 1172-1377* (Dublin, Irish Manuscripts Commission, 1963) 29-30.

form, at the very least in the limited vicinity of his Dublin demesne and overseen by a chief officer known as a justiciar.

There is also some evidence for the existence of a process of some kind in which the profits of John's justice in Ireland might have been accounted. Whilst the earliest direct references to an Irish exchequer held at Dublin relate to the year 1200, a fine recorded in the English pipe roll at Michaelmas 1200 was owed by Hamo de Valognes – who had been John's justiciar of Ireland from 1197 – 'pro habenda benevolentia R. et pro habenda pace de compoto suo de Ybernia', which indicates that he was previously considered liable for an account relating to Irish revenue. Hamo's Irish account was understood by Richardson and Sayles as evidence that the justiciar was responsible for finance and accounting in a way that mirrored the English exchequer; whilst possible, this is not necessarily the case, since the account may have comprised revenues Hamo was due to render in a personal capacity, rather than by virtue of his office.⁷⁴⁴ The existence of Hamo's account would, nonetheless, seem to indicate the existence of some form of process for administering Irish revenue before 1199 for which John's men were held to account, although considering the issue only in terms of the royal exchequer at Westminster is too simplistic. The existence of a comital exchequer which accounted for the profits of John's English lands before 1199 makes it more plausible that the same process was undertaken for his Irish kingdom. Whether Ireland was accounted for separately from John's English lands – perhaps at Dublin – or else alongside them in the same sessions of his personal exchequer that were likely conducted by his servants in England, is not clear.⁷⁴⁵ For the

⁷⁴⁴ *PR 2 John*, 215; Richardson and Sayles, *Administration of Ireland*, 21. For Hamo de Valognes as justiciar of Ireland, see *Angevin Acta*, 2163J, 724J.

⁷⁴⁵ For John's exchequer in the 1190s, see *Angevin Acta*, 743J, 2159J.

purposes of this discussion it will suffice to note that John's administrative machinery extended to the accounting of Irish profits.⁷⁴⁶

It is clear that justice was executed by John's justiciar in Ireland before 1199, and that the organisation necessary for collecting its profits had been established. But what justice was done by John's officers, and what processes did it follow? Paul Brand analysed the transmission of common law from England to Ireland in the early thirteenth century, noting that 'many of the procedures associated with the nascent common law were in operation in Ireland before 1210'.⁷⁴⁷ Brand thus highlighted, with reference to the chancery rolls, that the common law assizes of *mort d'ancestor*, *novel disseisin*, the writ of right, the writ *de rationalibus* and the writ of naifty had all begun to operate in Ireland before 1205, with some evidently having operated since 1199, and perhaps before. Brand also showed that the common law procedure of trial by a jury of twelve men – referred to in contemporary sources as a *recognicio* – had evidently operated in the 1190s; this was evident both from the aforementioned case overseen by Peter Pipard in the Dublin county court, and to pronouncements made by King John in 1200 that no *recognicio* should be taken in Ireland except in his court (an order which implied the procedure had already spread to other courts).⁷⁴⁸

It is apparent from this evidence that some common law procedures had, indeed, begun to be undertaken in Ireland under John's authority before 1199. But how were these judicial actions initiated, and which court claimed jurisdiction over such justice? Whilst Brand noted that the chancery rolls of 1199 show that litigants had already begun to offer fines to John for the purchase of writs of *novel disseisin* and *mort d'ancestor*, he also made clear that the justiciar of Ireland was

⁷⁴⁶ A dedicated examination of the nature of John's exchequer is currently being undertaken by D. Booker, 'Bureaucracy and Power: The Exchequer and King John', (unpublished Ph.D. thesis, University of Bristol, forthcoming).

⁷⁴⁷ Brand, 'Early Common Law', 98.

⁷⁴⁸ Brand, 'Early Common Law', 98, n.14.

not permitted to issue such writs personally until February and November 1204 respectively. A register of writs *de cursu* for use by the justiciar under his own seal was not sent to Ireland until 1210.⁷⁴⁹ The evidence presented by Brand seems to suggest, therefore, that before 1204 common law assizes were available as judicial remedies with reference to Irish lands just as there were for English property, but had to be obtained from John directly before being heard in his court, whether in Ireland or *coram domini*.

That this impression was, in fact, the situation – and furthermore, that justice had operated in this way before 1199 – can be demonstrated more convincingly by returning to the two cases presided over by John’s justiciar in Dublin county court in the 1190s. The case that occurred 1192 x 1199 was heard before an unnamed justiciar and concerned a dispute between the monks of St Mary’s, Dublin, and Archbishop John Cumin. A *recognicio* was held in the matter ‘coram Justiciario Domini Comititis’, indicating that John’s justiciar presided, with the process followed involving the ‘sacramentum duodecim fidelium virorum’; this much was noted by Brand.⁷⁵⁰ Yet a detail that has not previously been emphasised is that the case was heard ‘per breve Comititis Johannis’.⁷⁵¹ This case, a property dispute which was determined based upon a common law procedure, was therefore explicitly initiated by John’s writ. Whilst the evidence does not specify what type of action this was (and the matter is complicated by the subsequent involvement of the papal legate Muirges Ua hÉnna, archbishop of Cashel, as an arbiter at the apparent behest of both John and the Pope), its circumstances are indicative of one of the common law assizes; perhaps, since the monks proved their right with reference to pre-existing claims based on charters of Strongbow, Henry II, and John himself, *novel disseisin* or a writ of right. John’s writ which initiated the case was most likely,

⁷⁴⁹ Brand, ‘Early Common Law’, 98, n.14, 104–6.

⁷⁵⁰ Brand, ‘Early Common Law’, 98, n.14.

⁷⁵¹ *Chartularies of St Mary’s Abbey*, i, 145–6.

therefore, a common law writ *de cursu* and, if so, this writ would qualify as the earliest known example of its type concerning property in Ireland.

That the writ which initiated the St Mary's case was obtained from John directly, rather than from his justiciar, is unsurprising given that permission for him to issue such writs was not given until 1204, as already noted. But nor should it necessarily be surprising that such a writ was issued from John's chancery before 1199. Writs *de cursu* which initiated common law assizes had also been issued from John's chancery with respect to cases relating to property in his English lands during the 1190s.⁷⁵² These writs, therefore, were contemporaneous with the Irish example in question and emanated from precisely the same chancery. John's chancery, it must be emphasised, was fundamentally a personal institution whose staff were focused on doing the business of their lord in whichever of his territories that business may have concerned, and wherever they happened to follow him. By the 1190s, John's interests were extensive enough to encompass lands in England and Normandy as well as Ireland. These wide-ranging interests, however, did nothing to alter the nature of John's chancery itself. The same chancery, comprising the same staff, issued documents in John's name for Ireland, just as it did for his English and Norman lands. If the above evidence does point to the issuing of Irish writs *de cursu* – which seems likely on the balance of probabilities – what is, however, most remarkable is that no distinction seems to have been drawn within John's chancery between lands in which he claimed the same judicial prerogatives. The form of an Irish writ *de cursu* might have differed from those issued by John in England (and we have no way of knowing if it did), but its very existence may even point to a congruent approach to justice across both kingdoms.

⁷⁵² *Angevin Acta*, 5301J [an action determined by the Grand Assize and initiated by John's writ], 5678J [an action initiated by a writ of *mort d'ancestor* conducted in John's court, possibly by his writ]; *Historia et Cartularium Monasterii Sancti Petri Gloucestriae*, i, 172–3 [a writ of right]. For a fuller discussion of these writs and their implications, see chapter 2.

The case heard in the presence of Peter Pipard as justiciar – a detail which would seem to indicate that it occurred before 1194, although the fact that it survives on the roll of 1199 might suggest a later date – also seems to have followed the common law procedure of trial by jury.⁷⁵³ The matter concerned the death of William le Brun during a protracted dispute, with the outcome after judgement being that one of the accused, Warin de London, ‘vadiavit lege[m]’; that is, he opted for the process of trial by jury in preference to undergoing the ordeal of the hot iron. It is notable, however, that the matter was scheduled to be determined not (necessarily) in Dublin but ‘cora[m] d[omi]no Rege ubicu[m]q[ue] fu[er]it siv[e] i[n] Angl’ siv[e] ult[r]a mare’, perhaps suggesting that it was expected that certain Irish cases would be heard by John personally in the first instance, rather than by his justiciar.⁷⁵⁴ It may be that, because the matter involved a killing and, perhaps more profoundly, the breach of John’s peace (understood by John in terms of English royal example), the case would have been considered to fall within the definition of pleas of the crown as reserved in his charters. If so, whether the status of a case as a crown plea determined where it was to be heard remains unclear from the available evidence.⁷⁵⁵ This particular example is also complicated by the fact that the case, as recorded, had initially been heard before Peter Pipard, with the extent of John’s direct involvement being unclear. Yet this process may have been the unusual consequence of the fact that William le Brun was killed during an ongoing judicial dispute between the parties over which Peter had presided, and the evidence does not make clear how this first matter had been initiated; it is possible that John had had direct involvement in the initiation of the matter before

⁷⁵³ That the case was heard before 1199 and only enrolled after John had become king of England is also suggested by an internal reference to the parties having broken ‘pace d[omi]ni t[er]re’, despite John’s peace having initially been described as the ‘pace[m] Reg[is]’ earlier in the enrolment. See *Rotuli Curiae Regis*, ii, ix, 172–3.

⁷⁵⁴ *Rotuli Curiae Regis*, ii, 172–3.

⁷⁵⁵ For the uncertainty as to which offences were considered to be ‘pleas of the crown’ in Ireland before 1207–8 – and the possibility that this definition included homicide – see above, 265–6, n.670.

delegating the case to his justiciar. The matter of William le Brun's death was, in any case, transferred to be heard in John's presence once the killing was brought to the Dublin county court via the process of the hue and cry. Irish justice did not, therefore, merely operate on behalf of a distant *dominus Hibernie* through his isolated officers but could also be conducted in John's court *coram domini*; in other words, in a manner that depended upon his personal authority in practice as well as in theory.

The implications of the William le Brun case for judicial process in respect of the court in which Irish cases were heard in the 1190s are ambiguous. Despite its complications, the matter indicates that certain cases were directed to John personally, at least where his interests were especially affected, and perhaps more routinely. If so, such a practice would be coherent with the process, apparent from the St Mary's case, by which justice in the form of common law assizes seems to have been made available directly from John via the purchase of writs *de cursu*. Taken together, these two cases seem to indicate that in the 1190s, justice in Ireland was available for purchase from John personally and, when sought, was administered and exercised centrally from his court (in the broadest sense of the word) unless specifically delegated to his justiciar, whose sessions may nonetheless have represented *curia domini*.⁷⁵⁶ This picture of Irish justice exercised in practice as an integral part of the business of John's household and chancery before 1199 is consistent with Brand's outline of how matters stood shortly after his English coronation, after which much more evidence survives; when the justiciar was unable to issue writs on his own authority until 1204 at the very earliest and Irish tenants could approach John directly to obtain justice via the purchase of writs *de cursu*.⁷⁵⁷ The situation after 1199, in other words, can be seen as a continuation of how justice had already been exercised in John's name in Ireland for many years before. It utilised some of the

⁷⁵⁶ This summary refers, of course, only to John's courts and is not intended to oversimplify the reality that certain types of justice were exercised under the jurisdiction of lords in their own courts.

⁷⁵⁷ Brand, 'Early Common Law', 98, n.14.

processes of the common law as it had previously developed in England and was administered with reference to his chancery and court. Significant steps, therefore, can be shown to have been taken before 1199 to put the judicial aspirations expressed in John's charters into practice, including the previously-overlooked issuing of writs *de cursu*.

Continuity of Tenure after 1199

The nature of John's authority as *dominus Hibernie* before his English coronation of 1199 may also be examined by considering the way in which his pre-1199 Irish grants were later treated, both by their beneficiaries and by John himself. After his English coronation, John began to dispense patronage to favoured beneficiaries and the texts of many of his grants are recorded in enrolments made by the royal chancery. The charters copied into the Charter Rolls include many confirmations of gifts and grants that John himself had previously made in the years before becoming king. None of this is surprising. It was typical for a new king to be petitioned for his favour immediately after his coronation, especially by beneficiaries who sought to receive his recognition of their existing lands and rights in order to have peace of mind that the new ruler would continue to protect them.⁷⁵⁸ A major reason for beneficiaries to seek confirmation of their charters from a new ruler, however, was that a change of personnel meant that something had changed in the political order of the polity. In a period in which royal power remained essentially personal, a change at the top could mean a dramatic change in fortunes, even for people who had previously received royal favour from the old king or enjoyed the patronage of the new ruler before he had been transformed

⁷⁵⁸ More than a third of the extant *acta* of Henry II were issued in the four years that followed his accession, mostly before 1158; see Vincent, 'Regional Variations', 72. Richard I issued grants in exchange for fines at a prolific rate in 1189, but was able to do so because there was immediate demand for his patronage as the new king; see J. Gillingham, *Richard I*, 115–18.

by coronation and anointing. It was, therefore, natural for beneficiaries who had received charters from John before 1199 for lands in England to petition for confirmations under the enhanced authority of the royal seal. Such actions were prudent for beneficiaries of English lands: their donor was now the king of England, so it made sense to seek his royal confirmation. But what of beneficiaries of Irish lands and rights? It would obviously have been important to contemporaries that John had become an anointed king and so, on a personal level, was now of a higher status than he had been before. Taken together with the subsequently unclear political status of Ireland in relation to England as it came to be conceptualised from the later thirteenth century, there might be reason to suppose that contemporaries thought John's position in Ireland was somehow altered when he became king of England.⁷⁵⁹

In terms of contemporary presentation, however, John's English coronation changed nothing about his status in Ireland. After 1199, he continued to style himself *dominus Hibernie*, with this being incorporated into his style second only to *rex Anglie*, which, as Nicholas Vincent has highlighted, gives an indication that the Irish title was considered to be of high status.⁷⁶⁰ We might also add that *dominus Hibernie* appeared on the same side of John's new royal seal as *rex Anglie*, the side which included the royal imagery of the king seated in majesty, rather than the equestrian side which featured John's continental titles of *dux* and *comes*. John's coronation in England did nothing, therefore, to alter how he chose to present his authority in Ireland.

The extent to which beneficiaries of John's earlier Irish charters sought confirmation of their lands and rights from the man who was now *rex Anglie*, *dominus Hibernie* – and to which John himself sought to impose a requirement for such confirmation – is therefore instructive as to

⁷⁵⁹ P. Crooks, 'The Structure of Politics in Theory and Practice, 1210–1541', in *The Cambridge History of Ireland*, ed. by T. Bartlett, 4 vols. (Cambridge, Cambridge University Press, 2018), i, 600–1550, ed. by B. Smith, 441–68, 447.

⁷⁶⁰ Vincent, 'Angevin Ireland', 194.

whether contemporaries thought that John's status in Ireland had been altered by his English coronation. In other words, the frequency of confirmation after 1199 gives an indication of whether people thought that John's authority in Ireland was independent of the English kingship, and whether the grants he made in Ireland before 1199 carried authority that was equivalent to that of a king. The possibility that changing individual circumstances and an anxiety for security of tenure might have caused a beneficiary to seek a confirmation some years after obtaining an initial gift of property must not, of course, be dismissed. Tenants may have had their own good reasons for seeking confirmation of their rights that went beyond a change in the status or identity of the donor, not least the succession of a new heir or successor who wished to receive confirmation personally. The presence or absence of a wholesale trend towards confirmation can, however, be considered generally indicative.

We can gain an insight into the extent that John's earlier Irish charters were confirmed after 1199 by considering charters issued by and fines offered to John as *rex Anglie, dominus Hibernie*, most of which are known from chancery enrolments. Whilst these chancery rolls do not now survive in a continuous series, there is sufficient evidence to form an indicative impression of how frequently pre-1199 Irish charters were later confirmed by John. John issued at least 109 Irish charters before 1199.⁷⁶¹ This corpus includes seven charters which are known to us only from confirmations issued by John while he was also king of England.⁷⁶² Of the remaining 102 pre-1199 charters, a maximum of twenty-one seem to have been confirmed by John after 1199, based on the

⁷⁶¹ See above, Table II.

⁷⁶² *Angevin Acta*, 4637J, 4568J, 4546J, 4552J, 4647J, 4517J. 4664J is a reference to a perambulation of the lands of St Mary's, Dublin which had been undertaken on John's orders before 1199, and presumably granted thereafter; the monks subsequently fined for the confirmation of these same lands in October 1200.

evidence of the surviving charter rolls and fine rolls.⁷⁶³ I have arrived at this total of twenty-one by first counting confirmations for which the charter-text survives in which the diplomatic referred back to John's original gift with a clause such as 'sicut carta nostra quam ei in' fecimus dum comes eramus Moret' testantur'.⁷⁶⁴ Surviving charter-texts in which no such clause was included have also been compared to the pre-1199 corpus to ascertain whether the same grant was later confirmed. I have also counted confirmations (and potential confirmations) in cases in which fines that were made or offered to John seemed to correspond to property given to the same beneficiary in a pre-1199

⁷⁶³ *Rot. Chart.* 69 [to Hugh Hose, confirming *Angevin Acta*, 4551J], 73 [to the Knights Hospitaller, potentially confirming Irish elements of *Angevin Acta*, 2132J], 77b–78 [to St Mary's, Dublin, confirming *Angevin Acta*, 731J], 77b [to St Mary's, Dublin, confirming *Angevin Acta*, 2175J], 78b–79 and 210b–11 [to the citizens of Dublin, confirmed both in 1200 and 1215, with John's initial 1192 charter being *Angevin Acta*, 732J], 194b [to the Archbishop of Dublin, confirming *Angevin Acta*, 2119J, 565J, 526J, 2170J, 528J], 210 [to the church of St Patrick, Dublin, confirming *Angevin Acta*, 566J]; *Cal. Docs. Ire.*, 143 [a fine made by Walter de Riddlesford, potentially seeking confirmation of *Angevin Acta*, 2183J], 172 [a fine made by the priory of St Thomas, Dublin, potentially seeking confirmation of *Angevin Acta*, 529J, 2122J, 530J, 531J, 533J, 534J]. *Angevin Acta*, 535J, also in favour of St Thomas's, was confirmed by John after 1199; see *CIRCLE*, Close Roll 49 Edward III, 39, <<https://chancery.tcd.ie/document/Close/49-edward-iii/39>> [accessed 02/08/18], *Chartae, Privilegia, et Immunitates: Being Transcripts of Charters and Privileges to Cities, Towns, Abbeys, and Other Bodies Corporate, 1171-1395*, (Irish Record Commission, 1829-30, 1889), 13. For a possible confirmation to Thomas fitz Anthony, which may be the same as an enrolled grant of 3 July 1215, see *CIRCLE*, Antiquissime Roll, 17, <<https://chancery.tcd.ie/document/Other/antiquissime-roll/17>> [accessed 02/08/18]; *Rot. Chart.*, 210b. Another of these charters, which confirmed *Angevin Acta*, 262J, also survives as an original, having been made in a year for which the charter roll is lost; see *Magna Carta Project*, B73A.

⁷⁶⁴ As, for example, in *Rot. Chart.* 19, which is among the seven post-1199 charters which are the only evidence for pre-1199 grants, corresponding to *Angevin Acta*, 4517J. The confirmations that referred to an original gift issued as *dominus Hibernie* or 'while we were count of Mortain' for which the earlier charter-text survives independently are *Rot. Chart.* 69, 77b, 77b–78, 78b–79, 194b, 210; *Magna Carta Project*, B73A.

charter. This methodology is necessarily imperfect since, in some cases, the enrolled descriptions indicating which property the fines were offered for are imprecise, making it difficult to be certain that they concerned the very same property given in the earlier charter. I have, however, included all such potential cases in the final total where there was no definitive reason to exclude them. I have also attempted to mitigate the problem of the impartial survival of the chancery enrolments by searching for any cartulary copies of John's post-1199 charters that do not appear on the surviving rolls, a search that did not unearth any hitherto-unnoticed confirmations.⁷⁶⁵ The final total of twenty-one is, therefore, a liberal estimation that does not seek to minimise the rate of confirmation unnecessarily.

Some potential post-1199 confirmations must, however, be considered with caveats that make them less significant as indicators of a general desire for confirmation after John's English coronation. In other words, these latter few confirmations were made in circumstances that lower the overall total of twenty-one significant examples. These circumstances are as follows. Two of the

⁷⁶⁵ Unenrolled confirmations were sought in: *Chartularies of St Mary's Abbey; Register of St Thomas, Dublin*, ed. by J.T. Gilbert (London, Rolls Series, 1889); *Crede mihi: The Most Ancient Register Book of the Archbishops of Dublin before the Reformation*, ed. by J.T. Gilbert (Dublin, 1897); *Calendar of Archbishop Alen's Register, c. 1172-1534*, ed. by C. McNeill (Dublin, Royal Society of Antiquaries of Ireland, 1950); *The Black Book of Limerick*, ed. by J. MacCaffrey (Dublin, M.H. Gill, 1907); *Chartae, Privilegia, et Immunitates; The Irish Cartularies of Llanthony Prima et Secunda*, ed. by E. St John Brooks (Dublin, Irish Manuscripts Commission, 1953), *The Register of the Hospital of St John the Baptist without the New Gate*, ed. by E. St-John Brooks (Dublin, Irish Manuscripts Commission, 1936), *Historic and Municipal Documents of Ireland: A.D. 1172 – 1320*, ed. by J.T. Gilbert (London, Rolls Series, 1870), *Calendar of the Gormanston Register* ed. by J. Mills and M.J. McEnery, (Dublin, Dublin University Press, 1916); *The Red Book of the Earls of Kildare* ed. by G. MacNiocaill, (Dublin, Irish Manuscripts Commission, 1964); *Dowdall Deeds*, ed. by C. McNeill and A.J. Otway-Ruthven (Dublin, Irish Manuscripts Commission, 1960), *Calendar of Ormond Deeds, 1172–1603*, ed. by E. Curtis, 6 vols. (Dublin: Irish Manuscripts Commission, 1932–43) i, *1172–1350 AD*, (1932).

twenty-one confirmations are inherently tenuous because it is unclear whether they were actually issued. John may have made a pre-1199 grant to Thomas fitz Anthony but it is impossible to discern whether this reference is simply to the charter given to the same beneficiary on 3 July 1215.⁷⁶⁶ An enrolled note concerning a charter granted to the Knights Hospitaller in June 1200 shows that the Irish Hospitallers had received a grant on the same terms as their order had from John in England, which may have confirmed elements of a general confirmation of the order's rights addressed to England and Ireland, given by John before July 1190.⁷⁶⁷ Whilst the confirmation given to the order in England may have included some rights which were granted before 1190, however, the concurrence is imperfect.⁷⁶⁸ Neither of these two charters are able, therefore, to be convincingly defined as examples of post-1199 confirmations of John's earlier Irish grants.

A further five of the twenty-one confirmed charters were most likely obtained from John for the routine reason that a change in personnel had occurred since the pre-1199 documents were granted. This group of charters were those made to Archbishop John of Dublin. Many of the lands and rights given to Archbishop John on several separate occasions, and recorded in several different charters, were confirmed to his successor, Archbishop Henry, on 30 July 1213.⁷⁶⁹ The confirmation included the see and abbey of Glendalough, a half cantred pertaining to the same abbey, land at *Coillach* to hold in barony, and the right to hold a fair at Swords, all of which had originally been granted to Archbishop John before 1199. Whilst Archbishop Henry's charter was, indeed, a confirmation of several that John had previously given, there were simple reasons for the issuing of this new charter, since the beneficiary here was a successor of the earlier archbishop. That these five

⁷⁶⁶ *CIRCLE*, Antiquissime Roll, 17, <<https://chancery.tcd.ie/document/Other/antiquissime-roll/17>>; *Rot. Chart.*, 210b.

⁷⁶⁷ *Rot. Chart.* 73; *Angevin Acta*, 2132J.

⁷⁶⁸ *Rot. Chart.* 15b–16.

⁷⁶⁹ *Rot. Chart.* 194b. The charters for Archbishop John are *Angevin Acta*, 2119J, 565J, 526J, 2170J, 528J.

charters were confirmed, therefore, has little bearing on the question of John's status in Ireland before and after 1199.

The total number of confirmations that were actually issued may also be inflated by the inclusion of a fine offered by the abbot of St Thomas's Priory, Dublin, in August 1202, to have the confirmation of his charters.⁷⁷⁰ The priory had been the beneficiary of at least seven charters issued by John before 1199, confirmation of all of which might be assumed to have been sought by the abbot when he made his fine. Whilst it can be definitively stated that the beneficiary did, at least, seek to have their charters confirmed in this case, we cannot determine with any certainty how many of these were confirmed.⁷⁷¹ One of these seven was confirmed by John according to a much later reference in a close roll of Edward III's reign, but we have no indication of whether this occurred as a result of this fine and whether the rights recorded in the other six charters were confirmed.⁷⁷² The fact that the abbot considered confirmation desirable in 1202 is not, however, in dispute and is thus included in our total of post-1199 confirmations with an awareness of its potentially skewing effect on the final count.

The seven tenuous or routine confirmations described above are definitively not, therefore, significant to this discussion of John's status and are excluded from our total. To the remaining fourteen confirmations for which John's original charter survives independently we must add the aforementioned seven charters known only from post-1199 confirmations. Two confirmations for which non-Irish considerations may also have affected beneficiary motivations for seeking confirmation have also been included, but must be considered with these ambiguities in mind.⁷⁷³

⁷⁷⁰ *Cal. Docs. Ire.*, 172.

⁷⁷¹ *Angevin Acta*, 529J, 2122J, 530J, 531J, 533J, 534J, 535J.

⁷⁷² *CIRCLE*, Close Roll 49 Edward III, 39.

⁷⁷³ These charters granted privileges in England alongside Irish property and rights and may, therefore, have been confirmed as a by-product of a desire to confirm English rights after John's authority in England increased

This count leaves us, therefore, with a minimum grand total of twenty-one post-1199 Irish confirmations – of 109 pre-1199 charters which we know were issued – which were certainly made or sought for non-routine reasons and which may, therefore, be indicative of attitudes towards John’s status in Ireland after his English coronation.⁷⁷⁴ Our total of twenty-one confirmations is a necessarily imperfect impression formed from the fragmentary surviving evidence and is treated here as an indicator of likely wider inclinations, rather than a conclusive figure. What this examination suggests, nonetheless, is that no overwhelming movement in favour of the confirmation of Irish charters after John’s English coronation can be inferred from the available evidence. This evidence may be piecemeal in nature, but it seems unlikely that an opposite conclusion could be sustained on the grounds of documentary loss alone.

Table III: Confirmations of pre-1199 Irish charters issued by John as *rex Anglie, dominus Hibernie*

| | |
|---|-----|
| Known Irish charters issued by John before 6 April 1199. | 109 |
| Pre-1199 charters known only from John’s later confirmations. | 7 |
| Confirmations of pre-1199 charters for which the initial grant is extant. | 21 |
| Confirmations likely sought for routine reasons (e.g. succession of a new beneficiary). | 5 |
| Tenuous possible confirmations | 2 |
| Minimum total of non-routine confirmations (excluding tenuous examples) | 21 |

in 1199. Such Anglo-centric considerations may have been the primary motivations for the beneficiaries of the charters to St Mary’s Abbey, Dublin, which also granted freedom from customs in England, and to the men of Dublin, which granted quittance from tolls ‘per totam terram et potestatem meam’ alongside their local privileges. See *Angevin Acta*, 2175J, 732J; *Rot. Chart.*, 77b, 78b–9, 210b–11.

⁷⁷⁴ See Table III.

The key point here is that for Irish tenants-in-chief, 1199 did not represent a watershed in the same way that it did for English tenants-in-chief, or indeed, tenants in any of the other Angevin dynastic lands that had been held by Richard I. Of all the realms that John held after 1199, Ireland was the only one in which a change in sovereignty had not occurred after the death of Richard and this was reflected in the way that beneficiaries treated the charters they had obtained under the old order. In England, Normandy, and the rest of the Angevin lands, Richard's death meant that a change happened at the top of the political hierarchy and this change meant that beneficiaries sought confirmation of the charters they had received from the old ruler. Obtaining a confirmation meant that beneficiaries could be sure that their tenure would remain secure under the protection of the new ruler. The change at the top that happened upon John's accession and the new dependence of beneficiaries on John's royal rights, rather than Richard's, is reflected in the number of confirmations of lands outside Ireland that were sought from the new king after 1199. By looking at the charter rolls, we can get an impressionistic sense that tenants of lands outside Ireland sought confirmations from John after his coronation on a massive scale. Even if we only consider beneficiaries who had received charters for English or Norman lands from John himself before 1199, the demand for confirmation was much greater than for Irish lands: forty-three were issued in the first year of John's reign alone, with sixty-two in total issued throughout his reign.⁷⁷⁵ This demand

⁷⁷⁵ *Rot. Chart.* 2b-3, 18, 20b-21, 21, 23, 24b, 25, 25, 25b, 25b-26, 26, 26, 26, 26b, 26b, 26b, 26b, 26b-27, 27, 27, 27b, 28, 28b-29, 29b, 29b-30, 30, 32b-33, 34, 39, 39-39b, 40, 42b, 44, 48-48b, 48, 48, 48, 48b, 54, 57b, 63b, 75b-76, 80b, 85, 88b, 90b, 95b, 111, 111, 111, 111, 111, 115b-116, 135b, 175, 175b; *Angevin Acta* 5666J, 4924J [London: BL ms. Harley 3640 (Welbeck cartulary) fo.120v.]; London: TNA C52/23 [confirming *Angevin Acta*, 2151J]; *A Calendar of the Deeds and Papers in the possession of Sir James de Hoghton, Bart.*, ed. by J.H. Lumby, (Lancashire and Cheshire Record Society lxxxviii, 1936) 238 no.1359 [confirming *Angevin Acta*, 4624J]; L. D'Anisy, *Extrait des Chartes et Autres Actes Normands ou Anglo-Normands, que se trouvent dans les archives du Calvados* (Caen, 1834-1835), ii, 112, no.856 [confirming *Angevin Acta*, 2168J]. The latter three citations rely

makes sense if we consider that, before 1199, John had made these grants as count of Mortain and had lost control of many of his English lands after 1194. Some of these grants had not been underpinned by a donor who had possessed royal rights and those that had – that is, grants pertaining to John's own counties – had since been diminished when John's 'royal' rights in his counties returned to King Richard in 1194.⁷⁷⁶ The beneficiaries' security of tenure had, therefore, ultimately depended on King Richard before his death. Once John became king- duke his authority in England and Normandy had thus increased and tenants wanted his support to be confident of maintaining their property in the new reign.

John did not, however, only confirm charters that he had originally given himself; a fair comparison of confirmations of property in the rest of the Angevin lands outside Ireland requires us to account for charters initially given by Richard. In an Irish context, all pre-1199 grants by the ruler were, by definition, John's grants, whereas in the rest of the Angevin lands the ruler had been King Richard, with John's beneficiaries being only a small proportion of all the beneficiaries who had received grants in these realms before 1199. The tenure enjoyed by Richard's beneficiaries had depended on his sovereign authority and after his death this authority shifted to John as the new ruler. There was, therefore, a massive demand after Richard's death for John to confirm charters originally given by the previous king. John issued sixty-six confirmations of Richard's charters in the first year of his reign alone. Taken together with the confirmations of John's own earlier non-Irish charters already detailed this meant that, in the first year of his reign, John was petitioned for his

upon references given by the unpublished *Angevin Acta* editions of the pre-1199 charter texts which they confirmed. For a full index see Appendix A.

⁷⁷⁶ See above, chapter two.

approval of at least 109 charters pertaining to lands outside Ireland issued during the reign of Richard.⁷⁷⁷

The widespread demand for John to confirm property that lay elsewhere in the Angevin territories provides a useful context in which to place his confirmation of Irish charters. By contrast, relatively few of John's Irish tenants seem to have approached him after his English coronation for confirmation of Irish charters obtained before 1199. Even if we consider that the Irish total represents charters issued for just one realm, compared to grants from each of England, Normandy, Aquitaine and Anjou, the twenty-one Irish confirmations issued across John's sixteen-year reign are still proportionately few. What the relatively modest rate of Irish confirmation noted here suggests, therefore, is that no wholesale effort was undertaken by John to confirm or re-issue Irish charters after he became king of England. Nor does it appear from this evidence that a flood of beneficiaries of property in Ireland sought confirmation of their rights after 1199.⁷⁷⁸ The reality seems to have

⁷⁷⁷ *Rot. Chart.* 1, 1, 4, 5, 6b, 6b-7, 7-7b, 8, 8, 10-10b, 10b, 10b-11, 11, 12b, 12b, 13b-14b, 24-24b, 24b, 24b, 29, 29, 29, 32b, 33b, 34b, 35-35b, 35b, 35b, 36, 36b, 36b-37, 37, 37-37b, 37b, 38, 38, 38-38b, 39, 39b, 40b, 40b, 41-41b, 41b, 45b, 46, 47, 47, 47b, 47b-48, 48b, 49b-50, 50, 50, 51-51b, 53b, 54, 54b, 54b, 55, 55b, 58, 60, 62, 62-62b, 64.

⁷⁷⁸ It is also notable that very few beneficiaries who had received Irish grants from Henry II but had not since obtained a further grant from John between 1185 and 1199 sought confirmation thereafter. Only two such examples are apparent from the charter rolls while, by contrast, other beneficiaries of Henry's Irish charters had, by 1199, long since sought John's confirmation; *Rot. Chart.* 84b, 113; *Angevin Acta*, 609J, 2148J, 732J, 730J, 2116J, 2125J. Conversely, there are also very few cases of enrolled confirmations in favour of Irish tenants in relation to any English or Norman lands that some of these beneficiaries also held, with a confirmation to William Marshal being the only concrete example of previously-held lands being re-affirmed. This occurrence that might indicate beneficiary indifference to confirmation altogether, may be a consequence of a lack of preservation via the process of enrolment, or else could simply reflect that most such individuals held relatively little outside Ireland; see *Rot. Chart.* 46b-47.

been that beneficiary petitions for confirmations were more of a trickle than a torrent. John's Irish confirmations were issued over a number of years. It is true that some are chronologically clustered together: for example, eight confirmations for different beneficiaries were issued in the second year of his reign, whilst confirmation of up to six earlier charters was sought by the prior of St Thomas's, Dublin, in August 1202. Other confirmations, such as those granted in September 1199 and October 1200, were issued alongside new gifts of Irish lands in apparent blocks, perhaps indicating that beneficiary demand was not the only factor that influenced their production (although the process of enrolment may also have impacted their order in the roll). The overall impression, however, is of a rather piecemeal process.⁷⁷⁹

For non-Irish grants, by contrast, John was inundated with requests for confirmation from the very beginning of his reign and, in fact, before; very soon after King Richard's death, John confirmed two of Richard's earlier charters in the interregnum period when he was yet uncrowned.⁷⁸⁰ The overwhelming number of non-Irish confirmations issued within the first year of John's reign is testament to the immediate and consistent demand that came from beneficiaries for his approval and protection of their rights. This demand was entirely coherent because the property

⁷⁷⁹ The fine offered by the prior of St Thomas's, in any case, referred to an undefined number of charters. The twenty-one confirmations in question were issued on 6 September 1199, 27 April 1200, 4 June 1200, late June 1200, 29 October 1200, late October 1200, 30 October 1200, 1 November 1200, 7 November 1200, December 1200, 3 May 1201, August 1202, 1 April 1203, November 1204, 12 November 1207, 30 July 1213, 27 June 1215, 3 July 1215. See *Rot. Chart.* 69, 73, 77b–78, 77b, 78b–79 and 210b–11, 194b, 210b; *Cal. Docs. Ire.*, 143, 172; *CIRCLE*, Close Roll 49 Edward III, 39; *CIRCLE*, Antiquissime Roll, 17; *Magna Carta Project*, B73A; *Angevin Acta*, 4637J, 4568J, 4546J, 4552J, 4647J, 4517J, 4664J.

⁷⁸⁰ These pre-coronation grants were made in favour of the church of Wells and church/men of Rouen; see *Angevin Acta*, 3057J, 5624J.

these beneficiaries held had previously depended on the charters obtained under King Richard's authority.

A comparison with the analogous situation which Richard had occupied in respect of the duchy of Aquitaine after he subsequently became king of England is also instructive here. Of a minimum of sixty-seven extant gifts or grants issued by Richard as count of Poitou before the death of Henry II, a relatively-meagre thirteen were subsequently confirmed in surviving charters issued after he had become king of England.⁷⁸¹ This low rate of confirmation (notwithstanding documentary loss) is striking, even accounting for the poorer rate of survival of documents from south of the Loire compared to England. The clear suggestion of this relative absence of Aquitanian confirmations issued by Richard as king-duke is that most of his beneficiaries did not, on the whole, seek re-confirmation of their property and rights after 1189. That beneficiaries in Aquitaine should have been so apparently indifferent to Richard's English coronation is entirely coherent with his unaltered

⁷⁸¹ The charters of Richard, count of Poitou, are currently being edited as part of the forthcoming edition of *Angevin Acta*, upon which the citations provided here rely (see Appendix A); *Angevin Acta*, 5705R [confirmed in 1190 in 5054R], 5698R [confirmed in 1191 in 5706R], 3763R [confirmed in 5621R]; Paris: Bibliothèque Nationale, Collection Doat 91, fos.202v–203r [confirmed in a general confirmation of liberties in 1190 in *Angevin Acta*, 3631R]; A.W. Lewis, 'Six Charters of Henry II and His Family for the Monastery of Dalon', in *EHR* 110 (1995) 652–65, 662–3 [confirmed in 1190 in *Angevin Acta*, 3772]; *Le Livre Noir et les établissements de Dax*, ed. by F. Abbadie, (Archives Historiques de la Gironde xxxvii, 1902) 173–5, 179 [two charters, both potentially confirmed in *Angevin Acta*, 3681R]; Paris: Bibliothèque Nationale, Collection Doat 80, fo.311r–v, Paris: Bibliothèque Nationale, Latin 11010 (Grandselve cartulary), fos.42v, 144v–145r [rights and protections granted by up to four charters confirmed in a general confirmation of liberties issued in 1190 in *Angevin Acta*, 3631R]; Rouen: Archives Départementales de la Seine-Maritime, H Depot, Hotel-Dieu A9 [confirmed in November 1189 in *Angevin Acta* 3489R]; *The Early Charters of the Augustinian Canons of Waltham Abbey, Essex, 1062–1230*, ed. by R. Ransford (Woodbridge, Boydell & Brewer, 1989), 29 [confirmed in October 1189 in *Angevin Acta*, 3134R].

status, since the theoretical basis of his authority in respect of the duchy remained essentially unchanged before and after 1189.

The point is underlined more clearly, indeed, by the fact that two of the thirteen confirmations which Richard did issue were for beneficiaries in Normandy and England, polities in which his authority had been enhanced after he succeeded his father as king-duke.⁷⁸² The beneficiaries of these two confirmations – the Hospital of St Mary Magdalene, Rouen, and Waltham Abbey – clearly calculated that they had something to gain by obtaining Richard's confirmation of their earlier charters and that something was the enhanced security of royal-ducal protection of their property, a security not assured by Richard's comital grants. The authority to which Richard could lay claim in England, Normandy and Anjou in 1189 was enhanced, just as John's claims to authority in these polities (and in Aquitaine) were ten years later. Yet, in principle, the events of 1189 had no bearing on Richard's authority in Aquitaine, just as those of 1199 did nothing to change John's status in Ireland. This theoretical continuity seems to be reflected by the absence of a widespread demand from Aquitanian beneficiaries for Richard to re-affirm their charters.

In 1199, John's position in the Angevin lands was transformed and his rights were enhanced, such that people now looked to him for patronage and protection. As such, many English tenants sought his confirmation. This change of at the top of the political order happened everywhere except Ireland, where – just as in Aquitaine in 1189 – the ruler remained the same person, even though his status elsewhere in the Angevin lands had been enhanced.

⁷⁸² It is striking that both were issued within the two months that followed Richard's coronation, suggesting an eagerness for confirmation on the part of these Anglo-Norman beneficiaries which is absent for the grantees of the majority of Richard's known pre-1189 charters. Rouen: AD Seine-Maritime, H depot, Hotel-Dieu A9; *The Early Charters of the Augustinian Canons of Waltham Abbey, Essex, 1062–1230*, ed. by R. Ransford (Woodbridge, Boydell & Brewer, 1989), 29. Confirmed in *Angevin Acta*, 3489R, 3134R, upon which these citations rely.

That the impetus for John's Irish confirmations would most likely have come primarily from beneficiaries is visible from the example of the letters of protection issued to the monks of St Mary's, Dublin, on 30 October 1200, for which the monks had made a fine.⁷⁸³ As far as most of John's tenants and subjects in Ireland seem to have been concerned, therefore, nothing substantial had changed in 1199 that might have a bearing on the relative security of their tenure. Beneficiaries recognised that their original charters depended upon John's Irish royal rights, which had not been altered or enhanced by the events of 1199. A grant by the *dominus Hibernie* remained just as valid as it had ever been, even though John had also since become king of England. This conclusion can only have been reached if Irish tenants understood that their rights had been given by virtue of John's sovereign authority as *dominus Hibernie* and that this authority existed separately to that of the *rex Anglie*, even now that the two titles were held simultaneously by the same man. For John's Irish beneficiaries, the situation after 1199 in regard to their property rights was business as usual.

It seems from the diplomatic forms employed in John's charters that his perception was that he had ruled Ireland since 1185 just as the king of England ruled England. The attitudes of most Irish tenants towards their charters after 1199 indicates that John's interpretation of his authority in Ireland was met by beneficiaries with acceptance, rather than with anxiety for the security of their tenure. That is, tenants accepted that John's Irish royal rights were held continuously from 1185 through to his death.

⁷⁸³ *Rot. Chart.* 77b. The year is not stated but can be inferred from the context of the roll. For the fine, see *Cal. Docs. Ire.*, 130.

Conclusion

The Irish charters that John issued before his coronation as king of England in 1199 include various elements which, upon examination, reveal how John himself and those around him who predominantly produced these documents conceived of his status in Ireland as *dominus Hibernie*. This charter evidence presents John acting as the king of Ireland in a manner that he himself would have understood kingship; informed by the English royal norms of the dynasty to which he belonged. Whilst he remained uncrowned, John's authority in Ireland, as constructed by his own charters, was nonetheless royal and entirely autonomous from the king of England. His approach to jurisdictional rights in the kingdom, particularly judicial rights, was based on the assumption that he was a royal figure from whom all such jurisdiction derived and from whom certain rights, such as those defined as 'pleas of the crown', could not be alienated. The validity of John's Irish grants was unaffected by his own accession to the English kingship in 1199, with beneficiaries apparently accepting that their tenure – and indeed, the political structure of the kingdom at large – was in no way altered by the fact that the *dominus Hibernie* was now also a *rex*; notions that John's authority as *dominus* was somehow lacking before 1199 are not supported. From John's point of view, the puzzle of the 'lordship' of Ireland that has been so often discussed in modern historiography⁷⁸⁴ was nothing of the sort: as his charters make clear, John had always been a king of Ireland – in the English style – without a title to match.

⁷⁸⁴ Church, '*dominus Hibernie*', 808–9, n.6.

Conclusion

John's conduct in England and Normandy during King Richard's captivity has been influential in shaping perceptions of the nature of his position in the 1190s. Negative judgements on John's character and the legitimacy of his political actions in this period had begun to be applied by contemporaries even before his accession. William of Newburgh, for example, was critical in reporting King Richard's grants; he stated plainly that John's powerful position caused him to become faithless and hostile to his brother and proceeded to describe John as an enemy of nature (*hostis naturae*).⁷⁸⁵ Richard of Devizes similarly wrote that many observers in 1189 predicted that John would attempt to overthrow the king due to his inborn habits (*innatos mores*).⁷⁸⁶ Both of these writers had arrived at these conclusions in works completed by 1198, but their accounts were not directly contemporaneous to the events described. Their perceptions of a ruler they had experienced first-hand were coloured by the progress of events in the same way that a modern commentator might revise their presentation of the government of their day upon subsequent reflection. Such accounts, written with hindsight, necessarily obscure the legitimacy of John's rulership in England as it was envisaged and experienced before the king's return.

The enduring nature of this obscurity is partly also a consequence of the sources that have shaped the historiography. Whilst chronicles and royal governmental sources have long been well-mined, the records of John's administration of his English shires – the (presumed) rolls of his exchequer and the written record of his court – are largely lost to us. In these circumstances, the importance of John's charters as a corpus of sources – now assembled for the first time in a single, soon-to-be-published edition – that offers a wider perspective is clear. The possibilities now offered for systematic analysis have begun to be demonstrated by this thesis.

⁷⁸⁵ Newburgh, 302, 390.

⁷⁸⁶ Devizes, 6.

This analysis has shed light on John as a ruler who – despite never having been a consecrated king before 1199 – was able to legitimately exercise much of the authority that was the usual preserve of kingship. He could do so in England because the ruling Angevin dynasty continued to recognise the customary utility of collateral kin as supporters for the head of the family and potential participants in the rulership of the kingdom. Both Henry II and then Richard I (responding pragmatically to crusading demands) acted on these precedents to revive such a collaborative dynastic role for John in England. In a period in which royal authority might superficially be seen as increasingly singular, centralised and bureaucratic, the establishment of John as an effective sub-king (or tetrarch) underlines that structures of legitimate political authority remained essentially flexible. Henry's attempts to construct Angevin authority in Ireland simultaneously led him to install John as the ruler of an independent kingdom of Ireland.

The way that John administered his possessions did not necessarily seek to impose divisions between the two kingdoms in which he ruled. On the contrary, John's rulership seems to have remained personal, based on his chancery, household and court, and was reminiscent in both kingdoms of the English royal example set by Henry II and later Richard I; for example, in the way that his authority was expressed in the diplomatic of his charters and the structures of authority envisaged therein. John's tenurial, financial and judicial authority was expressed and exercised in essentially similar ways in the areas on either side of the Irish Sea in which he was able to claim comparable prerogatives. Justice was done pursuant to orders issued in his name via processes overseen by his officers which mimicked those common law processes that were otherwise the exclusive preserve of royal courts in England, such as the Grand Assize. Grants of judicial protection were issued in the same way to beneficiaries in both kingdoms, the desirability of which was founded upon the understanding that John could intervene in judicial matters as a fount of justice. Exchequer sessions were undertaken to collect revenue on John's exclusive behalf in both kingdoms. Land and rights were granted at will in both kingdoms by a donor who acted as an ultimate guarantor and arbiter of title. In all these areas, the common thread is that John exercised rights that

were understood by contemporaries to be royal prerogatives. There is no reason to assume that John, his household, or his beneficiaries drew any clear distinction between the character of his rule in Ireland and in his English shires; these areas, spanning two kingdoms, were united by a congruent rulership.

Significantly, however, this rulership had begun in Ireland in 1177 and was only later extended to John's sphere of influence in England, albeit temporarily (as it turned out). Between 1189 and 1194 John's personal rulership thus spanned two independent kingdoms and could plausibly have been maintained and passed to his heirs in slightly different political circumstances. The preservation of John's pre-1194 position might then have endured as something comparable to the contemporaneous kingdom of Scotland; an independent kingdom with tenurial links to England whose ruler also held lands of the neighbouring king. That Ireland was ruled by John as a kingdom that possessed distinct tenurial and judicial royal prerogatives that were independent of the English 'crown' – and that perceptions of these rights in the eyes of John and his beneficiaries did not change after 1199 – is a key conclusion of this thesis. The ruler of Ireland's acquisition of the English crown did nothing to alter his approach to governing his Irish kingdom, in which he had envisaged the existence of royal structures reminiscent of those familiar to him from England since 1185.

The force of consecration was often key to determining succession to kingship in twelfth-century England because it conveyed legitimacy. Yet the nature of John's rulership in both kingdoms indicates that an individual who possessed sufficient perceived legitimacy to exercise royal power could do so without having undergone consecration, or even claiming the office of kingship. John's example, in other words, underscores that consecrated kingship was not essential to the legitimate exercise of political authority. Before 1199, John was able to rule Ireland as *dominus Hibernie*, and in England as tetrarch and in association with his brother Richard, as a king in all but name.

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- 3681R: Mont-de-Marsan: Archives Départementales des Landes, E Suppl. 2/1 (Dax AA1) pièce 27, f.1r and pièce 28 f.1r.
- 3763R: Paris: Bibliothèque Nationale, ms Perigord 12, fo.273r-v.
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- 4096R: Wells: Cathedral Library, ms. Liber Fuscus, f. 9r-v.
- 4277R: Wells: Cathedral Library, ms DC/CF/2/1 Liber Albus I, f. 9r
- 5054R: Agen: Archives Départementales de Lot-et-Garonne, G/Glbis p.4.
- 5621R: Paris: Bibliothèque Nationale, ms Perigord/Lespine 37, f. 91r-v.
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Appendix B: Charters issued by Henry II granting the rights of sake and soke,
toll and team, and *infangentheof* (or a combination thereof).

Angevin Acta, 494H, 4738H, 3018H, 797H, 213H, 1875H, 1192H, 1195H, 662H, 1344H, 2660H, 984H, 2271, 102H, 1750H, 374H, 5380H, 2225H, 1102H, 1105H, 2498H, 4296H, 1225H, 69H, 3257H, 699H, 2481H, 674H, 1115H, 2200H, 1295H, 2952H, 2702H, 5121H, 2887H, 1181H, 1180H, 1179H, 739H, 20aH, 20bH, 5514H, 660H, 1338H, 4691H, 1224H, 1221H, 825H, 2054H, 3201H, 4006H, 4037H, 1506H, 2244H, 2902H, 17H, 1175H, 834H, 1326H, 4894H, 4741H, 4822H, 4727H, 716H, 430H, 2811H, 442H, 3016H, 276H, 4696H, 471H, 226H, 3115H, 1203H, 1292H, 3089H, 5083H, 4971H, 2233H, 4410H, 85H, 1380H, 3365H, 1131H, 2555H, 2556H, 34H, 1361H, 2585H, 2326H, 4073H, 2841H, 3334H, 2991H, 5086H, 2959H, 4698H, 3061H, 4174H, 1141H, 27H, 828H, 4317H, 892H, 1114H, 4328H, 2744H, 5889H, 2260H, 919H, 4384H, 1134H, 2462H, 2476H, 2713H, 2981H, 885H, 686H, 945H, 1240H, 4364H, 4010H, 198H, 171H, 2065H, 184H, 1058H, 2078H, 2085H, 1059H, 1216H, 2667H, 33H, 43H, 1272H, 840H, 258H, 5088H, 837H, 1159H, 1160H, 1169H, 2362H, 956H, 3088H, 5089H, 1152H, 1383H, 2743H, 4093H, 4388H, 5231H, 25H, 2456H, 3025H, 794H, 819H, 1675H, 2258H, 11H, 2538H, 12H, 3033H, 1073H, 1263H, 1074H, 2406H, 4394H, 3342H, 306H, 1957H, 2890H, 1359H, 2663H, 974H, 117H, 4218H, 491H, 4604H, 668H, 1513H, 1921H, 2218H, 90H, 2559H, 2254H, 456H, 35H, 2560H, 2709H, 4H, 3946H, 3969H, 4761H, 5888H, 2587H, 93H, 781H, 790H, 5093H, 2358H, 1388H, 384H, 569H, 227H, 2232H, 829H, 1706H, 107H, 4355H, 1298H, 2376H, 3211H, 821H, 252H, 711H, 2473H, 1199H, 938H, 937H, 1155H, 4084H, 4091H, 961H, 1352H, 1127H, 2649H, 2455H, 901H, 900H, 2715H, 2206H, 874H, 1331H, 802H, 904H, 2758H, 2051H, 1275H, 3133H, 3166H, 1266H, 2587H, 1843H, 4819H, 1155H, 4645H, 2649H, 4633H, 240H, 826H, 2742H, 706H, 358H, 948H, 947H, 1099H, 3359H, 200H, 5239H, 921H, 4661H, 1044H, 3151H, 2255H, 3304H, 2451H, 908H, 852H, 3028H, 4806H.