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The Rise of Administrative Kingship: Henry I and Philip Augustus

C. WARREN HOLLISTER
AND
JOHN W. BALDWIN

MODERN HISTORIANS HAVE LONG RECOGNIZED the importance of the reigns of Henry I (1100–35) and Philip Augustus (1179–1223) as *tournants* in the respective national histories of England and France. Although separated by nearly a century, the two kings met similar problems with similar solutions. In 1105–06 Henry conquered Normandy and rejoined it to the realm of England; in 1203–04 Philip seized this same wealthy province, along with others, and joined them to the realm of France. Ruling their expanded dominions for many years thereafter, both kings faced hostile coalitions and invasions designed to undo the effects of the conquests. For purposes of defense and political stability the two kings not only adapted existing governmental machinery to new purposes but, more importantly, created new administrative institutions to increase the effectiveness of their rule. These innovations—largely unperceived by their contemporaries—gestated during the long reigns of Henry and Philip. Only during the subsequent and more celebrated reigns of their grandsons, Henry II and Louis IX, were the full consequences of these achievements realized.

Although the accomplishments of Henry I and Philip Augustus are well known to the historians of medieval England and France, their parallel roles in introducing administrative innovations into their lands invite comparison. Rather than seek the inspiration for these changes—whether it be Anglo-Saxon, Frankish, Norman, Flemish, or whatever—or dwell on accidental similarities—longevity, personality, good fortune, and the like—that condition all historical phenomena, we shall probe the common underlying institutional structures of England and France to understand the significance of the

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changes that took place during both reigns. This requires two stages of analysis: first, to identify the regime that each king inherited from his predecessors and, second, to seek out the innovative changes that followed. Such an analysis makes it clear that comparable problems stimulated the two kings to respond in comparable ways.

Both Henry I and Philip Augustus received from their forebears regimes founded on two essential features: an ambulatory central court and fixed local officials. This system functioned effectively because the relatively small size of the royal dominions permitted the itinerant royal court to keep in contact with local officers. Although Henry and Philip perpetuated this traditional arrangement, they added to their administrative inheritance four significant innovations designed to meet the challenges posed by enlarged realms. First, viceregencies were developed to bear the increased burdens placed on the kings themselves: in Henry's case, to serve in his absence on the opposite side of the Channel; in Philip's, to provide the king with a more efficient lieutenant. Second, exchequers or central accounting procedures were fashioned to tighten curial control over the treasuries of both realms and monitor local officials more closely. Third, as governmental business became more complex, improved records were maintained and stored to establish continuity of royal policy. And, fourth, traveling agents were dispatched from the central court to expand the scope of royal justice and to increase the central government's contact with its subjects. By these four devices the English and French kings created the administrative machinery necessary to their fundamental policies of centralization and stabilization.

The institutional innovations shared by Henry and Philip were not, however, sufficient in themselves to meet the increased demands of government. Like "developing" nations of the present, medieval regimes were hampered by a lack of loyal, properly trained personnel sufficient to operate the new administrative machinery. Ultimately, the recruitment of qualified and trusted agents was the leading problem confronting medieval governments. Although Henry I and Philip Augustus inherited similar administrative practices and expanded them in similar ways, they differed sharply in their recruitment and employment of personnel, and a close analysis of the sorts of people that Henry and Philip drew into their administrations discloses a previously unsuspected contrast between the two monarchies.

HENRY I

HENRY I, THE YOUNGEST AND ABLEST of William the Conqueror's sons, built an administrative system extraordinary for its day, more effective and, to some, more oppressive than any government the transalpine West had known since the time of the Roman Empire. To a remarkable degree, Henry's government

kept the peace in England and Normandy alike.¹ Albert Brackmann has described it as “a new type of political organization” that “set the development of European civilization on a new course.”² But despite its precociousness, Henry’s regime was not the total novelty that Brackmann’s enthusiastic phrases suggest. The king and his administrators were as inclined to adapt as to invent, and it is not always easy to distinguish their innovations from their adaptations.

As a son of William the Conqueror, Henry drew on the strong political traditions of both the Norman dukes and the Anglo-Saxon kings. The authority of the pre-Conquest duke of Normandy had surpassed that of all other French princes, including the king of France. The ducal court moved constantly about the duchy dispensing justice, issuing charters, supervising the collection of revenues and the minting of coins. Ducal kinsmen served as counts of the major frontier districts—Mortain, Eu, Évreux—and Duke William commanded their direct obedience as well as that of his regional officials, the vicomtes.³ The Anglo-Saxon royal administration, which William had seized and perpetuated, was more effective still. As ruler of England the Conqueror inherited a well-articulated system of shires and sheriffs, shire courts and hundred courts, and at the center an ambulatory royal entourage that exercised an unusual degree of control over the kingdom’s military and fiscal resources. William gained control of a royal chancery which had developed that potent instrument of monarchical authority, the sealed writ. He likewise took possession of the royal treasury at Winchester, along with a revenue system well designed to keep it filled. The system included set sheriffs’ farms, a tight grip on the kingdom’s mints and minters, and a unique property tax—the danegeld—collected through a comprehensive assessment network of hundreds and wapentakes, hides and carucates.

In the years after 1066 a tenurial revolution swept away the Old English landed aristocracy and replaced it with a northern French—largely Norman—aristocracy. The English lands of this new aristocracy usually consisted not of compact territorial blocs but of manorial clusters, large and small, scattered across a number of shires. The Conqueror’s half-brother Robert, count of Mortain, for example, held lands in twenty shires and Hugh, earl of Chester, in nineteen. This dispersion of great estates, including the king’s own, was of fundamental importance to the growth of royal government. As Sir Richard Southern has explained, “It was tenurial complexity that gave royal officials their opportunities, by making all free tenants more or less

¹ C. Warren Hollister and Thomas K. Keefe, “The Making of the Angevin Empire,” *Journal of British Studies*, 12 (1973): 4–5. William of Malmesbury credited Henry with giving Normandy “a peace such as no age remembers, such as his father himself . . . was never able to effect”; William of Malmesbury, *Gesta Regum Anglorum*, ed. William Stubbs, Rolls Series, no. 90, vol. 2 (London, 1889): 476.

² Brackmann, “The Beginnings of the National State in Medieval Germany and the Norman Monarchies,” in Geoffrey Barraclough, ed. and trans., *Medieval Germany, 911–1250: Essays by German Historians* (Oxford, 1948), 287–88.

³ See C. Warren Hollister, “Normandy, France, and the Anglo-Norman Regnum,” *Speculum*, 51 (1976): 205, references cited therein; and R. C. Van Caenegem, ed., *Royal Writs in England from the Conquest to Glanvill: Studies in the Early History of the Common Law*, Selden Society, no. 77 (London, 1959), 57–58.

equal in the royal courts, and inducing all men, however great, to acquiesce in the growth of royal justice."⁴

As a consequence of the dispersion of great estates and of administrative tightening under William the Conqueror and William Rufus, Henry I inherited in 1100 a government considerably more effective than it had been in 1066. The king's control of litigation had grown appreciably through the practice of sending teams of royal justices on *ad hoc* commissions to settle important disputes and the appointment of local justiciars to handle pleas of the crown in the shires and hundreds. Royal revenues were much higher than before, thanks to the doubling of the king's demesne lands during the post-Conquest settlement, the mass of data collected in the Domesday survey, and the fiscal chicanery of Rufus's chief minister, Ranulf Flambard. Immediately after his accession Henry I put the unpopular Flambard into the Tower of London as a highly visible act of public relations. More significantly, however, Henry won the support of virtually all of Rufus's remaining administrators and kept them in office alongside new men from his own entourage.⁵ He had no intention of dismissing Rufus's officials and starting from scratch.

THE DOMINATING THEME OF HENRY I'S GOVERNMENT was centralization. Only later would household offices begin to drift out of the itinerant court and settle down as departments. Henry's reign saw the converse trend toward ever-tightening control by the *curia regis*. Both Southern and the collaborators Henry G. Richardson and George O. Sayles refer to Henry's administration as a "machine";⁶ if so, it was a machine powered by a single piston.

The king's court, incessantly moving across England and Normandy, was the chief source of royal justice, governance, and patronage. Its membership fluctuated constantly. Some were almost always in attendance, others frequently so, and others occasionally or rarely. Besides officials and servants of the royal household, the court included a less structured group of royal advisers and *familiars*. It also might include visiting foreign princes, royal and comital heirs-apparent and bastards with their tutors and servants, camp followers, and plaintiffs and favor-seekers from the neighborhoods through which the court traveled or, sometimes, from afar.

Until early in Henry's reign, the Anglo-Norman *curia regis* was a disorganized, predatory mob. Eadmer of Canterbury told chilling tales of Rufus's entourage plundering and destroying the countryside, laying waste to

⁴ Southern, *Medieval Humanism and Other Studies* (Oxford, 1970), 229. This fragmentation of holdings probably resulted both from estates being granted at various times during the course of the post-1066 consolidation and from pre-Conquest land patterns often being similarly dispersed, though to a lesser degree. See Reginald V. Lennard, *Rural England, 1086-1135* (Oxford, 1959), 28-39.

⁵ C. Warren Hollister, "The Anglo-Norman Civil War: 1101," *English Historical Review* [hereafter *EHR*], 88 (1973): 318-19, and "Magnates and *Curiales* in Early Norman England," *Viator*, 8 (1977): 63-81.

⁶ Southern, *Medieval Humanism*, 210; and Richardson and Sayles, *The Governance of Mediaeval England from the Conquest to Magna Carta* (Edinburgh, 1963), 163, *passim*.

all of the lands through which the king passed, taking indecent liberties with local wives and daughters, getting drunk on stolen wine and, when they could drink no more, washing their horses' feet with it and pouring the rest on the ground.⁷ Henry I put an end to all this. He issued strict regulations limiting the practice of requisitioning and establishing fixed prices for local purchases. He also established specific offices and allowances for his household and stipends for magnates in attendance, arranging that everyone in his retinue should receive set payments for their subsistence.⁸

At the heart of the *curia* was the royal household staff, whose organization and fixed allowances were recorded in detail in the *Constitutio Domus Regis* of circa 1136. The chief household officers, echoing Continental custom, were the chancellor, stewards, master butler, master chamberlain, and constables. To these traditional ministers Henry added a new one—the household treasurer. Scholars used to dispute whether the *Constitutio Domus Regis* described the English household or the Norman, but they now generally agree that the *domus regis* accompanied the king wherever he might be.⁹ The frequency with which Henry's household officers attested royal or administrative *acta* emanating from Normandy and from England supports this conclusion, at least to a degree. When due weight is given to the survival of Henry's English charters in far greater numbers than his Norman charters, it becomes clear that most of Henry's household officials regularly crossed with the *curia* and attested with some frequency on both sides of the Channel (see Table 1). But certain household officials concentrated their activities on one side of the Channel or the other. The steward Robert de la Haye attested a great many royal acts in Normandy but very few in England, and the same is true of the chamberlains William fitz Odo and William of Glastonbury and, to a lesser extent, the steward Robert of Courcy. Conversely, certain household officers attested charters primarily from England: the steward Adam of Port and the constables Walter of Beauchamp, Walter and Miles of Gloucester, and Nigel and Robert of Oilli.¹⁰

⁷ Eadmer, *Historia Novorum in Anglia*, ed. Martin Rule, Rolls Series, no. 81 (London, 1884), 192–93. Also see the *Anglo-Saxon Chronicle*, A.D. 1097 (Rufus), 1101 (Robert Curthose), and 1104 (early Henry I).

⁸ Eadmer, *Historia Novorum in Anglia*, 193; Malmesbury, *Gesta Regum Anglorum*, 487; and Walter Map, *De Nugis Curialium*, ed. M. R. James (Oxford, 1914), 219, 235.

⁹ For the *Constitutio Domus Regis*, see Charles Johnson, ed., *Dialogus de Scaccario* (London, 1950), 129–35. And see G. H. White, "The Household of the Norman Kings," *Transactions of the Royal Historical Society*, 4th ser., 30 (1948): 127–59; H. W. C. Davis *et al.*, eds., *Regesta Regum Anglo-Normannorum*, 4 vols. (Oxford, 1913–69), 2: ix–xvii; and, most recently, John Le Patourel, *The Norman Empire* (Oxford, 1976), 135–37.

¹⁰ The responsibilities of Walter and Miles of Gloucester (father and son) included the custody of Gloucester Castle, Walter of Beauchamp's constablership seems to have been associated with Worcester Castle, and Nigel and Robert of Oilli (father and son) were responsible for Oxford Castle; *Regesta Regum Anglo-Normannorum*, 2: xv–xvi. Robert of Oilli, although he attested heavily in England, was rather more active in Normandy than his father had been. Between Henry's conquest of Normandy in 1106 and his death in 1135, he spent about 210 months in Normandy and 140 in England; Le Patourel, *Norman Empire*, 124, 175–76. But, of approximately 980 charters issued during these years, in which the place of origin can be definitely or probably determined, about 765 emanated from England and only about 215 from Normandy. This information, and much that follows, has been drawn from comprehensive (but as yet unpublished) tables prepared by Brian A. Foster that measure the English and Norman attestations of all of Henry I's *curiales*. Foster's study of attestations and crossings will, when completed, provide a far more rigorous analysis of the problem than has been possible here.

TABLE I
Officers of the Royal Household, 1130

<i>Office</i>	<i>Officers of the Household</i>
Chancellor	Geoffrey Rufus* [XE]
Keeper of the Seal	Robert <i>de Sigillo</i> * [X]
Stewards	Hugh Bigod* [X] Humphrey of Bohun* [X] Robert of Courcy [XN] ^a Robert de la Haye* [N] (?) William Martel [X] (?) Robert fitz Richard (Clare) [X]
Master Butler	William of Aubigny <i>Pincerna</i> * [X]
Treasurer	Nigel <i>nepos episcopi</i> * (bp. of Ely, 1133 ff.) [X]
Chamberlains of the Winchester Treasury	William of Pont de l'Arche* [X] Geoffrey of Clinton* [X]
Chamberlains of the Camera Curiae	William of Pont de l'Arche* [X] Osbert of Pont de l'Arche [X (?)] William Mauduit [X]
Chamberlain of England and Normandy	(?) Rabel of Tancarville [N] ^b
Norman Chamberlains (?)	William fitz Odo [N] ^c William of Glastonbury [N]
Constables	Robert de Vere* [X] Miles of Gloucester* [E] Robert of Oilli [XE] Walter of Beauchamp [E] Brian fitz Count* (attested as constable in 1131) [XN]
Assistant Constables(?)	Roger of Oilli [E] Henry de la Pommeraie [X]
Marshals	John fitz Gilbert [X] Wigan the Marshal [N (?)]

NOTE: An asterisk (*) designates a *curialis*; for a definition of a *curialis*, see page 887, below; and, for Henry's *curiales*, see Table 4, below. In their roles as attestors of royal acts, E = 91–100 percent English attestations; XE = 81–90 percent English; X = 51–80 percent English; XN = 50–64 percent Norman; and N = 65–100 percent Norman. (Some adjustment has been made for the greater survival expectancy of charters from England; pre-1106 charters have been excluded from all computations regarding English versus Norman attestations.)

^a Robert of Courcy attested thirty-seven acts between 1113 and 1135 (1.7 per year), but thirty-five of those attestations occurred between 1126 and 1135 (4.1 per year).

^b Rabel “inherited” the Anglo-Norman chamberlainship from his father, William of Tancarville* [X], who died in 1129. But there is no concrete evidence that Rabel performed any functions of the chamberlainship under Henry I. In 1133 the *curialis* Aubrey de Vere received the master chamberlainship “of all England” but he was at times with Henry in Normandy between 1133 and 1135; see *Regesta Regum Anglo-Normannorum*, 2: nos. 1777, 1913–15, 1960.

^c William fitz Odo averaged 1.9 attestations per year, which places him about thirty-second among attestors active in 1130. But the disproportionate loss of Norman acts causes a systematic underestimation of the curial activity of primarily Norman attestors. See Table 4, below.

This same kind of attestation analysis can help to illuminate the administrative activities of Henry's chancellors: Ranulf (1107–22) and Geoffrey Rufus (1123–33) both attest enormous numbers of surviving royal acts, some from Normandy but far more from England.¹¹ When Henry was in Normandy, his chancellor was often away from the itinerant court, engaged in administrative work in England. And, since the Anglo-Norman chancery was inseparable from the royal court, the household *scriptorium* must have often functioned without the chancellor's direct supervision. During the latter half of Henry's reign, the chancery staff included about four scribes, under the direction of a subchancellor known as the *magister scriptorii* or keeper of the king's seal.¹² Robert *de Sigillo* occupied this office from 1121 to 1135, and his nearly one hundred attestations, nicely balanced between England and Normandy, suggest that he was regularly with the king's court. The frequency and ease with which the chancery functioned without the chancellor's presence doubtless influenced Henry's decision to leave the chancellorship vacant after Geoffrey Rufus's promotion to the bishopric of Durham in 1133 and may also explain why Henry was willing to double Robert *de Sigillo*'s wages.¹³

That an important minority of royal household officials concentrated their activities on only one side of the Channel is not surprising. Once he had rejoined the duchy to the kingdom, Henry had to depend on some sort of regional governing body to supervise Normandy when he was in England and to administer England when he was in Normandy. His predecessors, William I and William II, faced with the same problem of dual governance, had handled it with a variety of *ad hoc* arrangements. William I left the kingdom in the charge of various great men at different times—men like William fitz Osbern; Odo, bishop of Bayeux; and Archbishop Lanfranc. The Conqueror likewise entrusted Normandy to such notables as Queen Matilda, Roger of Montgomery, and Roger, lord of Beaumont. Under William Rufus, whose joint rule of Normandy and England only extended from 1096 to 1100, the first hint of a more specialized English viceregency appeared. Initially, William II's omniscient royal minister, Ranulf Flambard, served as coregent with Walchelin, bishop of Winchester; but in 1099 Rufus committed England to Flambard alone, to be assisted by two administrative lieutenants of only moderate wealth—Hamo the Steward, sheriff of Kent, and Urse of Abitôt, sheriff of Worcestershire.¹⁴

¹¹ Ranulf attested 163 charters, of which 134 are certainly or probably from England and 22 certainly or probably from Normandy; of Geoffrey Rufus's 115 attestations, about 95 are English and about 15 are Norman (a few are of undetermined origin). Even allowing for the much greater survival rate of English charters, it remains clear that both men were often in England while their king was in Normandy.

¹² T. A. M. Bishop, *Scriptores Regis* (Oxford, 1961), 30. From an analysis of scribal hands, Bishop has identified two royal scribes active at Henry's accession in 1100; their number had risen at least to four by mid-reign and seems to have remained at about that level until Henry's death.

¹³ For Robert, see *Regesta Regum Anglo-Normannorum*, 2: x; and Johnson, *Dialogus de Scaccario*, 129. Of Robert's attestations 56 percent are from England, 44 percent from Normandy. His contemporary, the chancellor Geoffrey Rufus, attested 86 percent from England, 14 percent from Normandy. On the probable vacancy of the chancellorship after 1133, see Charles Johnson, "The Last Chancellor of Henry I," *EHR*, 67 (1952): 392.

¹⁴ David C. Douglas, *William the Conqueror* (London, 1964), 185–86, 207, *passim*; and Southern, *Medieval*

These administrative beginnings, aborted by Rufus's death in August 1100, foreshadowed the development of more stable and elaborate viceregal arrangements in the years following Henry's conquest of Normandy in 1106. From about 1107 onward the Norman viceregal court was headed by John, bishop of Lisieux, whose numerous attestations of royal charters disclose that he was almost constantly at Henry's side in Normandy but seldom crossed with the king to England. His name occurs at the heads of lists of Norman justices, usually followed by that of the seneschal or steward, Robert de la Haye, whose overwhelmingly Norman attestations suggest that his administrative responsibilities were limited primarily to the duchy.¹⁵ He was evidently the chief layman in the Norman viceregal court and its second in command. Others active in the Norman viceregency include the household officials William of Glastonbury and Robert of Courcy, whose names occur chiefly in the Norman records of the reign.¹⁶

Charles Homer Haskins rigorously examined the personnel of Henry's Norman courts more than sixty years ago, and little has since been added to his fundamental work.¹⁷ But it is now possible, through comprehensive attestation analyses, to sift out the predominantly Norman figures from the cross-Channel *curiales* whose names sometimes appear in Norman documents as judges and administrative officials. A panel of judges hearing a Norman plea of A.D. 1111 included Geoffrey, archbishop of Rouen (who attested chiefly in Normandy), and the Norman "viceroys"—John, bishop of Lisieux—along with five lay magnates, at least four of whom held lands and attested substantially on both sides of the Channel. Similar analyses of the other documents that Haskins assembled disclose a Norman viceregal core group that sometimes functioned on its own, sometimes expanded into a larger court of bishops and magnates, and usually merged into the king's traveling entourage when Henry was in Normandy. Even when on its own, the viceregal court was itinerant, meeting sometimes at Rouen, sometimes at Caen, and perhaps, with less frequency, elsewhere in the duchy. Its members spent most of their time in Normandy but on rare occasions one or another turned up in the royal

Humanism, 189. Bishop Walchelin died in January 1098, and Flambard was advanced to the bishopric of Durham in June 1099, before becoming sole regent. The sources are silent on Rufus's viceregal administration in Normandy.

¹⁵ On Henry's Norman viceregency, see Charles Homer Haskins, *Norman Institutions* (Cambridge, Mass., 1918), 88–104; and Lucien Valin, *Le Duc de Normandie et sa cour (912–1203)* (Paris, 1910), 108–09. Of John's attestations, 88 percent are from Normandy, and the percentage would doubtless have been higher still had Henry's Norman charters survived in numbers comparable to those of his English charters. Of Robert's attestations, 96 percent pertain to royal acts emanating from Normandy. He was active in the Norman administration from 1118 or earlier to the end of the reign; see *Regesta Regum Anglo-Normannorum*, 2: nos. 1183–1901 *passim*; and Table 4, below. Lord of La-Haye-du-Puits in western Normandy, he (or possibly a kinsman of the same name) held considerable lands in Lincolnshire worth £78 in 1086 and pardoned £8 of danegeld in 1130. For a brief biographical sketch, see John Le Patourel, *Normandy and England, 1066–1144* (Reading, 1971), 34–35.

¹⁶ Haskins, *Norman Institutions*, 88–89, 120, 307; and *Regesta Regum Anglo-Normannorum*, 2: nos. 1184, 1352, 1422, 1579, 1593. Also see *ibid.*, 1584.

¹⁷ See, however, Jean Yver, "Le développement du pouvoir ducal en Normandie de l'avènement de Guillaume le Conquérant à la mort d'Henri I, 1035–1135," *Atti del Convegno Internazionale di Studi Ruggeriani* (Palermo, 1955), 183–204; and Le Patourel, *Norman Empire*, 121–354 *passim*.

entourage in England, leaving their Norman viceregal duties to subordinates or other household officers.¹⁸

In England Queen Matilda usually served as regent during her husband's absences, although Archbishop Anselm may have occupied the position on one or more occasions between his return from exile in 1106 and his death in 1109. After Matilda's death in 1118 William Adelin, the royal son and heir, directed the English regency for a year.¹⁹ But these altogether traditional arrangements were supplemented by a clearly identifiable body of viceregal administrators: the witness lists of charters issued by Matilda and William as regents disclose that in England as in Normandy a viceregal court of relatively stable and expert membership was evolving. At its head was Henry's great administrator, Roger, bishop of Salisbury, who attested no less than nine of Matilda's and William Adelin's surviving acts and whose name, when it occurs with others, almost always heads the list. Other figures in the English viceregal group included Robert Bloet, bishop of Lincoln; Richard of Belmeis, bishop of London; Ranulf the Chancellor; the stewards Adam of Port and William of Courcy; the constables Walter of Gloucester and Nigel of Oilli; and the royal justice Ralph Basset.²⁰ The stewards and constables on this list are among the household officials who attested primarily from England. Indeed, the attestations of almost all of those in the English viceregal core group were very largely limited to royal acts issued in England. Ranulf the Chancellor was the only official who crossed the Channel at various times in the king's service, but even he attested many more *acta* in England than in Normandy. Clearly, then, the chancellor was in part a cross-Channel *curialis* and in part a participant in the English viceregency.

One extraordinarily illuminating document, as yet unpublished in full, provides a glimpse of the English viceregal court hearing pleas at Brampton, Huntingdonshire, in 1116, apparently in the queen's absence. The "judges" at this Brampton court included several of the men in Matilda's and William

¹⁸ The magnate-judges were Robert, count of Meulan and earl of Leicester; William of Warenne, earl of Surrey; Gilbert of Laigle, lord of Pevensey; and William the Chamberlain of Tancarville. A fifth judge, William of Ferrars, was doubtless a Norman figure but he did not attest sufficiently to be placed with certainty. Haskins, *Norman Institutions*, 91–92. John of Lisieux traveled to England, for example, in late 1126, presumably to join the deliberations on the royal succession that culminated in the Empress Maud's designation at Henry's 1126–27 Christmas court; *Regesta Regum Anglo-Normannorum*, 2: no. 1466. John of Lisieux and Robert de la Haye were both apparently with the king at York in late 1122; *ibid.*, no. 1338. Both John and Robert were absent because of illness from a Norman court of ca. 1129 where Robert, chaplain to the bishop of Lisieux, and the steward Robert of Courcy seem to have acted in their places; *ibid.*, no. 1584.

¹⁹ On Matilda, see *Regesta Regum Anglo-Normannorum*, 2: nos. 971, 1000–01, 1190, 1198; and R. R. Darlington, ed., *The Cartulary of Worcester Cathedral Priory (Register I)*, Pipe Roll Society (London, 1968), nos. 40, 262. On Anselm, see Eadmer, *Historia Novorum in Anglia*, 197; and F. S. Schmitt, ed., *S. Anselmi Opera Omnia* (Stuttgart, 1958), epistle 407. In early 1109 Henry conferred with Anselm on vital matters of royal diplomacy; *S. Anselmi Opera Omnia*, epistle 461. The queen probably visited Normandy in 1107, but she was with Anselm in England in 1108 or early 1109 when she issued the charter, on Anselm's advice, that established the Augustinian house of Holy Trinity, Aldgate; *Regesta Regum Anglo-Normannorum*, 2: nos. 808–09, 906. On William Adelin, see *ibid.*, nos. 1189, 1191–92, 1201–02.

²⁰ For Roger, see *Regesta Regum Anglo-Normannorum*, 2: nos. 906, 909, 1090, 1189–90, 1192, 1201; *Cartulary of Worcester Cathedral*, nos. 40, 262. Roger was the first or sole witness to all of these acts except number 906, for which he was the second of three episcopal attestors. For the English viceregal group, also see *Regesta Regum Anglo-Normannorum*, 2: nos. 971, 1001, 1129, 1180, 1191, 1198.

Adelin's regency administrations: Roger, bishop of Salisbury; Robert, bishop of Lincoln; Walter of Gloucester; and Ralph Basset.²¹ The witness lists of regents' charters, corroborated by the Brampton evidence, thus disclose a select and stable body of England-based viceregal administrators led by Roger, bishop of Salisbury, with functions and membership that closely parallel those of the Norman viceregal body headed by John, bishop of Lisieux.

In England, however, the queen or prince headed the viceregency. But the English viceregal court, and Roger of Salisbury in particular, exercised strong influence on Matilda and William Adelin. Herbert, bishop of Norwich, in begging a favor of Roger during one of Henry's absences, was confident that "you will not find our lady the queen difficult for . . . she takes advantage of your advice in all matters."²² After Matilda's death in 1118 and William Adelin's in 1120, Roger emerged from the shadows as the officially recognized head of the English viceregency. When Henry departed England in 1123, he appointed Roger to run the kingdom in his absence, and throughout the remainder of the reign Roger was responsible for "the doing of justice in England" not only during Henry's Norman tours but even when the king was in his kingdom. Despite Henry's marriage to the young Adeliza of Louvain in 1121, Roger—not the new queen—presided thenceforth at the English viceregal court.²³ Although Henry always felt free to issue writs concerning England when he was in Normandy (and vice versa), Bishop Roger himself sometimes issued viceregal writs explicitly on the king's instructions.²⁴

Neither Roger of Salisbury in England nor John of Lisieux in Normandy appear to have borne an official administrative title. Scholars in the past were inclined to call them "chief justiciars," but their administrative roles were too novel to have yet acquired formal names. Their episcopal titles sufficed.²⁵ At

²¹ The two remaining *iudicii* at Brampton were sheriffs of the region; Doris M. Stenton, *English Justice between the Conquest and Magna Carta* (Philadelphia, 1964), 62 n. 46. For a case involving the earl of Buckingham's obligations to Abingdon for a manor which he held of the abbey that Roger of Salisbury, Robert bishop of Lincoln, "et multis regis baronibus" judged, see Joseph Stevenson, ed., *Chronicon Monasterii de Abingdon*, Rolls Series, no. 1, vol. 2 (London, 1858): 133-34.

²² As quoted in Richardson and Sayles, *The Governance of Mediaeval England*, 151.

²³ *Anglo-Saxon Chronicle*, A.D. 1123; and Malmesbury, *Gesta Regum Anglorum*, 484. Roger's competition was further reduced by the deaths of Robert Bloet and Ranulf the Chancellor in 1123 and the paralysis that struck Richard, bishop of London, that same year. Henry probably made his decision out of dynastic rather than administrative considerations. Hoping that Queen Adeliza would bear him a son, he kept her at his side when he crossed to Normandy. Adeliza's attestations were balanced between duchy and kingdom, whereas Queen Matilda's were chiefly in England.

²⁴ *Regesta Regum Anglo-Normannorum*, 2: nos. 1472, 1488, 1614, 1814, 1977, 1989. Also see Francis J. West, *The Justiciarship in England* (Cambridge, 1966), 18-19; and Richardson and Sayles, *The Governance of Mediaeval England*, 163. None of Roger's viceregal charters are attested; four conclude with the phrase "per breve regis."

²⁵ For the term "chief justiciar," see, for example, Richardson and Sayles, *The Governance of Mediaeval England*, 159, *passim*; and Haskins, *Norman Institutions*, 87-99. *Capitalis justiciarius* does occur in Anglo-Norman sources but not with its later meaning. Orderic Vitalis used it to describe not Roger of Salisbury but Richard Basset and probably meant simply that Richard's judicial activities were wide-ranging; *Historiae Ecclesiasticae Libri Tredecim*, ed. Auguste le Prévost, 5 vols. (Paris, 1838-55), 5: 68. In 1141 the Empress Maud named Geoffrey de Mandeville her *capitalis justicia* in Essex. The term also occurs in a Norman charter of Henry I's but not explicitly in connection with John of Lisieux; Haskins, *Norman*

one point Roger titled himself "bishop of Salisbury and procurator of the kingdom of England under King Henry," but no such title was consistently used. Contemporaries sometimes referred to him as "second only to the king" (*secundus a rege*)—surely not a formal office but an indication of his political importance.²⁶ For Roger's authority in England after 1123 was remarkably comprehensive. As William of Malmesbury put it, Roger "pleaded the cases, controlled expenditures himself, personally supervised the treasure, both when the king was in England and also, without colleague or witness, when . . . the king was staying in Normandy."²⁷ Roger's control of the kingdom's judicial and fiscal machinery strongly anticipated the power and responsibility exercised by the chief justiciars of early Angevin times. It is not too much to say that the varied responsibilities of both Roger of Salisbury in England and John of Lisieux in Normandy mark the genesis of the chief justiciarship in fact even if not in name.²⁸

ROGER'S ADMINISTRATION OF THE KINGDOM'S REVENUES was likewise exercised without formal title. The exchequer, perhaps the best-known cogwheel in Henry's new administrative machine, emerges from the mist around 1110 with Roger of Salisbury clearly in control.²⁹ Despite extensive investigations, its origins remain obscure. The *Dialogus de Scaccario* from the end of the century implies that Roger did not invent the exchequer but did much to improve and modernize it.³⁰ Doubtless it evolved out of the ancient practice of sheriffs bringing their revenues annually to the central English treasury, located at Winchester since Anglo-Saxon times. Chroniclers alluded to a general administrative and legal reorganization undertaken by Henry on both sides of the Channel in the years immediately following his conquest of Normandy in 1106. This activity, combined with raising a huge aid for his daughter's betrothal in 1110, may have stimulated the accounting reforms that produced what we know as the English exchequer—abacus accounting procedure,

Institutions, 93–94. Also see, in general, William T. Reedy, "Were Ralph and Richard Basset Really Chief Justiciars of England in the Reign of Henry I?" *The Twelfth Century, Acta*, 2 (1975): 74–103.

²⁶ "Justitiarius fuit totius Angliae, et secundus a rege"; Henry of Huntingdon, *Historia Anglorum*, ed. Thomas Arnold, Rolls Series, no. 74 (London, 1879), 245. Several of Roger's contemporaries are likewise called justiciars "totius Angliae"; Richardson and Sayles, *The Governance of Mediaeval England*, 174–75. And Henry of Huntingdon himself describes Roger's nephew, Alexander, bishop of Lincoln, as "princeps a rege secundus"; *Historia Anglorum*, 280. On Roger's titles, see Edward J. Kealey, *Roger of Salisbury, Viceroy of England* (Berkeley and Los Angeles, 1972), 70–71, 241–44. On the various unofficial terms used to describe Ranulf Flambard's duties under William II (*exactor, placitator*, etc.), see Southern, *Medieval Humanism*, 184–85, 194.

²⁷ William of Malmesbury, *Historia Novella*, ed. K. R. Potter (London, 1955), 37–38. Note that Roger's viceregal charters always lack witnesses and that several of his earlier colleagues were dead or inactive by 1124; see notes 23–24, above.

²⁸ West, *Justiciarship*, 15–23. My position on Roger's "chief justiciarship" is rather less skeptical than that of West but distinctly more so than that of Richardson and Sayles; see their *The Governance of Mediaeval England*, 173–90.

²⁹ Henry I to *baronibus de scaccario*, attested by Roger of Salisbury and Ranulf the Chancellor; *Regesta Regum Anglo-Normannorum*, 2: no. 963. This, the earliest known reference to the exchequer by name, deals with the aid of 1110.

³⁰ *Dialogus de Scaccario*, 42.

TABLE 2
Exchequer and Viceregency Officials, 1111–21

<i>Exchequer Court of 1111</i>	<i>Exchequer Judges of 1119</i>	<i>Viceregency Figures</i>
Queen Matilda* [E]		Queen Matilda* [E]
Roger, bp. of Salisbury* [E]	Roger, bp. of Salisbury* [E]	Roger, bp. of Salisbury* [E]
Robt., bp. of Lincoln* [E]	Robt., bp. of Lincoln* [E]	Robt., bp. of Lincoln* [E]
Richard, bp. of London* [E]		Richard, bp. of London* [E]
William of Courcy [E]		William of Courcy [E]
Adam of Port [E]		Adam of Port [E]
Thurstan the Chaplain [E]		
Walter of Gloucester* [E]		Walter of Gloucester* [E]
Herbert the Chamberlain [E]		
(?) William of Oilli ^a		Nigel of Oilli* [E]
Geoffrey fitz Herbert		
William of Anesy		
Ralph Basset* [E]	Ralph Basset* [E]	Ralph Basset* [E]
Geoffrey of Mandeville [XN]		
Geoffrey Ridel [E]		
Walter, adcn. of Oxford		
	Ranulf the Chancellor* [XE]	Ranulf the Chancellor* [XE]

NOTE: An asterisk (*) designates a *curialis*; for a definition of a *curialis*, see page 887, below; and, for Henry's *curiales*, see Table 4, below. For an explanation of the symbols E, XE, and XN, see page 872 n. (Table 1), above. The absence of such a symbol indicates that the name does not occur elsewhere in Henry I's *Regesta*.

^a William of Oilli either was a little-known kinsman of Nigel of Oilli or appears on the list as a scribal error for Nigel himself.

court of audit, and pipe rolls recording receipts from the sheriffs and their shires.³¹

From about 1110 onward we encounter mounting evidence of the sophisticated accounting process that appears in some detail in the English pipe roll of 1130 (the one surviving example of the series of fiscal records that were produced annually throughout most of Henry's reign).³² And, although all of the Norman exchequer rolls from this period have perished, it is certain that an exchequer was functioning concurrently in the duchy. Up to a point, there is general agreement on how the exchequer process worked. Twice each year, at Easter and at Michaelmas, separate groups of royal administrators went to the Winchester treasury and to the Norman treasury to audit the accounts of

³¹ Orderic Vitalis, *Historiae Ecclesiasticae Libri Tredecim*, 4: 233–34, 269; Florence of Worcester, *Chronicon ex Chronicis*, ed. Benjamin Thorpe, 2 (London, 1849): 57; and Eadmer, *Historia Novorum in Anglia*, 192–93. And see R. L. Poole, *The Exchequer in the Twelfth Century* (London, 1912).

³² Joseph Hunter, ed., *The Pipe Roll of 31 Henry I, Michaelmas 1130* (hereafter *P.R. 31 Henry I*) (rev. ed.; London, 1929). Annual pipe rolls survive from A.D. 1156 onward and can be used (with caution) to illuminate the roll of 1130. Further illumination—along with some phantom images—is provided by Richard fitz Nigel's *Dialogus de Scaccario* from late in Henry II's reign.

the sheriffs and vicomtes over the famous checkered boards. Contemporary records referred to the members of these courts of audit as “barons of the exchequer,” and the title has given rise to some confusion because it suggests a body of full-time exchequer officials. Indeed, Lady Doris Stenton has referred to Henry I’s English exchequer as a “permanent financial bureau,” and Francis J. West has viewed it as “the central organ of government.”³³ Certainly, it became both in subsequent generations, but at its inception under Henry I the exchequer was merely a semiannual auditing procedure, nothing more or less than a highly effective device for increasing curial supervision over the sheriffs and vicomtes and a means of applying the latest systematic procedures to the collection of royal revenues and the dispensing of royal patronage. The exchequer was not yet a department, not yet an institution, but simply an occasion. Further, it was in essence the viceregal court meeting under special circumstances.

That Roger of Salisbury supervised both the viceregal court and the exchequer has long been understood. That other officials also served simultaneously as viceregal justices and barons of the exchequer has not. But the combined evidence of several of Henry’s charters makes it clear that the chancellor was, at least at times, a baron of the exchequer. And the panel of *justitiae regis* who in 1119 heard a plea for the exemption of Abingdon Abbey from danegeld almost certainly represents some of the exchequer barons sitting at the Michaelmas session at Winchester.³⁴ Without exception the justices in question—Roger of Salisbury; Robert, bishop of Lincoln; Ranulf the Chancellor; and Ralph Basset—are viceregency figures. An earlier passage from the Abingdon Chronicle preserves a full list of the officials who sat at the Winchester treasury during the Michaelmas exchequer session of A.D. 1111. The exchequer was so new at this point that the justices were not yet termed *barones de scaccario*, and the session itself was described as being *in thesauro* rather than *ad scaccarium*. But there can be no doubt that the account in question is the earliest recorded description of the exchequer court in action. The official regent of England, Queen Matilda, not Roger of Salisbury, presided over the court. But Roger’s name appears at the head of the list of judges, and these judges correspond remarkably to the men who assisted the queen and, later, her son in the English viceregency.³⁵ For the sake of clarity, Table 2 lists the members of the exchequer court of 1111 alongside the names of the exchequer justices of 1119 and those of the men identified with Matilda’s or with William Adelin’s regency.

Since the order in which the names appear in the Abingdon account of 1111 (and in Table 2) is doubtless indicative of the order of these officials’ impor-

³³ For *barones de scaccario*, see *Regesta Regum Anglo-Normannorum*, 2: nos. 963, 1538, 1584 (Normandy), 1741, 1879. And see Stenton, *English Justice*, 59; and West, *Justiciarship*, 19–20.

³⁴ On the chancellor, see *Regesta Regum Anglo-Normannorum*, 2: nos. 963, 1211, 1741. Also see *ibid.*, no. 1514. For the case in 1119, see *ibid.*, no. 1211. The editors propose the date of ca. September 29.

³⁵ *Ibid.*, no. 1000; and *Chronicon Monasterii de Abingdon*, 116.

tance, the common membership of viceregency and exchequer becomes all the more evident. Below the queen, six of the seven exchequer officials of 1111 were viceregency figures, and the one who was not, Thurstan the Chaplain, was a royal chaplain and a canon of St. Paul's under Bishop Richard of London. Of the remaining eight, Herbert the Chamberlain was present as custodian of the Winchester treasury, and Geoffrey Ridel as one of England's most active royal justices. As a "justiciar of all England," Geoffrey probably participated in regency courts even though his name does not occur in the handful of surviving viceregal records.³⁶ In short, a single administrative-judicial body traveled through England, hearing pleas in the king's name when he was in Normandy and sitting at the Winchester treasury at Easter and Michaelmas for the exchequer sessions. At such times its membership may have expanded to include a treasury chamberlain and perhaps some lesser figures, just as it expanded at the Brampton pleadings in 1116 to include two local sheriffs. Like all courts of its day, the members of the regency-exchequer *curia* shifted, but its core was remarkably stable. And its key figures, despite their English viceregal responsibilities, were frequent attestors of the king's charters. When Henry was in Normandy these officials served him from afar; when he was in England they were at his side.

The single surviving record of Henry I's Norman exchequer discloses a similar identity in membership between the viceregal and exchequer courts in Normandy. Among the barons of the Norman exchequer were the familiar figures of the Norman viceregency: John, bishop of Lisieux; the stewards Robert de la Haye and Robert of Courcy; and the chamberlain William of Glastonbury. One of the nonviceregency figures at the court was the Norman treasury official Robert of Évreux, whose presence paralleled that of Herbert, the treasury chamberlain, at Winchester in 1111.³⁷

As occasions rather than institutions, the exchequers had no permanent staffs. The officials of the English and Norman vicereencies, who for a time became "barons of the exchequer," met at their respective treasuries and stored their annual accounts there. Of the two treasuries, the one at Winchester was much the more important, for there Henry kept the bulk of his wealth unless he needed it in Normandy.³⁸ The Winchester treasury can be traced back to Canute's reign, but little is known of its administration until Henry I's accession. By then it was under the authority of two royal chamberlains—Herbert the Chamberlain and Robert Mauduit—both of whom were local

³⁶ Donald Nicholl, *Thurstan, Archbishop of York* (York, 1964), 7–10; and Reedy, "Were the Bassets Chief Justiciars?" 80–81. Of the remaining exchequer officials of 1111 who cannot be identified as viceregal administrators, Geoffrey of Mandeville (lord of Marshwood, Dorset) had recently been sheriff of Devon and Cornwall and possibly still was, Archdeacon Walter of Oxford appears seldom in official records and only in England, and the remaining men are altogether obscure. William of Oilli appears in no other contemporary record.

³⁷ For the one extant Norman exchequer record, see *Regesta Regum Anglo-Normannorum*, 2: no. 1584. Also see *ibid.*, nos. 1184, 1352, 1422, 1579, 1593. On Robert of Évreux, see Haskins, *Norman Institutions*, 108–10.

³⁸ For much of what follows, see C. Warren Hollister, "The Origins of the English Treasury," *EHR*, 93 (1978): 262–75.

Hampshire men only infrequently at court. But by the 1120s the two treasury chamberlainships had passed to the *curiales* Geoffrey of Clinton and William of Pont de l'Arche. Geoffrey had risen from obscurity to become a major landholder, sheriff, itinerant justice, and royal *familiaris*. William of Pont de l'Arche served off and on as sheriff in several shires and, in addition to his Winchester office, was chamberlain of the *camera curiae*, the subtreasury that traveled with the king's court.

The real master of the Winchester treasury was, of course, Roger of Salisbury himself, functioning without official title. In the mid-1120s, however, the new household office of court treasurer was created, and its authority extended beyond Winchester to all the treasuries of the Anglo-Norman state. Its first occupant was Roger of Salisbury's nephew Nigel, a frequent attestor of royal charters and the only member of his newly illustrious family to attest substantially from both sides of the Channel. His advancement to the new office represents the final step in the establishment of clearly defined curial control over the treasuries of both duchy and kingdom.

The English and Norman treasuries were depositories of records as well as wealth. Although memoranda of various kinds, now lost, doubtless accompanied the itinerant chancery, the age of major chancery records could not dawn until the chancery ceased traveling and settled down—as it did around 1200. But records had long been accumulating in the Winchester treasury. When Henry seized it in 1100 he must have found there not only Rufus's coins but the records necessary to keep them flowing in: Domesday Book with its comprehensive data on baronial holdings and the hidages and values of manors, pre-Domesday geld rolls, and records of the shire farms and of revenues owed by royal estates and towns. To these materials, Henry's own administration added the annual exchequer accounts—the English pipe rolls and Norman exchequer rolls. The king's two formal treaties with the count of Flanders, which survive in their original chancery hand, were evidently deposited at Winchester, along with early twelfth-century regional surveys that updated the Domesday information for Leicestershire, Northamptonshire, Worcestershire, and Lindsey. There is even scattered evidence that royal writs were sometimes copied and stored at Winchester.³⁹ Thus, despite the itinerant character of the king's *curia* and viceregency courts, the royal administration was beginning to store in fixed depositories the records necessary to account for what the crown was collecting and what it was granting away.

³⁹ In general, see Sally P. J. Harvey, "Domesday Book and Anglo-Norman Governance," *Transactions of the Royal Historical Society*, 5th ser., 25 (1975): 175–93. On the Norman exchequer rolls, see Thomas Stapleton, *Magni Rotuli Scaccarii Normanniae sub Regibus Angliae*, 2 vols. (London, 1840–44). For an apparent early reference (ca. 1114) to the preservation of pipe rolls, see Poole, *The Exchequer in the Twelfth Century*, 37–39; and *Regesta Regum Anglo-Normannorum*, 2: no. 1053. Richard fitz Nigel alluded to information that was available "in veteribus annalibus rotulis" of Henry I; *Dialogus de Scaccario*, 42. In ca. 1127 Henry stated that Roger of Salisbury had recognized by charter from the royal treasury ("per cartam de thesauro meo") that Plympton Priory (founded in 1121) was to be free of gelds and other levies; see *Regesta Regum Anglo-Normannorum*, 2: no. 1515. For similar evidence, see *ibid.*, no. 1488; for other types of royal charters that must surely have been on record at Winchester, see *ibid.*, nos. 1581, 1687, 1691.

THE RIGOROUS EXCHEQUER AUDITS of sheriffs' and vicomtes' accounts did much to solve the problem of controlling local officials, a problem that has beset governments in all ages. And the exchequer was not the only instrument that Henry directed to this end. By the later years of his reign the royal court exercised formidable authority over the shires and hundreds of England through a comprehensive system not only of itinerant curial justices but also of itinerant curial sheriffs. In Normandy the evidence is much thinner because all of the exchequer rolls and most of the royal charters have disappeared. But the surviving records reveal that royal justices were actively at work in the duchy and that the vicomtés of Avranches, Bayeux, Falaise, Argentan, and Exmes were governed at times by royal *familiares*.⁴⁰

How and to what extent Henry centralized English justice are matters of considerable debate. It is generally agreed that the responsibility for pleas of the crown was initially transferred from sheriffs to shire justiciars under William I or William II and that shire justiciarships became an established institution under Henry I. The institution is thought to have grown steadily throughout Henry I's reign and on into the 1150s and 1160s, dissolving only when Henry II's system of judicial eyres made shire justiciarships redundant.⁴¹ Meanwhile, so it is urged, Henry I supplemented the work of the local or shire justiciars by sending itinerant justices out from his court to hear pleas of the crown in various groups of shires. Nevertheless, as William T. Reedy has argued in his careful study of Henry I's itinerant justices, their activities were limited in scope and therefore quite unlike Henry II's "general eyres"; the king continued to exercise his jurisdiction "primarily through his local justiciarate," the history of which is marked, unfortunately, by "little concrete evidence."⁴²

Such a reconstruction of Henry I's judicial system is unsatisfactory in several respects. One is struck, to begin with, by the great proliferation of royal justices of all kinds under Henry I—justices of groups of shires, individual shires, hundreds, boroughs, and royal demesne lands.⁴³ To differentiate among these various sorts of justices can be treacherous, and a certain

⁴⁰ The *familiaris* Richard, earl of Chester, was vicomte of the Avranchin; the *familiaris* Ranulf le Meschin was vicomte of the Bessin and, after Richard of Chester's death, of the Avranchin as well; John, bishop of Lisieux, served for a time as vicomte of Falaise, Argentan, and Exmes. On the activities of royal justices in Normandy, see Haskins, *Norman Institutions*, 100; and Orderic Vitalis, *Historiae Ecclesiasticae Libri Tredecim*, 4: 439-40, 453.

⁴¹ Henry A. Cronne, "The Local Justiciar in England under the Norman Kings," *Birmingham Historical Journal*, 6 (1957): 18-38; Charles Johnson and Henry A. Cronne, *Regesta Regum Anglo-Normannorum*, 2: xvii; and Stenton, *English Justice*, 65-69.

⁴² Reedy, "The Origins of the General Eyre in the Reign of Henry I," *Speculum*, 41 (1966): 688-724. On the justices in eyre, also see Doris M. Stenton, ed., *Pleas before the King or His Justices, 1198-1212* (hereafter *Pleas, 1198-1212*), Selden Society, no. 85, vol. 3 (London, 1967): xlvi-l. On sheriffs, see W. A. Morris, *The Medieval English Sheriff to 1300* (Manchester, 1927), 41-109; and C. H. Walker, "The Sheriffs and the Pipe Roll of 31 Henry I," *EHR*, 37 (1922): 67-79.

⁴³ L. J. Downer, ed., *Leges Henrici Primi* (Oxford, 1972), 98, 132, 183, 195, 212; *P.R. 31 Henry I*, 91; Stenton, *English Justice*, 57; Orderic Vitalis, *Historiae Ecclesiasticae Libri Tredecim*, 3: 125, 4: 439-40; Kenneth R. Potter and R. H. C. Davis, eds., *Gesta Stephani* (2d ed., Oxford, 1976), 24; Naomi D. Hurnard, "Local Justice under the Norman Kings," in H. W. C. Davis, *England under the Normans and Angevins* (13th ed., London, 1949), 522-24; and Cronne, "Local Justiciar," 22.

confusion persists in the secondary literature between shire justiciars and other kinds of local justices.⁴⁴ Contemporaries had not yet developed a technical vocabulary to distinguish shire justiciars from itinerant justices: Henry addressed a writ to Aubrey de Vere and Robert of Chesney as his “justices of Norfolk,” but they were also justices in Suffolk, and Aubrey was apparently a justice at about the same time in Middlesex and Nottinghamshire; he was described by his son as “justiciar of all England.”⁴⁵ None of this would have seemed contradictory to people at the time: a “justiciar of all England,” of whom there were several concurrently, did not necessarily hear pleas in every shire or even in many shires. He simply had the authority to do so. And a writ relating to judicial business in Norfolk would be addressed to him in his capacity as justice of Norfolk, as his activities in other shires were irrelevant to the business at hand.⁴⁶

This and other evidence points to the difficulty of separating itinerant justices from shire justices. The distinction, clearly and persistently drawn by modern scholars, was not at all clear to contemporaries. Not until the 1170s was there a technical term for “itinerant justice.” Modern scholars have consistently included William of Houghton and Henry of Port among Henry I’s justices in eyre, but the surviving pipe roll shows Henry of Port hearing pleas only in Kent and William of Houghton only in Suffolk. Conversely, Geoffrey de Mandeville, earl of Essex, who has been taken by scholars as a prime example of a “local justiciar,” was granted judicial authority over three shires.⁴⁷ Although King Stephen granted Geoffrey’s judicial office “in feodo et hereditate” whereas Henry I’s justices seem to have served at the royal pleasure, this distinction is not an altogether satisfactory reason to call Geoffrey’s justiciarship “local” and those of Henry of Port and William of Houghton “itinerant.” It has been assumed that itinerant justices were sent out from the *curia regis* whereas shire justices were planted in their shires. But

⁴⁴ Cronne has recognized the danger but not always sufficiently. Having assembled evidence on every sort of English royal judicial official functioning within the confines of a shire, he has concluded that the office of “shire justiciar” was firmly established at the time of Henry I’s death; “Local Justiciar,” 32, 37–38. And Cronne and R. H. C. Davis have maintained elsewhere, “It must be assumed that every county had its local justice as a matter of course”; *Regesta Regum Anglo-Normannorum*, 3: xxiii.

⁴⁵ *Regesta Regum Anglo-Normannorum*, 2: nos. 1714, 1772, 1988. And see Richardson and Sayles, *The Governance of Medieval England*, 174. Cronne and R. H. C. Davis have identified Aubrey as a “local justice” of Norfolk and Suffolk, but Stephen’s charters are quite ambiguous on this point; compare *Regesta Regum Anglo-Normannorum*, 3: xxv, and *ibid.*, nos. 82, 416.

⁴⁶ *Regesta Regum Anglo-Normannorum*, 2: no. 1608; and Barbara Dodwell, ed., *The Charters of Norwich Cathedral Priory, Part One*, Pipe Roll Society (London, 1974), no. 99. In this royal writ relating to Norfolk, Richard Basset and Aubrey de Vere were addressed as *justicarii*; Cronne and Johnson have dated the charter “1129?” and Barbara Dodwell has suggested a date “probably not long before Michaelmas 1129,” on the grounds that Richard and Aubrey became joint sheriffs of Norfolk and Suffolk at Michaelmas 1129; see *P.R. 31 Henry I*, 90. I suggest that the charter should be dated somewhere between 1130 and 1133 and that Richard and Aubrey were sheriffs and justiciars concurrently. Norfolk was among the six shires in which Richard Basset heard pleas ca. 1129–30, and Aubrey probably began serving as an itinerant justice shortly thereafter.

⁴⁷ For *justicie errantes*, see R. C. Van Caenegem, *The Birth of the English Common Law* (Cambridge, 1973), 21. For William of Houghton and Henry of Port, see Stenton, *English Justice*, 62; Reedy, “General Eyre,” 712; and *P.R. 31 Henry I*, 65, 96. For Geoffrey de Mandeville, see Cronne and R. H. C. Davis, *Regesta Regum Anglo-Normannorum*, 3: xxiii–xxv, nos. 274, 275; Cronne, “Local Justiciar,” 21–23; and Stenton, *English Justice*, 66. Geoffrey was granted both judicial and shrieval authority over Essex, Hertfordshire, and Middlesex.

the assumption cannot be sustained when Aubrey de Vere—a heavily attesting *curialis* and joint sheriff of eleven shires—is regarded as the shire justiciar of Norfolk while Robert of Arundel—who seldom attested—is regarded as an itinerant justice in the west.⁴⁸

These problems suggest the need to revise the existing picture of Henry I's judicial system. The belief that shire justiciars, as traditionally conceived, grew and flourished throughout the reign should be reassessed. There were always, of course, minor justices working in the shires and hundreds—men such as “Benjamin” in Norfolk and Robert Malarteis in Huntingdonshire, who impleaded suspected criminals and attended to the king's judicial affairs in various other ways. There were also justiciars of individual shires, but efforts to identify them specifically have resulted in lists of men who were active only in the earlier portion of the reign, and most of the references date from its initial years. Midway through the reign their activities began to blend into those of the “itinerant justices.” Ralph Basset, whose judicial activities left their mark in at least eleven shires in the roll of 1130, had earlier been on eyre in two others: Huntingdonshire in 1116 and Leicestershire in 1124.⁴⁹ We know of his activities in these years only through isolated chronicle references, but for the period roughly from 1125 to 1130 the pipe roll provides a relatively full picture.

It could be fuller still. Several shire accounts are missing while others are incomplete or mutilated.⁵⁰ The roll may, moreover, sometimes conceal the names of itinerant justices under rubrics like “old pleas,” “pleas for breaking the peace,” or “the old pleas of Holderness.”⁵¹ Nevertheless, the roll makes it clear that between about 1125 and 1130 royal justices were at work in all or nearly all of the shires of England.⁵² Not every justice was as active as Ralph Basset (eleven shires) or Richard Basset (six shires) or Geoffrey of Clinton (eighteen shires). The names of two justices, for example, occur only in single

⁴⁸ Stenton, *Pleas, 1198–1212*, xlix; and Reedy, “General Eyre,” 720–21.

⁴⁹ R. C. Van Caenegem, “Public Prosecution of Crime in Twelfth-Century England,” in C. N. L. Brooke *et al.*, eds., *Church and Government in the Middle Ages: Essays Presented to C. R. Cheney* (Cambridge, 1976), 51–61; Richardson and Sayles, *The Governance of Mediaeval England*, 185–87; Cronne and Johnson, *Regesta Regum Anglo-Normannorum*, 2: xviii; and Cronne, “Local Justiciar,” 33. For one of many references to *judices* of the county and hundreds, see *P.R. 31 Henry I*, 97. It has been my good fortune to have access to a much fuller and more rigorous list of local justiciars; see Hoc-ming Cheung's unpublished paper, “Local Justiciars under Henry I” (University of California, Santa Barbara). For Ralph Basset, see *Anglo-Saxon Chronicle*, A.D. 1124; and Orderic Vitalis, *The Ecclesiastical History of Orderic Vitalis*, ed. and trans. Marjorie Chibnall, 4 vols. (vols. 2–5) (Oxford, 1969–75), 3: 351. Since the reference to Ralph at Huntingdon in 1116 occurs in Orderic's account of the case of Bricstan of Chatteris, Reedy has concluded that Ralph “did not hear ‘pleas’” but only one plea; “General Eyre,” 705. But Bricstan's indictment for usury and concealment of treasure was a matter of only routine interest to the *curia regis* and would surely not alone have drawn together the great court that Orderic described.

⁵⁰ The accounts for Somerset and several border shires are missing altogether; little is left of the Devon account, and an entire membrane has been lost from the Hampshire account.

⁵¹ *P.R. 31 Henry I*, 3 (“old pleas”), 101 (“old pleas of Richard Basset”), 26 (“old pleas of Holderness”), 25 (“pleas of Blyth”), 27 (“pleas of Geoffrey of Clinton and his fellows of Blyth”), 45–46 (pleas “pro pace fracta”), 74 (pleas of Geoffrey of Clinton “pro pace fracta”), etc.

⁵² Reedy has surely erred in saying that “six counties out of those reported were not visited at all”; “General Eyre,” 715 n. 164. The pipe roll cannot be used to prove that shires were not visited. Of Reedy's six, Hampshire has only a partial account and Rutland was not a shire in 1130. The accounts for all six include entries that could well refer to the pleas of itinerant justices, even though they are unnamed.

shires, though the scope of their activities may well have been larger.⁵³ But taken together the pipe roll and charter evidence reveal that shire justiciars had evolved by the 1120s into justices with larger responsibilities—men who would have been described by a later generation as “justices in eyre.”⁵⁴ The eyre system appears to have collapsed with Roger of Salisbury’s arrest and death in 1139, and it was replaced by shire justiciarships and earldoms in the time of civil war that followed. King Stephen granted justiciarships of shires or small groups of shires, sometimes on a hereditary basis, to notables such as the earls of Essex and Lincoln and the bishop of Lincoln as well as to lesser men.⁵⁵ Finally, a decade or two into Henry II’s reign, the shire justiciarship was swallowed up by the judicial eyres and vanished.⁵⁶ I contend that the shire justiciarship was already dissolving under Henry I—and for the same reason.

Henry’s policy toward his sheriffs followed a similar pattern. Shrievalties and justiciarships underwent parallel transformations as the king and his *curia* tightened their control. Generally speaking, Henry turned away from his father’s policy of appointing magnates as sheriffs and instead appointed less exalted, more pliable men. Sheriffs were shuffled constantly in and out of shires, and as his reign progressed Henry increasingly tended to appoint *curiales* to the office. The pipe roll of 1130 discloses an extraordinary experiment in centralization: two of Henry’s most trusted curial administrators, Richard Basset and Aubrey de Vere, were by then joint sheriffs of no less than eleven shires, while many of the remaining shires were in the hands of *curiales* such as the constable Miles of Gloucester and the treasury chamberlains Geoffrey of Clinton and William of Pont de l’Arche. All but the last of these men were active concurrently as itinerant justices and were sometimes to be found on judicial eyres in the very shires that they held as sheriffs (see Table 3).⁵⁷ Indeed, the joint sheriffs Basset and Vere were, to all intents and purposes, “sheriffs in eyre.” They did not farm their shires in the traditional manner but seem to have functioned instead as *custodes*, responsible to the king

⁵³ We know of William of Houghton’s activity in Suffolk through only a single entry, recording what appears to be a rather old debt; *P.R.* 31 *Henry I*, 96. But a charter of ca. 1127 shows him working as a royal justice in Bedfordshire; *Regesta Regum Anglo-Normannorum*, 2: no. 1505. Geoffrey of Clinton’s work in Sussex is likewise enshrined in a single, barely legible entry in the roll; *P.R.* 31 *Henry I*, 69.

⁵⁴ The single known exception to this trend was Henry I’s charter to the citizens of London (ca. 1133) that granted to them the privilege of electing a justice to supervise crown pleas and pleadings in London and Middlesex; *Regesta Regum Anglo-Normannorum*, 2: no. 1645. Although the authenticity of this charter has recently been questioned, I continue to regard it as a genuine act of Henry I.

⁵⁵ Cronne and R. H. C. Davis, *Regesta Regum Anglo-Normannorum*, 3: xxiv–xxv, nos. 276, 472, 490. In this last writ (A.D. 1154) Stephen conceded to Robert of Chesney, bishop of Lincoln, “justitiam meam . . . de Lincolnescira” as fully as it had been enjoyed by his predecessors Robert Bloet and Alexander. The pipe roll of 1130 shows that pleas were held in Lincolnshire by Ralph Basset, Geoffrey of Clinton, William of Albany *Brito*, and Richard Basset, but not by Bishop Alexander. Also see the reference to “the pleas of the bishop of Lincoln” in the Lincolnshire account for 1155; Joseph Hunter, ed., *The Great Roll of the Pipe for the Second, Third, and Fourth Years of the Reign of Henry II*, Record Commission (London, 1844), 26.

⁵⁶ Stenton, *English Justice*, 68. The eyres of Henry II’s later years were not, however, “general eyres” in the sense in which Reedy has understood the term.

⁵⁷ Morris, *The Medieval English Sheriff*, 75–104. Miles of Gloucester was both sheriff and itinerant justice in Gloucestershire and Staffordshire, Richard Basset was joint sheriff and justice in Hertfordshire, Leicestershire, Norfolk, and Suffolk, and Geoffrey of Clinton did the same double duty in Warwickshire.

TABLE 3
Sheriffs and Royal Justices

<i>Shires</i>	<i>Sheriffs (1129-30)</i>	<i>Royal Justices (c. 1124-30)</i>
Beds.:	Richard Basset* & Aubrey de Vere*	Geoff. of Clinton*
Berks.:	Wm. of Pont del'Arche*	Geoff. of Clinton*; Ralph Basset*
Bucks.:	Richard Basset* & Aubrey de Vere*	Geoff. of Clinton*; Ralph Basset*
Cambs.:	Richard Basset* & Aubrey de Vere*	? ? ? ^a
Cornw.:	Geoff. of Furnell	(?) Robt. Arundel
Cumb.:	Hildred of Carlisle	Walter Espec/Eustace fz. John*
Derby.:	Osbert Silvan	Geoff. of Clinton*; Ralph Basset*
Devon.:	Geoff. of Furnell	Robt. Arundel
Dorset.:	Warin	(?) Robt. Arundel
Essex.:	Richard Basset* & Aubrey de Vere*	Geoff. of Clinton*
Glous.:	Miles of Gloucester*	Miles of Gloucester*/Payn fz. John*
Hants.:	Wm. of Pont del'Arche*	? ? ? [membrane missing from P. R. 1130]
Heref.:	(?) Payn fz. John*	(?) Payn fz. John* [missing from P. R. 1130]
Herts.:	Richard Basset* & Aubrey de Vere*	Richard Basset*
Hunts.:	Richard Basset* & Aubrey de Vere*	Geoff. of Clinton*
Kent.:	Rualon of Avranches	Geoff. of Clinton*; Henry of Port
Leics.:	Richard Basset* & Aubrey de Vere*	Ralph Basset*; Richard Basset*
Lincs.:	Rayner of Bath	Geoff. of Clinton*; Richard Basset*; Ralph Basset*; Wm. of Aubigny <i>Brito</i> *
Mdsx.:	Four Londoners	Ralph Bassett*
Norf.:	Richard Basset* & Aubrey de Vere*	Geoff. of Clinton*; Richard Basset*; Ralph Basset*
Northants.:	Richard Basset* & Aubrey de Vere*	Geoff. of Clinton*
Northumb.:	Odard of Bamborough	Walter Espec/Eustace fz. John*
Notts.:	Osbert Silvan	Geoff. of Clinton*; Ralph Basset*
Oxford.:	Robt. of Chesney	? ? ?
Rutland.:	Wm. of Aubigny <i>Brito</i> ^b	? ? ?
Salop.:	Payn fz. John*	(?) Payn fz. John* [missing from P. R. 1130]
Somers.:	Warin	? ? ? [missing from P. R. 1130]
Staffs.:	Miles of Gloucester*	Geoff. of Clinton*; Miles of Gloucester*; Payn fz. John*
Suffolk.:	Richard Basset* & Aubrey de Vere*	Geoff. of Clinton*; Wm. of Houghton; Richard Basset*; Ralph Basset*
Surrey.:	Richard Basset* & Aubrey de Vere*	Geoff. of Clinton*; Ralph Basset*
Sussex.:	Hugh of Warelville	Geoff. of Clinton*; Richard Basset*
Warwics.:	Geoff. of Clinton*	Geoff. of Clinton*
Wilts.:	Warin	Geoff. of Clinton*; Ralph Basset*; (?) Robt. Arundel
Worcs.:	(?) Walter of Beauchamp	? ? ? [missing from P. R. 1130]
Yorks.:	Bertram of Bulmer	Geoff. of Clinton*; Ralph Basset*; Walter Espec/Eustace fz. John*

NOTE: An asterisk (*) designates a *curialis*.

^a Richard Basset and Aubrey de Vere were serving as royal justices in Cambridgeshire sometime between 1133 and 1135; see E. O. Blake, ed., *Liber Eliensis* (London, 1962), 287-88.

^b Rutland was not regarded as a "shire" in 1130; William of Aubigny *Brito* was responsible for its farm but was not, strictly speaking, its "sheriff."

for the whole of the royal revenues.⁵⁸ This intense degree of curialization may have been relaxed slightly during the closing years of the reign, but the sheriffs remained to the end under the strictest royal control.

SUCH ARE THE CONTOURS of Henry I's administrative machine. At its center was the itinerant royal *curia* of household officials and *familiares*. Ranging outward were the English and Norman vicereencies with their semiannual exchequer sessions, and the fixed treasuries with their chamberlains, coins, and records. At the grassroots level were the sheriffs, vicomtes, and local justices whose responsibilities, at least in England,⁵⁹ passed more and more under the expert supervision of *curiales* exercising authority over large regions. Overall, the reign was marked by an ever-increasing concentration of authority in the hands of an elite group of *curiales* who gave the system its cohesion.

The growth of curial control can be examined with some precision by making a comprehensive survey of attestations of royal charters. Use of this methodology has helped establish that members of the English viceregency court were very seldom in Normandy and vice versa.⁶⁰ The same technique helps identify the royal *curiales*—that is, men whose attestations demonstrate frequent participation in the king's court. For the purposes of this analysis, I have arbitrarily limited the term *curialis* to the thirty-one men active in 1130 who attested surviving authentic charters at the rate of at least two per year, and to a group of twenty-four active in 1111 who attested one and one half or more charters per year.⁶¹ Table 4 ranks these *curiales* in descending order of attestations made per year. These criteria thus enable us to measure the intensity of curial control over Henry's administration in 1130, when the pipe roll casts its shaft of light.

The results are these: of the seven justices in eyre whose responsibilities are known with certainty to have extended beyond a single shire, six were *curiales* (see Table 3). As a consequence of the great centralization of shrievalties disclosed by the surviving pipe roll, *curiales* served as sheriffs in over half of the English shires.⁶² Of the fifteen justices of the 1111 exchequer court, the first eight (presumably listed in order of importance) were all *curiales* or household officials or both, and the four (exchequer?) justices of 1119 were all *curiales*. The only extant record relating to the Norman exchequer discloses the same

⁵⁸ J. H. Round, *Geoffrey de Mandeville* (London, 1892), 297-98; and *P.R.* 31 *Henry I*, 63.

⁵⁹ The disappearance of all Henry I's Norman exchequer rolls leaves the situation in Normandy unclear. A passage from the Troarn cartulary shows the "king's justice" William Tanetin first sitting at Caen with John of Lisieux and later settling the case on his own; Haskins, *Norman Institutions*, 98.

⁶⁰ See pages 871, 873, and Tables 1, 2, above.

⁶¹ I have not calculated raw totals but totals divided by the span of years across which a person is known to have attested: Roger Bigod, who attested 59 royal charters over seven years, must be regarded as a more active *curialis* than William of Warenne who attested 69 royal charters over thirty-three years. In my calculations of overall appearances at court I have not made allowances for the greater survival rate of English to Norman charters, and the court appearances of predominantly Norman attestors have therefore been systematically underestimated.

⁶² Eighteen or nineteen of the thirty-five reported shires were in the hands of *curiales*; see Table 3. The noncurial sheriffs of 1130 are minor or middling landholders and administrative functionaries.

TABLE 4
The Most Frequent Attestors of Royal Acts

Rank	Attestors Active in A.D. 1111				Attestors Active in A.D. 1130					
	Name	Total Attested	Year Range	Av./ Yr.	Name	Total Attested	Year Range	Av./ Yr.		
1.	Ranulf, Chancellor	168	XE	07-22	11.5	Geoffrey, Chancellor	115	XE	23-33	11.5
2.	Roger, bp. of Salisbury	247	E	00-35	7.1	Roger, bp. of Salisbury	247	E	00-35	7.1
3.	Robt., bp. of Lincoln	155	E	00-23	6.7	Robt. <i>de Sigillo</i>	95	X	21-35	6.8
4.	Robt., ct. of Meulan	113	XE	00-18	6.3	Henry, bp. of Winchester	23	E	29-33	5.8
5.	Nigel of Aubigny	148	XE	01-29	5.3	Robt., e. of Gloucester	79	X	21-35	5.6
6.	Eudo the Steward	68	XE	00-15	4.5	Humphrey of Bohun	27	X	30-35	5.4
7.	Geoffrey of Clinton	90	X	10-32	4.1	Miles of Gloucester	43	E	26-35	4.8
8.	Wm. of Tancarville	89	X	07-29	4.0	Geoffrey of Clinton	90	X	10-32	4.1
9.	Queen Edith-Matilda	65	E	00-18	3.6	Brian fitz Count	41	XN	25-35	4.1
10.	Wm. of Aubigny <i>Pincerna</i>	120	X	00-35	3.4	Robt. de Vere	49	X	21-35	3.5
11.	Geoffrey fitz Payn	74	XN	11-35	3.1	Nigel the Treasurer	22	X	26-35	3.4
12.	John, bp. of Lisieux	69	N	07-35	2.5	Wm. of Aubigny <i>Pincerna</i>	120	X	00-35	3.4
13.	Hamo the Steward	72	XE	00-29	2.5	Hugh Bigod	47	X	21-35	3.4
14.	Henry, e. of Warwick	39	E	00-18	2.2	Thurstan, apb. of York	62	X	14-33	3.2
15.	Ralph Basset	41	E	10-29	2.2	Geoffrey fitz Payn	74	XN	11-35	3.1
16.	Wm., bp. of Winchester	57	XE	00-27	2.1	Payn fitz John	60	XE	15-35	3.0
17.	Wm. of Warenne ^a	69	X	00-35	2.1	Richard Basset	27	E	26-35	3.0
18.	Richard, bp. of London	23	E	08-21	1.8	Wm., abp. of Canterbury	35	XE	23-35	2.9
19.	Walter of Gloucester	31	E	10-28	1.7	Wm. of Pont de l'Arche	35	X	21-33	2.9
20.	Geoffrey, abp. of Rouen	29	XN	11-28	1.7	Hugh, abp. of Rouen	17	N	29-35	2.8
21.	Gilbert of Laigle	29	XE	01-18	1.7	Alex., bp. of Lincoln	34	E	23-35	2.8
22.	Wm., bp. of Exeter	30	XE	07-25	1.7	Bernard, bp. of St. David	52	X	15-35	2.6
23.	Ranulf, bp. of Durham	43	XE	01-27	1.7	Aubrey de Vere	36	XE	21-35	2.6
24.	Nigel of Oilli	23	E	01-16	1.5	John, bp. of Lisieux	69	N	07-35	2.5
25.						Audoin, bp. of Évreux	39	N	19-35	2.4
26.						Eustace fitz John	26	E	21-33	2.2
27.						Wm. of Warenne ^a	69	X	00-35	2.1
28.						Wm. of Aubigny <i>Brito</i>	30	E	20-35	2.0
29.						Robt. de la Haye	38	N	16-35	2.0
30.						John fitz Gilbert	12	X	29-35	2.0
31.						Robt., bp. of Hereford	8	E	31-35	2.0
32.						Wm. fitz Odo	26	N	21-35	1.9
33.						John, bp. of Sées	18	N	25-35	1.8
34.						Gilbert, bp. of London	7	E	29-33	1.8
35.						Robt. of Courcy	37	XN	13-35	1.7
36.						Wm. Martel	8	X	28-33	1.6
37.						Waleran, ct. of Meulan ^b	14	X	19-35	1.6
38.						Robt., e. of Leicester	23	X	20-35	1.5

NOTE: Under total royal acts attested, E = 91-100 percent English attestations; XE = 81-90 percent English; X = 51-80 percent English; XN = 50-64 percent Norman; N = 65-100 percent Norman. (Some adjustment has been made for the greater survival expectancy of charters from England; pre-1106 charters have been excluded from the English versus Norman analysis.)

^a William of Warenne was exiled from England between 1101 and 1103, and these years have been omitted from the calculation of the average.

^b During the years 1122-28 Waleran, count of Meulan, was first a rebel, then a captive, and those years have been omitted from the calculation of the average.

concentration of authority in the hands of household officials and *curiales*.⁶³ The principal Norman regents—John, bishop of Lisieux, and the steward Robert de la Haye—were both *curiales*. So was Roger of Salisbury, along with the more active of his associates in the English viceregency.⁶⁴ The Winchester treasury chamberlains in 1130 were both *curiales*, as was Nigel the Treasurer, and Henry I had the Winchester treasury audited that year by two more *curiales*: his own well-educated bastard Robert, earl of Gloucester, and Brian fitz Count, royal constable and lord of Wallingford.⁶⁵ The treasury audit reveals that Henry's *curia* supervised not only England and Normandy but itself as well. The power of the *curiales* was not unlimited, and administrative lapses could bring swift reprisals. Aubrey de Vere was fined for permitting a prisoner to escape his custody; Robert, bishop of Lincoln, who had somehow fallen from royal favor toward the end of his career, lost his tax exemptions and lawsuits along with his influence; and Geoffrey of Clinton was put under arrest for a time.⁶⁶ Yet as a group these men basked in the king's favor and prospered enormously. They were the chief technicians and the chief beneficiaries of Henry's administrative machine. By 1130 they ran nearly everything.

What sort of people were they? Historians have previously stressed Henry's policy of creating new men—"raised from the dust," as Orderic Vitalis put it. But the reality is more complex. There is abundant evidence to document Henry's favor toward old Conquest families: Beaumont, d'Avranches, Warrenne, Clare, Boulogne, and others. Conversely, the lands of certain other Conquest families were forfeited to the king on grounds of treason: Montgomery, Mortain, Grandmesnil, Abitôt, Lacy, Montfort, Malet. These forfeitures, usually ascribed to Henry's "ruthlessness," can more usefully be viewed as the final phase of a prolonged process of shuffling and reshuffling that constituted the post-Conquest land settlement—a process that involved repeated confiscations and new grants across the years between 1066 and about 1113.⁶⁷ Thereafter, the English holdings of baronial families became steadily more secure and entrenched. Henry's *curiales* included members of Conquest fami-

⁶³ Compare Tables 1 and 4, above.

⁶⁴ Robert of Lincoln, Richard of London, Ranulf the Chancellor, Walter of Gloucester, and Ralph Basset were all in the curial group; see pages 875, 879–80, above, and compare Tables 2 and 4, above.

⁶⁵ *P.R. 31 Henry I*, 130.

⁶⁶ Southern, *Medieval Humanism*, 217–19, 224–25; and *P.R. 31 Henry I*, 53.

⁶⁷ Orderic Vitalis, *The Ecclesiastical History*, 5: 296. Henry attempted to marry one of his bastard daughters to William of Warenne, earl of Surrey, and later granted him the strategic fief of Saint-Saens in Normandy; C. Warren Hollister, "The Taming of a Turbulent Earl: Henry I and William of Warenne," *Reflexions Historiques*, 3 (1976): 83–91. The king likewise offered his sister-in-law, Mary of Scotland, in marriage to William, count of Mortain and earl of Cornwall; on William's refusal Mary was wed to Eustace, count of Boulogne, another great landholder in England; *ibid.*, 85. Henry, earl of Warwick, and Robert, count of Meulan, as well as various members of the Clare family grew wealthier through Henry's favor; one bastard son of Hugh d'Avranches, earl of Chester, was raised to an abbacy and another, Othuer, was given extensive lands and a wealthy widow in marriage; Hollister, "Mandeville," 21–24. Great magnates had been dispossessed by Henry I's predecessors in 1075, 1082, 1088, and 1095. For a discussion of the gradual nature of the post-Conquest land distribution, see Le Patourel, *Norman Empire*, 40–45; and, for a demonstration of tenurial stabilization in the second half of Henry I's reign, see Gena de Aragon's unpublished analysis, "The Growth of Secure Inheritance in Norman England" (University of California, Santa Barbara).

lies—Warenne, Bigod, and Beaumont—as well as great landholders more recently enriched—Robert of Gloucester and Brian fitz Count, “new men” to be sure, yet hardly “raised from the dust.” Besides the princely bastards Robert and Brian, the curial group included men of more obscure origins, several of whom Henry had elevated to magnate status by granting them lands and heiresses: Eustace and Payn fitz John, Miles of Gloucester, Geoffrey of Clinton, Richard Basset, and others. The group likewise included great prelates: the archbishops of Canterbury, Rouen, and York and the bishops of Lincoln, Winchester, St. David’s, Évreux, and, of course, Lisieux and Salisbury. Many of these curial prelates had themselves risen from the dust—most notably Roger of Salisbury and his nephew, Alexander of Lincoln. But, although the meteoric ascent of such men provoked some contemporary comment and grumbling, Henry’s policy was not simply to put down magnates and elevate new men in their places. The scattering of the post-Conquest estates presented him with the opportunity of cajoling and manipulating magnates with rewards and punishments similar to those applied to men of less exalted status.⁶⁸ Henry astutely arranged it that a great many of his wealthiest landholders were also royalists and *curiales*, and he accomplished this feat both by making magnates of his *curiales* and by making *curiales* of his magnates—luring them into his court and administration.

Accordingly, it is altogether misleading to view Henry’s *curiales* as a clique of smallholding royal administrators pitted against the great landholders. On the contrary, the *curia* included a good percentage of England’s wealthiest lay and ecclesiastical tenants-in-chief, some of whom had been reared from childhood in Henry’s court or elevated to prelacies from the staff of royal chaplains.⁶⁹ By 1130, at least half of the ten wealthiest English landholders were also the king’s *curiales*. This meld of wealth and service helps explain the *curiales*’ remarkable hold on Anglo-Norman administration and politics and the absence of serious opposition to Henry’s government in England. It also suggests a major qualification to the traditional notion of competition among honorial, ecclesiastical, and royal jurisdictions; for many of Henry’s wealthiest barons and prelates were also among his more active *curiales*. Drawn to the king’s side by the tug of their own ambitions, the *curiales* were, with rare exceptions, devoted royalists. They viewed the advancement of Henry’s interests and their own as two sides of the same coin. Long after Henry’s death Gilbert Foliot reminded the curial magnate Brian fitz Count of the “good and golden days” when King Henry “reared you from boyhood, educated you, knighted you, enriched you.”⁷⁰

⁶⁸ See, for example, Hollister, “Taming of a Turbulent Earl,” 83–91.

⁶⁹ On the royal chaplains’ near monopoly of major prelacies during much of the reign, see M. Brett, *The English Church under Henry I* (Oxford, 1975), 104–12.

⁷⁰ Gilbert Foliot, *The Letters and Charters of Gilbert Foliot*, ed. Adrian Morey and Christopher Brooke (Cambridge, 1967), 61; and Southern, *Medieval Humanism*, 220 (Southern’s translation).

HENRY I'S REIGN CONTRIBUTED MUCH to the development of English medieval institutions: it witnessed the origin of the exchequer and justices in eyre, and the concentration in Roger of Salisbury's hands of authority over exchequer, judicature, and viceregency—an authority that prefigured the later chief justiciarship. But subsequent kings, despite the machine's steady growth, had less success with it than Henry I. He was solvent, they were not—at least from the thirteenth century on. He kept the peace as few of them were able to do. And he achieved it not simply by developing the new administrative machinery but by placing it firmly under the control of some twenty or thirty *curiales*. In their hands the machine kept the treasury full for the defense of the Anglo-Norman state against domestic and foreign enemies. Just as important, it enabled Henry I to tighten his hold on his dominions and to enforce royal justice as never before.

PHILIP AUGUSTUS

IN 1165 KING LOUIS VII dubbed his newly born son, Philip, “Dieudonné” (given by God). After thirty years God had finally answered the king's prayers for a male heir. But the contemporary royal historian, Rigord of Saint-Denis, provided the sobriquet—“Augustus”—and the explanation that have survived to the present. Philip earned the title, Rigord declared, by “augmenting” the realm and its revenues as had the ancient Caesars.⁷¹ Philip inherited from his father a minuscule royal domain, popularly called the Ile-de-France, with centers at Orléans, Paris, and scattered points to the northeast of Paris. By marriage negotiations he gained the territories of Vermandois, Picardy, and Artois reaching northeast to the borders of Flanders. (The acquisition of Vermandois first prompted Rigord to invent the sobriquet.) By force of arms Philip expelled the English from northwestern France, driving them south of the Loire valley. Although the French kings could not maintain their hold on all of this land, the great duchy of Normandy was permanently annexed, which brought the royal domain to at least three—and perhaps four—times its former size. Philip confirmed these acquisitions by decisive victories on the battlefields of Roche-au-Moine and Bouvines in 1214.

In contrast to these dramatic territorial gains, the concomitant governmental adjustments to accommodate the new lands went virtually unperceived by contemporary chroniclers, including the royal historians. On Philip's death in 1223 Rigord's continuator, William the Breton, assessed the reign in traditional eulogistic language. Not only had the king marvelously broadened the rights and power of the French kingdom and filled the royal treasury, as Rigord had stated, but Philip had also pacified the great magnates and defended the churches.⁷² The great changes in administration found

⁷¹ Rigord, *Gesta Philippi Augusti*, in Henri-François Delaborde, ed., *Oeuvres de Rigord et de Guillaume le Breton*, 2 vols. (Paris, 1882–85), 1: 6–7.

⁷² William the Breton, *Gesta Philippi Augusti*, in Delaborde, *Oeuvres de Rigord et de Guillaume le Breton*, 1: 323.

no place in William's traditional panegyric, nor were they noticed by other chroniclers. The chroniclers took note of the most active and responsible of the king's ministers only after they had long been in power. Yet Philip Augustus and his ministers refashioned the government in ways comparable to those of Henry I and his *curiales*.⁷³

THE TRADITIONAL REGIME THAT PHILIP INHERITED included the distinctive features of an ambulatory court and fixed local officials. Like all medieval kings, Philip was constantly on the move accompanied by his entourage. The life of the tent, the wagon, and the packhorse was prompted by his need to fight battles, to administer justice, to supervise his domain, to be seen by his subjects, and sometimes even to be fed. Philip drew up lists of one hundred towns, bishoprics, abbeys, and manors that owed him annual hospitality. While the greatest number were concentrated in the old domain, these sites extended north to Saint-Riquier and Arras, west to Tours, south to Saint-Pourçain and Clermont, and east to Châlons-sur-Marne.⁷⁴ Whether Philip actually visited every locality on the list each year or occasionally accepted money in place of the visit (a dignified form of blackmail), he regularly circulated throughout his domain. No surviving document comparable to the English *Constitutio domus regis* describes the duties and wages of the French royal household, but the witness lists of royal charters show that the household, following the Carolingians, had the five traditional officers: the seneschal, the chamberlain, the butler, the constable, and the chancellor.⁷⁵ Originally appointed to perform domestic duties, the household officers had assumed governmental responsibilities long before Philip's reign. By the late twelfth century, however, these offices had become largely honorific and overshadowed by the king's swelling entourage, which, like Henry's, included members of the royal family, great barons and prelates on business with the court, lords and ecclesiastics from the vicinity through which the court was passing, and a great host of lesser figures who were designated simply as knights of the king (*milites regis*) and clerks of the king (*clerici regis*).

While the names and functions of Henry's entourage can be reconstructed from attestations to royal charters, those of Philip's court cannot be established with equal precision because his charters had become formalized and were attested only by the traditional five household officers whose names obscured all others attending court. Other evidence, however, suggests that the main work of Philip's court was performed by lesser men, especially the

⁷³ For the principal work on Philip Augustus, based almost exclusively on chronicle sources, see Alexander Cartellieri, *Philipp II. August, König von Frankreich*, 5 vols. in 4 (Leipzig, 1899–1922). For an early study of Philip's government, see Williston Walker, *On the Increase of Royal Power in France under Philip Augustus, 1179–1223* (Leipzig, 1888).

⁷⁴ Register A, Vatican, Ottoboni Lat. MS 2796, ff. 78v–79r; and Register E, Archives Nationales, Paris [hereafter AN], MS JJ 26, f. 302v. On the royal right to hospitality in general, see Carlrichard Brühl, *Fodrum, gistum, servitium regis* (Graz, 1968); and, for the Capetians specifically, see *ibid.*, 240–309.

⁷⁵ Léopold Delisle, *Catalogue des actes de Philippe Auguste* (Paris, 1856), lxxviii–lxxxviii.

chamberlains and the chancery clerks. In contrast to the now-honorific chamberlain of the royal household, these lesser chamberlains were actively engaged in royal affairs. Since they served in the king's bedchamber where valuables and treasures were kept, they often undertook financial duties, particularly the management of the royal domain.⁷⁶ When Philip Augustus allowed the household office of the chancellor to fall vacant in 1185, lesser clerks of the chancery carried on its essential work. Analyzing the handwriting of the French chancery as T. A. M. Bishop did for its English counterpart, the paleographer Françoise Gasparri has been able to distinguish seventeen different scribes during the forty-three years of Philip's reign, of whom no more than five or six worked simultaneously.⁷⁷ The French chancery was comparable in size to that of Henry I, and it produced the diplomata, charters, letters, and other documents essential to keep the government in operation. Within the chancery and the chamber, however, there is little evidence of definition of functions, specialization of tasks, or subordination of command. Again like the English, the French court consisted of a sizable but unstructured group of men around the king who did his bidding and sought his favor.

The other constant feature of the English and French monarchies was the local official rooted in his jurisdictional territory. Like the Norman vicomtes and English sheriffs of Henry I, the prévôts of Philip Augustus were well established in the Capetian royal domain by the twelfth century.⁷⁸ Following a medieval reluctance to discard any established institution, these officials remained at the foundation of local administration despite the addition of new agents. The prévôt was primarily a domanial agent, responsible for collecting the royal domain's produce and rents to which he added monopolies, tolls, exactions, and other rights productive of income. All domanial revenue was paid as a farm—that is, as an annual, fixed sum that was due the king regardless of the actual amount the prévôt collected. The farms were usually set low in order to allow the domanial agent a profit and to protect him against unfavorable years. Although not an efficient method for exploiting the domain, the system did ensure a fixed and calculable income for the king. In addition to these financial duties, the prévôts also had public responsibilities: garrisoning the castles, summoning the feudal levies, executing royal commands, and, most importantly, administering justice. In the prévôt's court, men of the region could plead their cases; this service the king was only too

⁷⁶ Philip's lesser chamberlains included Walter the Chamberlain and his two sons, Ursio and Walter the Younger; Peter, Gervais, and John from the Tristan family; and other minor figures, such as Renaud and Odo. For their financial functions, see page 894, below.

⁷⁷ Gasparri, *L'écriture des actes de Louis VI, Louis VII, et Philippe Auguste* (Geneva, 1973), 73–78. Philip's chancery had achieved such standardization that the different writing hands may be considered as types, thus obscuring individual scribes. On this point, see W. Prevenier, "L'écriture des actes des rois de France de 1108 à 1223, à propos d'un ouvrage récent," *Revue belge de philologie et d'histoire*, 54 (1976): 518–19.

⁷⁸ Achille Luchaire, *Histoire des institutions monarchiques de la France sous les premiers Capétiens (987–1180)*, 1 (2d ed., Geneva, 1891): 225–34; and Henri Gravier, "Essai sur les prévôts royaux du XI^e au XIV^e siècle," *Nouvelle revue historique de droit français et étranger*, 27 (1903): 539–74, 648–72, 806–74.

glad to offer because of the fines, confiscations, and other “profits of justice” it produced.

To keep track of this domanial income, records were required. Although the information about early Capetian records is not as clear as that about Anglo-Norman records, we presume that Philip Augustus received documents from his predecessors similar to Henry I’s records of shire farms and other local assessments. This presumption receives confirmation in Philip’s embarrassing loss of his baggage to King Richard I in the famous ambush at Fréteval in 1194. Philip was relieved not only of great treasure (about which medieval chroniclers loved to embroider the details) but also of certain important documents. According to William the Breton the latter included fiscal accounts, domanial charters (*scripta tributorum fiscique cyrographa*), inventories of payments (*tributa*), rents (*census*), tolls (*vectigalia*), and other domanial records.⁷⁹ Moreover, that a chamberlain, Walter the Younger, was charged with reconstituting the lost records suggests that they had originally emanated from the royal chamber. Inasmuch as these documents were products of a domanial economy, long since in operation, there is little reason to doubt that such records predated Philip’s reign.

Since a court constantly moving about in wagons was hardly suitable for safekeeping hoards of money, the treasury was the first institution of royal government to become stabilized and protected in strong castles. Like Henry, Philip inherited an established treasury from his predecessors. As early as 1146 the Capetians deposited their wealth at the tower of the Templars outside the walls to the north of Paris.⁸⁰ When the Knights Templars began to operate as bankers after the Second Crusade, the French kings were able to take advantage of these facilities not only to safeguard their treasure but also to transfer funds wherever needed. One Knight Templar, Brother Haimard, served as Philip’s treasurer throughout the latter half of the reign.

Because the underlying features of inherited government were fixed local agents and an ambulatory court, the basic flow of government among the early Anglo-Normans and Capetians was from the court to the countryside. The king and his entourage traveled incessantly throughout the realm to hear pleas, inspect the domain, and receive revenue. As long as the realm was small and delimited, the system was workable. Just as the conquest of Normandy accelerated the tempo of Henry’s movements after 1106, the acquisition of Vermandois, Picardy, Artois, and Normandy made increasing demands on Philip. For both kings, therefore, rapid territorial expansion required new or augmented governmental machinery. There was, however, one essential difference between the two realms: the Channel—not a negligible body of water—divided Henry’s lands; no such separation split Philip’s. Although C. Warren

⁷⁹ Henri-François Delaborde, Charles Petit-Dutaillis, and Jacques Bousard, eds., *Recueil des actes de Philippe Auguste, roi de France*, 3 vols. (Paris, 1916–66), 1: vi–vii, 2: vi–ix; and William the Breton, *Philippidos libri XII*, in Delaborde, *Oeuvres de Rigord et de Guillaume le Breton*, 2: 118–21.

⁸⁰ Léopold Delisle, “Mémoire sur les opérations financières des Templiers,” in *Mémoires de l’Institut National de France, Académie des Inscriptions et Belle-Lettres*, 33, pt. 2 (Paris, 1889): 1–64.

Hollister is doubtless correct in emphasizing that Henry considered England and Normandy to be one *regnum*, a real and practical division nonetheless separated the two parts.⁸¹ When Henry visited one part, he was necessarily away from the other, and this absence stimulated the growth of bureaucratic machinery and record-keeping. Governmental continuity required records and written communication with the absent king. By contrast, the French king rarely left his kingdom except to participate in crusades. Yet this brief exception illustrates the rule: when Philip left in 1190 for eighteen months on the Third Crusade, he issued an ordinance for governing the domain during his absence.⁸² And this document contains the first extant, comprehensive view of Capetian government and provides the earliest evidence for the emergence of bureaucratic machinery.

AN EXPANDED DOMAIN LED PHILIP AUGUSTUS to produce four innovations, matching those of Henry I: fixed archives, a financial court of audit, traveling justices, and a viceregency. That the early Capetians practiced some rudimentary form of record-keeping is indicated by the losses at Fréteval, but no evidence suggests how such records were preserved beyond their transport in the royal baggage. Louis VII may have kept some documents at the Parisian abbey of Saint-Victor, because of the close relationship between the royal court and that house. Louis did give his incoming letters to his retiring chancellor, Hugh of Champfleuri, who had them copied into a book kept at Saint-Victor. But the chancery did not regularly maintain its own records at the royal court, because the letter book of Saint-Victor was never a part of the royal archives.⁸³ What documents Philip actually lost in 1194 is debatable, but it is certain that after that very date the king began systematically to collect his incoming charters and probably deposited them at the royal palace at Paris, as Henry I did at Winchester. These archives constitute the origin of the Trésor des Chartes, a collection that survives to this day, which was named after the building in which it was later housed.⁸⁴ Ten years after the establishment of these royal archives, a scribe in the French chancery copied into a book a series of documents of interest to the royal court. Because they were not placed in any particular order, other scribes added material wherever they found space. By 1212 the book had become so unwieldy that another

⁸¹ For the increased tempo of Henry I's movements, see John Le Patourel, *The Norman Empire* (Oxford, 1976), 124–25. For the unity of the Anglo-Norman *regnum*, see Hollister, "Normandy, France, and the Anglo-Norman Regnum," *Speculum*, 51 (1976): 202–42; and Le Patourel, *The Norman Empire*, 124.

⁸² Delaborde, *Recueil des actes de Philippe Auguste*, 1: no. 345.

⁸³ Vatican, Reg. Lat. MS 179; Achille Luchaire, "Étude sur quelques manuscrits de Rome et de Paris," *Université de Paris, Bibliothèque de la Faculté des Lettres*, 8 (1899): 31–39; and Françoise Gasparri, "Manuscrit monastique ou registre de chancellerie? À propos d'un recueil épistolaire de l'abbaye de Saint-Victor," *Journal des savants* (1976), 131–40.

⁸⁴ That Philip began his collection in 1194 can be demonstrated by arranging the contents of the present Trésor des Chartes chronologically and eliminating the known posterior additions. Prior to 1194 no single year was represented by more than five pieces, and most by only one. In 1195 the number jumps to eighteen, in 1199 it rises to twenty-eight, and it sharply increases thereafter. Also see Henri-François Delaborde, ed., *Layettes du Trésor des Chartes*, 5 (Paris, 1909): ii–xxvii.

scribe was commissioned to make a clean copy on which he superimposed a rudimentary organization of ten chapters. Again, the process was repeated to produce a third copy in 1220 divided into eighteen chapters.⁸⁵ These registers, as they were called, contained feudal inventories, series of inquests, special financial accounts, miscellaneous information, and, most importantly, copies of the king's outgoing charters. These last included only a small fraction of what the royal chancery produced and cannot be compared with the contemporary chancery enrollments in England or even the papal registers, both of which are much more complete. But the French chancery clerks did produce, in effect, three cartularies or handbooks of information useful for the operation of royal government.

A fixed depository of incoming charters, registers containing outgoing charters and related useful information, and, as we shall see, a new series of financial accounts—these three collections indicate an important transition in French royal administration. Since the affairs of government had become too profuse and complex to be entrusted to the memory of an ambulatory king and his immediate entourage, some systematic and permanent record was required. These documents in turn provide evidence of an emerging bureaucracy. That the initiation of royal registers coincided with the annexation of Normandy demonstrates that the royal domain had become too large to be managed under the old system. For the first time the French government made a conscious effort to collect and preserve its own records, and for the first time the modern historian can see the French royal government from the inside. Measured by governmental documentation, French history, it can be said, begins with Philip Augustus.

Certainly, the most precocious achievement of the Anglo-Norman court was a financial session of audit with systematic records. Almost a century after the emergence of the English exchequer, Philip Augustus ordered in the ordinance of 1190 that his revenues be brought to Paris three times a year, where they were then to be recorded by a scribe at the Temple.⁸⁶ The records produced by these audits were tragically obliterated by a great fire that destroyed the *Chambre des Comptes* in Paris on the night of October 26, 1737. Yet not all was lost. Ten years earlier an antiquarian-minded functionary had “borrowed” (as antiquarians often did in those days) one of the accounts from the year 1202/03 and printed it as an appendix to a study on fiefs.⁸⁷ Thus, the financial court of Philip Augustus can be seen through one account com-

⁸⁵ The three registers were named by Delisle, in his *Catalogue des actes de Philippe Auguste*, vi-xix: Register A, Vatican, Ottoboni Lat. MS 2796 (1204-12); Register C, AN, MS JJ 7 (1212-20); and Register E, AN, MS JJ 26 (1220 and following). Also see Delaborde, *Recueil des actes de Philippe Auguste*, 1: x-xl; and Françoise Gasparri, “Note sur le *Registrum Veterius*: Le plus ancien registre de la chancellerie de Philippe Auguste,” *Mélanges de l'école française de Rome*, 83, no. 2 (1971): 363-88. With the collaboration of Françoise Gasparri and Michel Nortier, I am preparing an edition of the registers of Philip Augustus.

⁸⁶ Delaborde, *Recueil des actes de Philippe Auguste*, 1: no. 345. For the precocity of the English, see Bryce Lyon and A. E. Verhulst, *Medieval Finance: A Comparison of Financial Institutions in Northwestern Europe* (Providence, R.I., 1967), 51-52, 80-81.

⁸⁷ [Nicholas] Brussel, *Nouvel examen de l'usage général des fiefs*, 2 (Paris, 1727): cxxxviii-cxxxix, reprinted in Ferdinand Lot and Robert Fawtier, eds., *Le premier budget de la monarchie française*, Bibliothèque de l'École des Hautes Études, Sciences historiques et philologiques, fascicule no. 259 (Paris, 1932).

parable to the famous, and equally isolated, pipe roll of 1130.⁸⁸ Both provide precious, if momentary, glimpses into the intimate workings of government and show that financial procedures under Philip Augustus were similar to those under Henry I. Like the English sheriffs and Norman vicomtes, the French prévôts of 1202/03 came to Paris at regular intervals to acknowledge their farms and deduct their expenses, all to be recorded in systematic accounts. Although the French court was not called an *exchequer* (derived from a checkered board), it must have functioned on the principle of the abacus as did the Anglo-Norman court, because the counting units were suitable to such calculations. Not only were the prévôts closely scrutinized by the central court, but they came in closer contact with each other and the animating influence of the central government. The prévôts' triannual visits represented an important reversal in the flow of governmental activities: the country now came to the court, which was itself increasingly fixed at Paris.

In order to strengthen the bonds between the central court and the expanding country, Henry I employed itinerant justices and even itinerant sheriffs to greater effect. As early as 1184 Philip Augustus also experimented with a new official called the *bailli*. Again, the ordinance of 1190 affords the first clear view of this royal agent, who appears primarily as a judicial officer.⁸⁹ The *bailli* was instructed to hold periodic assizes in the domain and to report, like the prévôts, three times a year to Paris. These assizes extended to inhabitants of the royal domain the benefits of royal justice on a regular basis. The ordinance also commanded the *baillis* to take note of the judicial fines owed to the king. Accordingly, about a dozen *baillis* reported large sums for *expleta* or justice in the triannual accounts of 1202/03. In addition to the judicial revenues, the *baillis* acknowledged important receipts from forests, regalian rights over churches, scutage, coinage, and arbitrary taxes called *tailles*.⁹⁰ In effect, while the prévôts were responsible for the farms (that is, the regular domanial income), the *baillis* collected the occasional income that varied from year to year. In 1202/03 the revenues in the *baillis*' accounts totalled 65,000 *livres* and those in the prévôts' accounts, 31,000 *livres*.⁹¹

In addition to their judicial and financial duties, the *baillis* performed administrative tasks: they executed royal commands, supervised the prévôts, and held numerous inquests. The sworn inquest improved exploitation of the expanding royal domain by increasing knowledge of royal resources and rights. Royal agents employed this device to gain information in a region in which they were strangers. The *baillis* assembled a group of men from the

⁸⁸ Even if these two accounts had not survived by accident, we would still know of their existence from other references and could deduce their character from later examples.

⁸⁹ For the first appearance of the office, see Delaborde, *Recueil des actes de Philippe Auguste*, 1: no. 108; and, for the *baillis* in 1190, see *ibid.*, no. 345. The evidence for *baillis* under Louis VII is not yet convincing. For the single example, which is both too early and too vague, see Marcel Pacaut, *Louis VII et son royaume* (Paris, 1964), 177.

⁹⁰ For examples of the judicial revenues of the *baillis*, see Lot and Fawtier, *Le premier budget*, CXCIX (1), CLXXIX (2); and, for other revenue, see *ibid.*, 54-79.

⁹¹ *Ibid.*, 48. These figures are only approximations, because the totals obscure complex procedures whereby the prévôts also accounted in the *baillis*' accounts.

neighborhood, placed them under oath, asked certain questions, and recorded the answers. Although the one hundred inquests that Philip Augustus compiled in his registers never matched the monumental achievement of the inquests in the English Domesday Books—an endeavor unsurpassed in the Middle Ages—the English and French inquests served similar purposes.⁹² Over two-thirds of Philip's inquests dealt with the resources of Vermandois, Artois, and Normandy—his newly acquired domains.

During 1202/03 roughly a dozen baillis were active according to the triennial accounts. A plot of the geographic location of their activities shows that they worked in three main areas out from Paris. Three worked in and around Paris and in the French Vexin toward Normandy. Five were active to the south, extending as far as Bourges and Auxerre to the southeast. And four worked to the northeast of Paris in Vermandois and Artois, extending to Laon in the east and Arras in the north. Although the direction of their activity can be discerned from the accounts, these “regions” were by no means discrete jurisdictions, because the baillis' operations frequently interlaced. The charters that resulted from the judicial decisions and inquests of the baillis confirm this pattern and often show them working in teams of two or three. To take an example from the northeast, William Pastez collaborated with Peter de Béthisy and his brother Renaud de Béthisy as early as 1203. When Peter dropped out after 1205, he was replaced by Giles de Versailles by 1207. When William disappeared in 1215, his place was taken by Soibert de Laon. Renaud de Béthisy, the last of the original team, remained until 1221.⁹³ Unlike those of the later thirteenth century, the original baillis of Philip Augustus seldom took geographic titles; they were merely styled baillis of the king. The ordinance of 1190 announced that the king “was placing baillis in his lands that were distinguished by their own names”—meaning that the lands of the royal domain were to be distinguished and identified by the bailli.⁹⁴ This practice was precisely that found in the accounts of 1202/03.

Before the conquest of Normandy, therefore, Philip had devised traveling baillis for the royal domain who performed judicial, financial, and administrative functions comparable to those of the itinerant justices of Henry I in England and Normandy. In Flanders as well, local officials who exercised similar functions for the Flemish counts appeared in the late twelfth century and were designated by the titles of minister, justiciar, and prévôt.⁹⁵ But the

⁹² Although the original records of these inquests are scattered in Register A (Vatican, Ottoboni Lat. MS 2796) and in Register C (AN, MS JJ 7), they were collected in Register E (AN, MS JJ 26) and can be found there, principally between folios 124r and 285r.

⁹³ The baillis working in and around Paris and the Vexin were Robert de Meulan, Aleaume Hecelin, and Mathew Pidoë; toward the south, Hugh de Gravelle, William de la Chapelle, Abelin, Guy Bernovin, and Terry de Corbeil; and toward the northeast, Renaud de Béthisy, Guy de Béthisy, Peter de Béthisy, and Nevelo the Marshal. For evidence of their operations, see Lot and Fawtier, *Le premier budget*. For evidence of their collaboration, see Léopold Delisle, “Chronologie des baillis et des sénéchaux royaux depuis les origines jusqu'à l'avènement de Philippe de Valois,” in Léopold Delisle, ed., *Recueil des historiens des Gaules et de la France*, 24 (Paris, 1904): *53–*58.

⁹⁴ Delaborde, *Recueil des actes de Philippe Auguste*, 1: no. 345.

⁹⁵ Louis M. de Gryse, “Some Observations on the Origin of the Flemish Bailiff (Bailli): The Reign of Philip of Alsace,” *Viator: Medieval and Renaissance Studies*, 7 (1976): 243–94. One of Philip's baillis, William Pastez, may have come from the same family that produced prévôts of Baupaume for Philip of Alsace, count of Flanders; see *ibid.*, 256, n. 75.

conquest of Normandy introduced complications. Philip inherited not only the duchy's itinerant justices but also a distinct local official (like the vicomte), also called a bailli. The Norman bailli, who first appeared under the Angevin dukes after the death of Henry I, concentrated on judicial functions, and Philip quite likely borrowed the term from Normandy even before the conquest. What distinguished the Norman bailli from the itinerant justices holding assizes throughout the duchy was the specific geographic jurisdiction of the former, called a baillage. These two Norman officials bring to mind the coexistence and intermingling of the English itinerant and shire justices under Henry I.⁹⁶ When Philip Augustus acquired Normandy in 1204, he adopted most of the Norman institutions intact. He retained, for example, the great Norman exchequer, which continued to operate biannually both as a bureau of audit and a court of law like its English counterpart.⁹⁷ Initially, he also retained both the Norman itinerant justices and the baillis, but shortly after the conquest the itinerant justices gave way to the baillis as the sole judicial officials stationed in the local baillages. By the end of the reign this Norman system of baillis presiding over baillages had superseded the collegiate and traveling baillis throughout the rest of the royal domain.⁹⁸

Like the prévôts, the French baillis took the road to Paris three times a year. Not only reporting on judicial assizes and rendering financial accounts, they also brought the king valuable information on the state of the royal domain. Now that the royal lands were too vast for the king's personal efforts at supervision, he relied increasingly on the baillis to keep him apprised. Once more, the processes of government were reversed to flow from the provinces to the center.

Henry I had found it necessary to create a viceregency in both England and Normandy because of his protracted absences on either side of the Channel. In France, however, the king was seldom absent from his realm. Suger, abbot of Saint-Denis, ran the kingdom when Louis VII was absent on the Second Crusade, and Philip's mother and uncle were the titular regents while the king was on the Third Crusade.⁹⁹ But, as the functions of finance and justice expanded and the administration of the realm became more bureaucratic, Philip also needed men at his court to run the more sophisticated machinery. Although the French chroniclers were normally descreet about influential members within Philip's court, this silence was finally broken in the latter half

⁹⁶ See pages 882–85, above.

⁹⁷ For the judicial records of the Norman exchequer, see Léopold Delisle, ed., *Recueil de jugements de l'échiquier de Normandie au XIII^e siècle (1207–1270)* (Paris, 1864).

⁹⁸ For the Norman baillis, see Charles H. Haskins, *Norman Institutions* (Cambridge, Mass., 1918), 151–52, 182–86; Sidney R. Packard, "The Judicial Organization of Normandy, 1189–1204," *Quarterly Law Review*, 40 (1924): 461–63; and Joseph R. Strayer, *The Administration of Normandy under Saint Louis* (Cambridge, Mass., 1932), 7–9, 19–22. For the importance of the shift from traveling, collegial baillis to stationary, single baillis, see James W. Fesler, "French Field Administration: The Beginnings," *Comparative Studies in Society and History*, 5, (1962–63): 82–87. More work is needed on the evolution of the Norman baillis and their adoption by the French. Although this study is not primarily concerned with the sources of influence, Normandy—both before and after its acquisition—undoubtedly exercised an important influence on Philip's government. For a magisterial study, see F. M. Powicke, *The Loss of Normandy, 1189–1240: Studies in the History of the Angevin Empire* (2d ed., Manchester, 1961).

⁹⁹ Pacaut, *Louis VII et son royaume*, 49–50, 55–59; Delaborde, *Recueil des actes de Philippe Auguste*, 1: no. 345; and Cartellieri, *Philipp II. August*, 2: 105–06.

of the reign. While recounting the events of 1213 on the eve of the battle of Bouvines, the northern chronicles—the *Histoire des ducs de Normandie* and the *Anonymous of Bethune*—revealed for the first time that the inner council of the king comprised four men: the chamberlain, Henry Clément, Bartholomew de Roye, and Brother Guérin.¹⁰⁰ Yet these names can be found in the governmental documents since the establishment of the royal archives in the 1190s. Although the royal court contained other men known through governmental sources, these four formed an inner circle. The first figure was undoubtedly Walter the Younger, son of Walter the Chamberlain, whose family had long been familiar and trusted royal servants. Henry Clément and Bartholomew de Roye were both “knights of the king”—the former excelled in military service; the latter, in governmental affairs. The most noteworthy was Brother Guérin, a member of the Knights Hospitalers and a “clerk of the king.”

As each new series of royal records was created, the governmental functions of Brother Guérin were more clearly delineated. Toward the beginning of 1202 the royal charters, which earlier had ended with the formula, “the chancery being vacant,” now closed with a new phrase: “given by the hand of Brother Guérin.” This practice, which continued until 1210, indicates Guérin’s duties in the chancery. And as late as 1220 Guérin was the official who ordered the chancery clerks to compile the third and last of the royal registers.¹⁰¹ The financial account of 1202/03 reveals that Guérin was the king’s chief financial officer, who received and disbursed monies widely throughout the domain. The rolls of the account contain no other name that appears with more frequency or with larger sums of money.¹⁰² Five years later, when the Norman exchequer was re-established at Falaise and began producing its own records, Guérin was again placed in charge. Twice a year throughout the reign he journeyed to Falaise with Walter the Younger or Bartholomew de Roye to preside over the judicial sessions of the exchequer. In addition to these periodic duties, he frequently judged other cases and ordered numerous inquests.¹⁰³ Since he was present at all of the important judicial decisions, no one else was more closely associated with the work of the court.

From all appearances Brother Guérin was a new kind of official at the French court; he was not another Suger, who administered the realm in the king’s absences. Suger ceased his duties on the return of Louis VII, but Guérin served constantly and closely at the side of Philip Augustus. Active in the chancery, in finances, in justice, and in administration, this royal clerk performed all of the tasks essential to medieval government. Toward the end

¹⁰⁰ Fr. Michel, ed., *Histoire des ducs de Normandie et des rois d’Angleterre* (Paris, 1840), 120; and *Anonyme de Bethune*, in Delisle, *Recueil des historiens des Gaules et de la France*, 24: 764.

¹⁰¹ Petit-Dutaillis, *Recueil des actes de Philippe Auguste*, 2: no. 688; Boussard, *Recueil des actes de Philippe Auguste*, 3: no. 1120; and Delaborde, *Recueil des actes de Philippe Auguste*, 1: xxxi–xxxii.

¹⁰² See Lot and Fawtier, *Le premier budget*, index *sub nom.* Garinus. Bartholomew de Roye appears in four transactions, Walter and Younger in six, and Brother Guérin in over fifty, handling sums of money ranging from 45 *sous* to 1760 *livres*. Brother Haimard figured in every accounting because he was treasurer of the Temple.

¹⁰³ For his exchequer activities, see Delisle, *Recueil des jugements de l’échiquier*, 4–90. For some examples of his other judicial duties, see Boussard, *Recueil des actes de Philippe Auguste*, 3: no. 1378; and Delisle, *Catalogue des actes de Philippe Auguste*, nos. 1522, 1573, 1953, 1954, 2047, 2090, 2216.

of the reign as Philip grew older, Guérin increasingly acted in the king's place.¹⁰⁴ In 1213 he was elected to the bishopric of Senlis not far from Paris—undoubtedly at the instigation of the king. In that year—the same year, in fact, in which the northern chronicles mentioned him for the first time—the royal historian, William the Breton, described Guérin as “the special counselor of King Philip because of his wisdom in the royal hall and his incomparable gift of counsel . . . so that he handled the affairs of the kingdom and the needs of the churches as if he were second to the king.”¹⁰⁵ *Secundus a rege* was not an unusual title for important members of the king's court. Under the early Capetians it was accorded to Stephen of Garlande and under Henry I, to Roger of Salisbury.¹⁰⁶ Yet the title was remarkably appropriate to Guérin and Roger. Both acted “second to the king”—the former in his presence, the latter both in his presence and during his frequent absences.

TO STAFF THESE NEW INSTITUTIONS as well as the royal courts, medieval kings had at their disposal a wide choice of personnel ranging from great magnates, both lay and ecclesiastic, to lesser knights and clerics. Whether great or small, these men were called *curiales*, *consilarii*, or, most frequently, *familiares* (from the royal *familia*), all terms reflecting close association with the king. The basic problem facing the king was to determine from which elements of this broad spectrum he should draw his most trusted familiars. The research of Jean-François Lemarignier and Eric Bournazel has elucidated the solutions of the early Capetians to this problem.¹⁰⁷ Louis VI and Louis VII, Philip's grandfather and father, drew heavily on lesser men—chamberlains, knights, clerics, and the like. The career of Suger, abbot of Saint-Denis, provides the most prominent example: although of humble origin, he rose to become the foremost counselor of Louis VI and Louis VII. In addition to such lesser men, the early Capetians also employed in household offices members of powerful castellan families from the Ile-de-France—for example, the Montlhérys, Rocheforts, La Tours, and Garlandes. When the Garlandes, in particular, monopolized household positions, Louis VI was forced to allow the offices to lie vacant to free himself of the family's usurpations. As Louis VII moderated castellan influence at his court, he began to attract the cooperation of great barons outside the royal domain during the second half of his reign. The influential post of seneschal was occupied by a royal cousin, Ralph, count of Vermandois, and later by Thibaut, count of Blois, from the powerful house of Champagne.¹⁰⁸ This close association with castellan and baronial families naturally generated competition and conflict.

¹⁰⁴ For examples, see Alexandre Teulet, ed., *Layettes du Trésor des Chartes*, 1 (Paris, 1863): no. 1572; and Delisle, “Chronologie des baillis et des sénéchaux royaux,” *288.

¹⁰⁵ William the Breton, *Gesta Philippi Augusti*, 1: 256–57.

¹⁰⁶ For Stephen of Garlande, see Léon Mirot, *La chronique de Morigny 1095–1152* (Paris, 1912), 33–34, 43; and, for Roger of Salisbury, see pages 876–78 and note 26, above.

¹⁰⁷ Lemarignier, *Le gouvernement royal aux premiers temps capétiens (987–1108)* (Paris, 1965); and Bournazel, *Le gouvernement capétien au XII^e siècle, 1108–1180* (Paris, 1975).

¹⁰⁸ Bournazel, *Le gouvernement capétien au XII^e siècle*, 23–27, 31–91, 111–15; and Pacaut, *Louis VII et son royaume*, 172–76.

A youth of fourteen at his accession in 1179, Philip Augustus fell heir to this legacy of baronial predominance. His coronation was overshadowed by the house of Flanders, represented by Count Philip, who carried his sword, and by the house of Champagne, represented by William, archbishop of Reims, who performed the consecration.¹⁰⁹ The king subsequently married Elizabeth of Hainaut, niece to the count of Flanders, and Archbishop William was brother to the king's mother, as was the royal seneschal, Count Thibaut of Blois. Thereafter, however, the house of Flanders lost ground to the house of Champagne. The archbishop of Reims accompanied the king at most of the recorded gatherings of the royal court. When the pope summoned the archbishop to Rome in 1184, Philip refused to allow William to depart, because he was the "vigilant eye of the king's counsels and the right hand of his affairs."¹¹⁰ When Philip himself departed on the Third Crusade in 1190, the regency naturally devolved to the archbishop and the queen mother of the Champagne house.

In the years following his return from the Holy Land, Philip instituted a gradual but significant change in the pattern of royal recruitment of officers, a change that had lasting effects on the nature and composition of the Capetian court. As early as 1191 Philip was determined to resist baronial influence at court and to inaugurate a new personnel policy. When the aged seneschal, Thibaut of Blois, succumbed at the siege of Acre in that year, the king left the office vacant, as he had the chancellorship in 1185.¹¹¹ Although Archbishop William lived until 1202, his prominence in Philip's government gave way to a new group of *familiars*, whose names appear in the emerging governmental documentation of the 1190s. The contemporary chroniclers took little notice of these new men because, unlike their predecessors, they were not of high rank. The four *familiars*, whom the northern chroniclers belatedly identified at the heart of royal government in 1213, were of lowly origins. The chamberlain, Walter the Younger, the son of Walter the Chamberlain, came from a family that originally possessed no toponymic. Among the royal knights, Henry Clément belonged to a minor family from Chateau-Landon, which in the past had supplied royal marshals for the court. Bartholomew de Roye was the younger son of a small knightly family in the Vermandois. And the origins of Brother Guérin were so obscure that they have not yet been uncovered.¹¹² The only castellan family reappearing under Philip was the Garlande, but its members played a minor rôle in contrast to their former prominence.¹¹³

The king handsomely rewarded these new and lowly men for their service. Walter the Chamberlain was endowed with pensions and liveries and was

¹⁰⁹ Cartellieri, *Philipp II. August*, 1: 41–55.

¹¹⁰ Delaborde, *Recueil des actes de Philippe Auguste*, 1: no. 109.

¹¹¹ Delisle, *Catalogue des actes de Philippe Auguste*, lxxxii–lxxxiii, lxxxv–lxxxvi.

¹¹² E. Richemond, *Recherches généalogiques sur la famille des seigneurs de Nemours du XII^e au XI^e siècle*, 2 vols. (Fontainebleau, 1908), 2: 59–71, 1: 196–201; Pierre Daon, "Barthélemy de Roye, chambrier de France," in *Écoles des Chartes, Positions de thèses* (Paris, 1943), 49–54; and "Le chancelier Guérin," *Comité archéologique de Sens: Comptes rendus et mémoires*, 3d ser., 2 (1887): 71–148.

¹¹³ William de Garlande, for example, was to stand by as a substitute in the administration of the kingdom during Philip's absence in 1190; Delaborde, *Recueil des actes de Philippe Auguste*, 1: no. 345.

married to the heiress of Nemours, from whose possessions his family drew its patrimony.¹¹⁴ In addition to two sons who succeeded him as royal chamberlains, three other sons were provided with bishoprics, almost certainly at the king's suggestion.¹¹⁵ Bartholomew de Roye was enriched with gifts of clothing, money, houses at Paris, fiefs in Normandy, and, finally, a marriage to a daughter of the Norman count of Évreux. In 1208 the king conferred on him the chamberlainship of the royal household, but this position had become honorific and did not alter his service to the king.¹¹⁶ Brother Guérin received numerous properties in the southern domain, and his career was crowned by the bishopric of Senlis in 1213.¹¹⁷ Despite these royal favors, the king's new men were unable to advance their social status and attain castellan or baronial rank. Even the active and loyal service of Bartholomew de Roye did not benefit him or his descendants with baronial status, despite his brilliant marriage with the family of Évreux. The only exception was Guérin's elevation to episcopal rank; still, his promotion never diminished the frequency or effectiveness of his royal service.

The elevation of men of low station to positions of authority naturally increased the temptation of *familiars* to enrich themselves by illicit means. As in Henry I's administration, such activities occurred most frequently on the local level, where royal officials misused their powers to extort from the inhabitants of the royal domain. Nevelo the Marshal, for example, the northernmost bailli in Artois, established a reputation for rapacious exactions that was amply confirmed by later investigations under Louis IX. Cadoc, the celebrated mercenary captain turned Norman bailli, could not repress his buccaneering habits and so oppressed his subjects that he was eventually removed.¹¹⁸ At the end of the reign an *exemplum* circulated about a bailli of Philip Augustus who defrauded a widow of her vineyard and was caught and corrected by the king.¹¹⁹ Such stories reflected popular fears over the awesome powers invested in the royal officers that led to abuse.

Except for the case of Cadoc, Philip appears to have been satisfied with the services of these new *familiars* and baillis, a confidence that is best indicated by the length of time they remained in his employ. Walter the Younger, Bartholomew de Roye, and Brother Guérin all surfaced in the royal entourage in the 1190s. Although Walter died on a crusade in 1218, Bartholomew and

¹¹⁴ Delaborde, *Recueil des actes de Philippe Auguste*, 1: no. 372; Lot and Fawtier, *Le premier budget*, cXLVI (1); and Richemond, *Recherches généalogiques sur la famille des seigneurs de Nemours*, 1: 22.

¹¹⁵ For the observation of Alberic de Trois-Fontaines, see his *Chronica*, ed. Paul Scheffer-Boichorst, in *Monumenta Germaniae Historica, Scriptores*, 23 (Hannover, 1874): 884.

¹¹⁶ Petit-Dutaillis, *Recueil des actes de Philippe Auguste*, 2: nos. 542, 583A, 745, 886, 959; Lot and Fawtier, *Le premier budget*, CLVI (1), CXCIV (2), CCIII (2), CLXIV (1); Daon, "Barthélemy de Roye," 49–50; and Delisle, *Catalogue des actes de Philippe Auguste*, lxxxiii.

¹¹⁷ Lot and Fawtier, *Le premier budget*, cXLII (2), cXCI (1), cXCIII (1, 2); and see pages 900–01, above.

¹¹⁸ For Nevelo the Marshal, see Gerald of Wales, *De jure et statu Menevensis ecclesie*, in his *Opera*, ed. J. S. Brewer, vol. 3, Rolls Series (London, 1863): 240; and *Anonyme de Bethune*, 254, 770. For Cadoc, see Delisle, "Chronologie des baillis et des sénéchaux royaux," *130–*33.

¹¹⁹ Richer de Sénones, *Gesta Senoniensis ecclesie*, ed. G. Waitz, in *Monumenta Germaniae Historica, Scriptores*, 25 (Hannover, 1880): 288–90; and Ralph of Coggeshal, *Chronicon*, ed. J. Stevenson, Rolls Series (London,

Guérin outlived the king and were designated executors of his testament in 1222.¹²⁰ Since they furnished up to thirty years of service, they must have been young men when they joined the royal court. Fifteen to twenty years were not, in fact, unusual for royal baillis. Lacking substance and position of their own, such "new" young men were completely dependent on the king for their wealth and status. For this reason, their loyalty and effectiveness were generally beyond reproach.

These "new men" constitute another important shift in the reign of Philip Augustus. To be sure, Walter the Younger, Bartholomew de Roze, and Brother Guérin found their predecessors in the chamberlains, knights, and clerks of Philip's father and grandfather. But Louis VI and Louis VII had also relied heavily on the important castellan and baronial elements in their entourage for advice and cooperation, although the kings had often quarreled with them. After the death of his uncle, Archbishop William of Reims, Philip outgrew the baronial influence of the Champagne party and decided to strike out on his own, aided by men totally dependent upon his favor. In effect, Brother Guérin replaced William of Champagne as the chief counselor of the king. After the expulsion of the English, the untroubled operation of royal government was sufficient evidence of the success of this policy.

PHILIP'S EFFORTS TO EXCLUDE THE CASTELLANS AND BARONS from his government and to rely more heavily on "new men" was not only a decisive departure from past Capetian policy, but also a contrast to the policy of Henry I. Herein lies an important difference between the entourages of the English and the French kings. The *curiales* of Henry I comprised both lesser men—like the Bassets and the Clintons—and magnates—like the Bigods and William of Warenne—who were equally rewarded with favors. In addition to the breadth of royal patronage, feudal tenure also accounted for the divergent practices. Feudal tenure in England was so complex that in any one county the great baronial holdings and the royal domains were closely enmeshed. C. Warren Hollister has shown that this landholding pattern enabled the king to manipulate the magnates and to draw them into his court. On the other hand, the fiefs of the great French barons were normally distinct from those of the king, thus permitting them greater independence from the royal court. Whereas the English kings included the great magnates among the *curiales*, the French kings could exclude them. The former produced a large entourage, the latter a small court.

This distinctive French trait was noticed as early as 1200, when the poet Giles of Paris complained that Philip Augustus rarely took counsel from anyone except the very few whom he tolerated at court.¹²¹ This disparity with English practice became more pronounced by the end of the reign. In 1227 a

¹²⁰ Teulet, *Layettes du Trésor des Chartes*, 1: no. 1546.

¹²¹ M. L. Colker, "The 'Karolinus' of Egidius Parisiensis," *Traditio*, 29 (1973): 306.

citizen of Caen sent intelligence to Henry III of England of a conversation he had overheard between the castellan of Caen and Master Nicholas, the clerk of Brother Guérin. The two Frenchmen contended that the English kings did not have the good sense of the French in taking counsel. Whereas King Philip consulted Brother Guérin and Bartholomew de Roye, and only these two, the English kings took counsel from a great number. When the English kings wished to declare war, therefore, their intentions were publicized even before the decision was taken.¹²² Behind this practical disadvantage lay the more fundamental difference between France and England introduced by Philip Augustus: the French king's *curiales* consisted only of a small number of his creatures; the English *curiales* included a large number of great barons. Whether the one choice led to Louis IX, Philip the Fair, and royal absolutism and the other to Magna Carta and constitutional monarchy is a question worthy of speculation.

¹²² Pierre Chaplais, *Diplomatic Documents Preserved in the Public Record Office* (London, 1964), 139–40.