At the end of the XIth Century Common Law was practically non-existent, English law was customary in essence and varied greatly between different parts of the realm. Secondly, the only Royal courts were (a) the court of the King which was essentially feudal in character and over which the King presided in person, and, (b) the Communal courts over which a royal officer, namely the Sheriff, presided. Thirdly, there were no professional lawyers and judges at all and any of the King's servants could act as such. If they had any training in law it would not be in English law but in Civil law, the main centre of study of law being Italy. It was in a way a revival of the old Civil law of ancient Rome. During Henry I's reign the preliminary stages of transformation of the local courts into Royal courts took place owing to the fairly regular visits to these courts of special Royal Commissioners from the Central or Royal government. Under Henry I, however, most of these visits were for financial or legal or judicial purposes, and it was not really until Henry II's reign that the great development of English Law began.

At the beginning of Henry I's reign his own Court when doing legal business was engaged chiefly in settling disputes between the Tenants-in-chief and in considering the pleas of men who had not obtained justice in their lords' courts. Occasionally it might administer criminal justice to some rebellious Tenant-in-chief. Its principal business was to deal with Civil law suits arising from property disputes, i.e. ownership or possession of land. Any man who considered himself kept out of his lawful property applied to the lord's court. The method by which he claimed his property was by offering to prove it by his body! This was unfair and the first stop taken by Henry I to reform it was the laying down of the rule
(circa 1160), that henceforth no man need answer for his freehold unless the claimant produced a Royal writ calling on him to do so. ‘Writ of Right’ (or Breve de Recto) was addressed to the overlord of the disputed fief — ordering him to answer for his freehold under penalty of the case being removed to the King’s Court. The next step was taken when the King put a new legal process of settling the case at the disposal of the defendant to the action which eliminated the wager by battle: called Grand Assize. This simply consisted of applying to the special business of land disputes what had formerly been a royal privilege of holding an inquisitio by the Grand Assize. The process was as follows: — The claimant sued on his Writ of Right. The tenant (defendant) would then deny the claim and he then had the option either of doing battle or of putting himself on the King’s Assize. If he did the latter, he would get another writ from the King’s court or Chancery and this writ ordered and authorised the choice of four knights who in their turn were to chose twelve lawful men of the neighbourhood who had power of deciding the claim. This was called recognitus and the case was settled according to their verdict. This was not very popular, the chief objections being,

I — As a process it was rather tedious and clumsy, and took a very long time.

II — It gave the tenant too great an advantage.

III — Almost invariably it meant that the lord or disputed fief lost the seisin of the suit, which usually went into the King’s Court.

Soon afterwards Henry instituted the Petty or Possessory Assizes, circa 1164 - 1170. Also originated by royal writs; the claimant obtained a writ formulated in such a way that there was some plain direct matter of fact alleged in it, which could be submitted to a jury. When the claimant prosecuted his writ twelve men of the neighbourhood would be enpanelled by the Sheriff and the truth or falsehood of the allegation in the writ was submitted to their verdict.

Let us now consider De nova dissaisina and de morte anteces-sories to determine whether the plaintiff had been unlawfully
deserted of his tenament within a given time. The Assize of “Mort d’ancestor” determined whether the disputed property had been in possession of some person of whom the plaintiff was the lawful heir on the day on which that person died. The obvious advantages of this were (1) The whole procedure was more rapid. (2) Cases on Assize went at once to the King’s Court. (3) It could be adapted to all types of cases and not exclusively to disputes concerning landed property but to any piece of property. On the other hand its only disadvantage was that it dealt only with settled questions of fact and not necessarily those of right.

There were two other possessory Assizes, which were primarily connected with ecclesiastical cases. (a) Assize of Utrum. (b) Assize of Darrein in Presentement (de ultima presentacione). Of these (a) is the oldest. It was used to determine whether any property in dispute was held on a lay or ecclesiastical tenure. This was important because if held by frankolmoign jurisdiction it lay in the Bishop’s court. On the other hand (b) was used to determine disputes about advowsons and in these courts the jury was empanelled to decide who had made the last presentation to benefide. The first one, i.e. (a), appears in 1164 (Clarendon) Novel Disseisin was instituted in 1166 after Assize of Clarendon, and Morte d’Ancestor in 1176.

The institution of the Possessory Assizes had an important and immediate effect on the development of the Royal Courts. Early in Henry II’s reign King’s Law Court meant strictly a single court of justice in which the King presided. Only in a limited sense could the County Courts be described as the King’s: before the end of his reign the King’s court was already beginning to divide into two central divisions and King’s judges were regularly going round courts on ‘eyre’ to hold pleas of the crown in different counties. These visits of itinerant justices very soon became one of the most important parts of the business of the local courts. Sets of judges were given special commissionary powers to do particular kinds of legal business on the King’s behalf and to go round the various Shire courts named in the commissionary and in these they would meet all the chief barons and freeholders of the county and do business both judicial and financial. The early itinerant judges
were not only judicial but had something to do with the collection of the taxes. The growth of the Assizes is indefinite, we have,

I — 1166 Assize of Clarendon. This is a whole series of legislative and administrative reforms. Its injunctions were carried out in each county by two of the King's servants aided by the Sheriff.

II — 1168-'70. Four Barons of the Exchequer were sent to hold Royal pleas in various counties.

III — 1173. There was a special division of the county into different circuits, for the purpose of these expeditions.

IV — 1176 Assize of Northampton. (This is a reissue of the Assize of Clarendon) carried on by groups of three judges assigned to different circuits.

None of these can be regarded as the formal beginning of the system; but they show how the system grew up without ever having been, created by a single legislative enactment. By the end of Henry II's reign, it had become a recognised and established feature of England's public life, and has continued with few changes to the present day.

SECTION VI.

CERTAIN DEVELOPMENTS IN THE CENTRAL COURTS.

There was a certain national tendency towards specialisation of some of King's servants as judges, who were mainly Churchmen. Perhaps the first sign of a Supreme Central Court was the appointment by the King of five men (three laymen and two clerks) to stay at Westminster and there to hear and decide all the common cases whether the King was in London or not. This finally gave rise to the court of Common Pleas, but it is doubtful whether Henry meant it to be so permanent. Originally it may have been created in order that the more ordinary cases with which the King's Court was filled might be dispatched with more speed but after 1180 Henry was nearly always abroad with the result that the five judges at Westminster formed the nucleus of a permanent Central Court of Justice. Men might take many ordinary cases to-
be heard by them instead of pursuing the King or waiting for itinerary judges. At the end of Henry's reign there was another development, the judges started to keep Rolls of the cases heard. As Maitland points out the 'emollement of judicial proceedings was a great reform owed to the end of the reign of Henry II.' In 1180 Ranulf de Glanville\(^1\) was Justiciar, whilst Hubert de Burgh was another of these Justiciars who left his mark on English constitutional history.

In their time everything was registered in black and white. The Earliest 'plea rolls' was in Michaelmas term of 1194. Many were stamped for Richard I's reign and in John's reign they were even more plentiful. It is obvious from the earliest rolls now extant that these were not the first and that earlier rolls existed, there are references to one of circa 1180. The regular custom began with Glanvill when he was Justiciar. After Richard I's death and specially after 1204 when the King was more frequently in England than before; but the judges continued in session at Westminster at the same time with the set judges who ordinarily accompanied the king when the court was moving about the country. Litigants had always to appeal to the King when he was present but he referred them to his judges. Such cases were always supposed, technically, to be heard by the King himself though he might not be present in person. These sets of judges soon began to be distinguished from each other as the (a) *justici curam regi*, and (b) *justici de banco*.

Defendants or witnesses were summoned before them as *caram nobis*. In theory they all composed one Court. *Curia Regis*\(^2\) was at first a different set but in practice it was a division of that Court. Under Henry III there was a tendency for the judges of the *Curia Regis* not only to be a special court by themselves but for both sets to become separate and specialised bodies. By the middle of Henry III's reign there was practically two complete sets of judges and two different courts of law each with its own seal and its differ-

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\(^1\) For these people see articles in the *D.N.B.*, and R. W. Eyton, *'Court Household and Itinerary of King Henry II'*; London, 1878.

rent robes. The Curam Regi judges ceased to follow the King regularly, though where sermons were held the King was theoretically present. By Edward's time the judges of the bench (justicai de banco) had received the name of Court of Common Bench and they were only supposed to hear "Communia placita", i.e. civil cases. The other court, King's Bench which was the superior court and could reverse the judgements of Common Bench, dealt with criminal and civil cases and its sessions were held not only at Westminster but also at Gloucester, Norwich etc. A third form of the Common Law courts instituted before the end of the Middle Ages also had a special jurisdiction of its own and was called the Court of Exchequer. This was really a development from the judicial work that had occasionally been done by officers of the crown's fiscal department in Henry II's reign. Its sphere of jurisdiction included (I) all cases relating to the King's revenues (II) any cases relating to the King's servants.

SECTION VII

LAW AT WORK IN THE EARLY AND MIDDLE XIIIth CENTURY

The year 1221 is important in English Constitutional History as it was in that year that the eyre was ordered by the government for the first time since 1215. There were two reasons for this,

i — It was the first time that the King's judges had been on circuit since the realm had been so disturbed by civil wars and this eyre of 1215 formed the first part of a series of eyres convened for the express purpose of restoring the routine of justice and the rule of law after a period of violence and lawlessness.

ii — It was the first general eyre since 'ordeal' means of proof had been abolished by the Fourth Lateran Council in 1215. Seven judges were to visit the west counties and midlands. A strong commission was formed composed (1) Simon, Abbot of Reading, who had been one of the upholders of the Charter six years before, (2) Randolph, Abbot of Evesham, (3) Martin Patesbull, a lawyer and a judge, (4) Robert Lexington and (5) Ralph Harving, both regular judges, (6) John of Monmouth, a baron and a personal servant of John, and (7) Ralph Musard.
Commissions were issued to the judges on May 16th 1221, ordering that the 'eyre' should open its proceedings on June 12th. At the same time writs were sent to the Sheriffs of all the counties to be visited; the judges arrived on the 21st of June and were met by a great assembly of the whole county. Some of the greatest men of the time were there, Gilbert, Earl of Clare, William of Pembroke, Earl Monial; many of the 'gentry', juries for every hundred, and reeves and four men from each township. The record taken at the time are notes taken down in court during proceedings in which many technical terms are used. On the whole it is rather elliptical and elusive and the grammar very doubtful. But it should be remembered that it was written down in law latin by clerks listening to proceedings in English and probably English of a dialect unfamiliar to them.

This period also marks the first crucial point in the development of the jury; since 1215 up to this time.

i — In civil cases Henry II not only placed at the disposal of litigants proof by inquest, but this became the normal custom until 1215.

ii — This was not adopted in criminal cases as a method of proof. Two methods were in use up to then, both of which were primitive, (a) appeal, personal or private charge with proof by battle, (b) enditement or presentation, a public charge with proof by ordeal. But ordeal was now abolished by the Lateran Council, so that in the eyre of 1221 the judges were obliged to use a new method of proof in ordinary criminal cases; and it can only be too natural that they should have adopted secular and royal methods already in use in civil cases. The judges were, therefore, very uncertain about the uses of the juries, since the juries were the prosecutors, and the judges almost always abstained from forcing defendants to abide by the decisions of the county. (a) Sometimes they simply accepted the verdict, (b) Sometimes, if there was any element of doubt, they confirmed the Hundred jurors' opinion by bringing in the verdict of three or four neighbouring villes. (c) Sometimes when they could not come to a decision they simply ordered the prisoner to be detained.
In another way the use of the jury in some criminal cases of particular appeals was spreading owing to a particular kind of pleas called the exceptio. In certain cases the defendant put in some plea about which it was more or less necessary to come to a decision before proceeding to the trial of the case. If this was accepted the 'appeal fell', if it was refused the case proceeded normally. In all cases of rightness or wrongness or acceptance, reference was made to a jury of neighbours. There were three main exceptions recognised, (a) the most frequent being the case in which defendant claimed that he was maimed, i.e. physically unfit to fight. (b) The case in which the defendant put forward a claim of alibi, i.e. he was elsewhere. (c) The case in which an appeal had been brought not bona fide but "de udio et afia".

Another feature of the criminal law of the time is the "presentation of Englishry" which demonstrates "the increased strength of the Norman Central Government as compared with the local. It illustrates also the difficulty of arresting criminals in those times and the plan of collective responsibility. If a man was found killed, the hundred in which he was found was held either to produce the slayer or to prove by a not easy process called presentation of Englishry, that the slain man was an Englishman. If it could not do one of these two things, it must pay a heavy fine, called murdrum." Englishry is a curious custom lasting until about the middle of the XIIIth century. William I had ordained that if any of his Norman or French followers were murdered and the culprit could not be produced, then the hundred in which the crime was committed should pay a heavy fine. Although the distinction between Normans and Englishmen was not so strongly stressed in other matters by the time of Henry I, the law still insisted that any dead body was to be presumed to be the body of a Norman French unless it was actually proved that it was of an Englishman. The method of proof varied to a certain extent, as by this time in certain cases a kinsmen could come to testify proof.

SECTION VIII
GROWTH OF CENTRAL GOVERNMENT IN
NORMAN AND ANGEVIN ENGLAND

In order to study this subject, it is necessary to consider primarily the King and his Court and the Curia Regis. At first the central government was concentrated in the actual household of the King, i.e. in his residence and in his entourage the latter consisting for the most part of members of the Court. Out of this undifferentiated Curia Regis as it existed in the last half of the XIth century, there grew up within the next century and a half regular and specialised constitutional organs of government. Of these the most important were,

i — The body known later as the Magnum Concilium; this was the least specialised and in reality it was hardly more than the King's court in the feudal sense.

ii — A highly elaborate and systematically organised financial department of State, generally called the Exchequer.

iii — An equally highly organised secretarial department which also became a law department of State known as the Chancery.

The last two departments developed directly out of the King's household (they formed a part of it until the reign of Henry II), and were definitely administrative.

English constitutional historians paid much attention to defending the constitutional position of Norman Kingship; although this defence was rather exaggerated at times. Whether Kingship was efficient or not the main point was that in actual fact the Anglo-Saxon kings had been limited monarchs in the constitutional sense, bound by constitutional limitations such as custom and lack of government machinery. Finally the Normans shook off their checks and when the Angevins improved the machinery of government, the English kings really became despots.

This view is true in a sense: —

I. The Norman kings were more powerful than the Anglo-
Saxon kings, and furthermore they had the rights of conquerors, but,

i — Norman kings had to cope with an unruly baronage.

ii — Each Norman king who succeeded to William’s crown was a successful candidate in a disputed succession. Each held it not by hereditary right, but by election; and the problem was how he could secure himself by lavish promises.

II. The other great point which was disputed was the relation between the old Anglo-Saxon Witan and the Magnum Concilium. In all the XIth and XIIth century chroniclers the meeting assemblies of the great men of the realm is mentioned quite frequently. The King consulted them on the affairs of realm and their advice or assent usually claimed a place in such documents as have survived.

There were two theories regarding the Magnum Concilium:

i — That it was merely a new name for the Witan. A constitutional body recognised as such with more or less definite functions limiting the power of the Crown. A body which represented the nation and whose consent was necessary for all important acts, legislative and financial.

ii — That the Magnum Concilium was simply the King’s feudal court, and the assembly of his Tenants-in-chief, discharging the feudal duty of doing suits in the Lord’s court.

The second view is more accurate, It is plain that the Magnum Concilium was not the Witan, because,

(a) It had no representative character such as the Witan possessed,

(b) It had less of an insititutional character than the Witan which had been an institution with a special name of its own, and was recognised by the Anglo-Saxons as a body, which (it is possible) had certain rights and functions and not merely as a collection of individuals. The Magnum Concilium in the Norman and Angevin times had nothing of this institutional objectivity. Its
membership was undefined and not regarded as a privilege; attendance was a duty, and very probably up to Henry II's time no one in XIIth century England would have spoken of it as "it" at all.

The strongest kings held great council very frequently, and made their barons attend it. Henry II did this because (a) he wanted the assistance of the great barons, and (b) he was enabled in this way to keep his eye on individual barons, and see if any failed to attend. It cannot be described according to its procedure, or in terms of contemporary usage. The meetings were peculiar in themselves, resembling neither the councils which existed previously nor the councils on the Continent. The most significant fact is that it was in the king's interest to hold them as frequently as possible. From the time of Henry's accession the position of the Council became more definite; its frequent meetings coupled with Henry's attitude towards it tended to make it a national institution, Henry made it the accepted usage to have all Tenants-in-chief present. Stubbs argues that a nation in arms can easily be taken as a nation in council, and that this assembly, though in reality chiefly an institution, was transformed by Henry into a great national council. But this is not always justifiable.

One question arises: what was the principle, if any, on which membership of the Council depended? After Henry II's time certain rules were laid down by means of two clauses, XIIth and XIVth, in the Magna Carta of 1215. These were that (a) the King should only take aids from the realm with the consent of the common council of the realm, and (b) that the common council is to be summoned in a particular way i.e. the king should summon all the greater barons of the realm by special personal letters addressed to them individually, and that he should have the lesser tenants summoned by means of general writs addressed to the Sheriff's of the different counties. It is almost certain that in 1215 the Charter was not inventing a new method of summons but only stereotyping what had for a long time been the method of summoning the council. It is known for certain that in the early part of Henry II's reign individual great men actually received individual summons, e.g. when Becket was Archbishop of Canterbury he got violently incensed when on being summoned to the Council of Northampton in 1164 not by a special writ addressed to the Archbishop but by
a Writ addressed to the Sheriff of Kent ordering the Archbishop to come to the said Council. It is clear from this that as early as 1164 great barons were being summoned through the Sheriff.

Unfortunately, no writs of summons have actually survived earlier than 1205, i.e. the one to the Bishop of Salisbury, which contains a particular clause telling the Bishop to warn the Abbots and Priors of the great monasteries in his diocese also to attend the Council. The only conclusion which can be drawn from this is that there is evidence to show that the method set out by the Magna Carta was not an innovation, and that it was presumably the final authentication of a usage as old as the time of Henry II, but whether

— this method of summons was regularly used for councils, or,

ii — lesser Tenants-in-chief even when summoned, or

iii — there was any recognised idea of such councils representing the nation,

is uncertain.

The real feature of the XIIth century was not the acton of the councils in their relations with the crown, but the growth and development of the great administrative offices of State. Out of the King's personal household the whole Norman and Angevin central system of administration developed. Power radiated throughout the realm from the actual palace or residence of the King. The various divisions of the palace were important and had a great influence on the development and final form of the administrative system.

The two main departments in the king's household were (a) The Chamber, (b) The Hall, aula. The other less important ones were (c) Chattel, (d) the kitchens. The officials in the important ones were also the great ministers of State. In the Chamber, the chief official was the Chamberlain, in the Hall, the Steward, (i.e. the dapifer or the seneschalus). Under him was the Marichal who was responsible for keeping order. In the other departments there were the offices of the Chancellor and the Butler. In the English administrative system the most important offices were those of the Steward, Chancellor and Chamberlain.
When William I came to England, he was already familiar with the office of Steward. As a matter of fact in Normandy there were usually two in the court. For personal household use the Norman Dukes had copied the manner of the French Royal Court, and the Steward in the court of France in the XIth century was the most important officer of the crown (1). For some reason William adopted the use of two Stewards and after the Conquest when William was establishing his household in England, he also had two. When absent inspecting Continental dominions, the Conqueror entrusted the duty of governing to Stewards in England. His successors followed his example. This had a curious result. The later Norman Kings, following William's example, always appointed one of the Stewards as Viceroy and so this duplicate Stewardship in England followed a new and original course. One of the two Stewards became a new permanent official with a new title, i.e. the Justiciar. Under William II, the Justiciar was the greatest person in England after the King and this state of affairs lasted until the time of King John finally disappearing after the minority of Henry III. The other Steward, who retained this title became a hereditary dignitary lost all touch with the actual administration, all the duties being done by deputies with the result that The Lord Steward in England finally became a less important official than the others who were originally his inferiors in the King's household.

The first public department to originate in and develop out of the King's household was the Exchequer. Its early history is very obscure. The first definite description of it is to be found in 1178-79 by Richard Fitz Neal, any other information being mainly inferential. Fitz Neal had written a book called the Dialogue of the Exchequer. "It is a dialogue between the author and a member of the Exchequer who has sat there for a long time without understanding all the mysteries and asks for an explanation." (2) Any other

(1) For a detailed account of the position of the Steward (señeschal) in France and England, see Ch. Petit-Dutaillis "The Feudal Monarchy in France and England".


historical account is purely imaginative. Its origin is very primitive. The exact date at which the differentiation of the royal household took place cannot be ascertained. From the time of William I, new organs of government begin to emerge in England. Its essential parts are the camera and the aula with its staffs. The camera is most important as its members were the king's trusted friends, and its sessions were in secret. At first the camera had attached to it a smaller room, the garderoba or the wardrobe. In one of these the King left all his valuables. The staff appointed to look after them was far from being composed of menials. The Treasurers at this time held a most responsible position. In Anglo-Saxon England, the officers were called camerani or cubicularii; from a certain date onwards, probably before the Conquest one of these persons seems to have had the special duty of guarding the treasure, the thesaurarius. He was not exclusively a treasurer but had special duties there. Later the Treasurer, as such, had a staff of servants and travelled with the king. The first important stage in its development was its being given a permanent location in place of travelling around the county. This began in England under William I and lasted from 1066 to 1200. The Treasurer had a special staff, several Chamberlains recorded in the Domesday Book had whole manors in Hampshire, obviously rewards for work. These Chamberlains were regarded as different from the ordinary Chamberlains. By William II's time one, Herbert, was definitely called Chamberlain and Treasurer. It is also certain that these offices were valuable because by Henry I's reign men were willing to pay for them. So a fixed treasury probably began with William I at Winchester, and at Rouen in Normandy. At Winchester a store house with a staff of, King's Servants was established. King's revenue was paid in there (in small sums) and paid out on the King's warrants. The next stage in the development arose from the necessity of having a system of accounting all the money passing through the Treasury, and the establishment of the Exchequer took place when elaborate machinery was created for the auditing and verifying of the King's revenue. It began as an accounting department.
SECTION IX

THE DOMESDAY SURVEY AND THE FISCAL SYSTEM

The Domesday Book was made specifically for the purpose of obtaining a record of the King's fiscal rights throughout the realm. William decided on it in 1085, at Gloucester in the Christmas of that year. The result of this was the despatching of Royal commissioners throughout England to collect information locally from sworn persons; these persons had to give a description of the district, the naming of those who held land in it, how much each piece of land was worth and so on. The findings were taken down by scribes and sent in to some central office, where these results were digested and recorded and the whole bound in two volumes, the Great Domesday (Folio) and the Little Domesday (Quarto). The Quarto volume only covered three counties; Norfolk, Suffolk and Essex, the Folio volume all the rest except four of the Northern counties. The process of collecting information was done by the commissioners who went to the counties and met the great men at some central place, probably at a regular meeting of the comitatus. The commissioners met not only the great men but also the freeholders, some villeins, sworn juries from each Hundred and deputations from each ville. The first source of information was the answers of these groups and deputations after they had taken the oath to the commissioners. Questions were asked and the answers were very carefully recorded (Brevia). Some of the questions asked were: 1) What are the names of the holdings in your ville? 2) Who held them under King Edward and who does so now? 3) How many plough teams are there on the domain and on vilein's land? 4) How many villeins, slaves, freemen are there? 5) How much wood, pasture, meadow, mills, fisheries and stock there are?

(1) "So narrowly did he cause the survey to be made" means the Saxon chronicler, "that there was not one single ride nor road of land, nor - it is shameful to tell but he thought it no shame to do-was there an ox, cow or swine that was not set down in the writ" quoted. G. M. Trevelyan "History of England" p. 125.

(2) The four being: Northumberland, Cumberland, Wesmoreland and Durham.

(3) Usually eight in number, four French, four English.
The little Domesday Survey was probably done first; there are more details omitted in the Great Domesday Survey. It seems clear that they were recording a great deal of irrelevant information as far as fiscal purposes were concerned and so they adopted a more efficient method of analysis. No Brevia from this period has survived; but two other documents compiled from original returns, as well as a Domesday Book have survived; these are the "Inquisition of Cambridge" and the "Inquest of Ely". The former gives an abstract of the county returns, giving the names of all the owners and their lands in geographical order and it is important to note that it gives details omitted by the Domesday clarks. The Inquest of Ely gives an abstract of the returns of all the properties and estates of the Abbey of Ely in six counties. The details for the first and second, for Cambridge and Huntingdonshire were taken from original returns.

When the Domesday Book was compiled the survey was not arranged geographically but in terms of feudal Property. Each county was taken separately and under each a catalogue of the names of all the landowners, beginning with the King, was given and then all the recorded information was arranged under the names of the Tenants-in-chief holding land in that particular district. The value of each strip of land was assessed and all details connected with economies given. All this information was obviously collected to supply a basis for an estimate of taxable value, thus the Domesday Survey was essentially a fiscal one. The information being arranged under the estates of the chief landowners. A careful analysis of the Domesday Book has shown that there had already been growing since the first Danegelt of Ethelred's time a regular fiscal assessment of the whole country to be taxed; but there were variations in different parts, for example, at the places of the Danish settlement a different unit replaces that of five hides, this unit being six carucates. In some other parts, such as the South-West, remains of quite a different and more primitive form of assessment was discovered. The Anglo-Saxon kings had been accustomed in the early times to go around domains "eating" up rents paid in kind, and the rents were assessed at material in kind of sufficient value to support the king and his court for a single day and night. Before the Norman Conquest, this had already been for the most part
commuted into money payments. It is obvious that however simple the fiscal system was in the XIth century it was already comparatively elaborate and complicated.

At any rate it was such that it required a staff of royal servants to supervise and carry it out. Even at the time of the Doomsday Book the Treasury had a fixed staff at Winchester, and there must have been numerous semi-professionals helping them. In the XIIth century in spite of interruptions under Stephen the system developed more swiftly, although under Henry II it became more regularised and centralised and was made scientifically effective. The first great development was the beginning of a system of auditing account, particularly by all those royal offices and officials, who handled the King's money all over the country. No exact date can be ascertained for the establishment of the Exchequer but it probably began under Henry I as a result of the reforms of Roger of Salisbury.

By Richard I's time the Exchequer had already developed, becoming more important than the Treasury itself and by Henry II's reign it was the financial department of State. Technically the Exchequer was a body of officials who from Henry I's reign on had been called Barons of the Exchequer and included all chief ministers of State. The chief function of the board as such was the annual auditing of the account of the Royal Sheriffs and bailiffs and custodians of lands in wardship and escheat, and other revenues related to the King. It had two great sessions one at the time of Easter and the other at Michaelmas, and it was nearly always held at Westminster. While in session it had two divisions:

(i) The Exchequer of Receipt
(ii) The Board of Exchequer proper whose function it was to audit accounts.

(1) Roger, Bishop of Salisbury was a Norman from the continent who was taken into Henry's service. He rapidly rose in rank and died in 1139. Many of his relations had similar careers, one of his sons was Chancellor for four years under Stephen. His nephew, the Bishop of Ely had become Treasurer and his son Richard Fitz Neal, the author of De Necessariis observantissi Scaccarit Dialogus was the Treasurer from 1158 until his death in 1198.
When the sessions were ended any money paid in at receipt was packed up and sent to Winchester.

Sheriff's relation with the Exchequer: — The most important part of the business was the "farm", the Sheriff was responsible for a certain amount of money to the King. This took the form of paying out on behalf of the King and taking money on behalf of the King, and of this most important was the farm. This constituted a fixed sum, and constituted (a) yearly receipts for all royal manors and properly in his county or bailiwick. (b) some Sources of revenue other than rents as financial profits from county courts.

The Sheriff's revenue for the king was always compound, for his farm and was a fixed sum. The sum for which he was responsible was known beforehand and did not vary annually. It was slightly less than the sum total of his revenue from the rents of the manors and the like.

The Sheriff's farm as a system was established under Henry I and the system of auditing his accounts began about the same time. The first Pipe Roll of 31 Henry I has survived, but there is a blank up to 1156, after which the sequence is complete till the end of the Middle Ages, except for one year. The Pipe Roll of 2 Henry II shows the system in force in Stephen's reign. The average farm was about £300. From the XIIth century onwards the coinage was often debased, so a special method of payment was decided. The money was weighed in the standard 1b. wt. kept at the Exchequer and if it was not of the correct weight the money was rejected. Even if it were accepted further tests were made. There two methods of payment:

(a) by tally
(b) by blanched money

(1) "From before the Conquest we have clear proof of a consolidated Sheriff's farm, for the Domesday entries for the Confessor's day proceed on that assumption. This the treasury was expert enough to supervise, making deductions on account of lands withdrawn from the Sheriff's charge, and possessing the essentials of later treasury technique in accounting — almost certainly by tallies — and in securing a standard purity in coin of the Sheriff's render. "J. E. A. Jolliffe "The Constitutional History of Medieval England" 1948 p. 130."
If the payment was made by (a) then a fixed reduction of 5% was made. Payment by (b) was more complicated. The money was actually paid and the Sheriff got only the exact value. The method of assaying was as follows: An official was called to weigh all the money paid in and after mixing it, he took out forty-four shillings and put them in a purse and sealed them. It was then sent to the Exchequer where twenty shillings were taken out and handed over to the assayer who reduced them to a molten mass. When it was pure enough the residue was made into silver ingot. Then the ingot was placed on the scale against a standard pound weight. Then pennies from the purse were added one by one to the ingot until the balance became level; say this was five in number, the number of pence required was written on the ingot by the assayer and the Sheriff had to pay that number of pence on every pound sterling paid in. The money was then said to be blanched. When the Exchequer was satisfied that the proper value of money had been received the Sheriff got a tale for the value allowed. In the XIIth century this was a piece of wood of about eight inches long and two inches broad. On the face of the tally was written the payer's name, the amount paid and the cause of payment. This was only for official use. The record of payment was made by a series of incisions made on the edges of the tally in regular forms. At one end a hole was bored through for filing. The largest figure paid in was denoted by a strip cut out of the tally of the breadth of the palm of the hand. This denoted one thousand pounds, the thickness of a little finger twenty pounds; a simple pound was shown by a cut the thickness of a barley corn, shillings and smaller sums by a cut smaller than a barley corn. Only the largest denominator was shown on the lower edge. Then the split of one end of the tally, usually the larger part, was kept by the Sheriff and was called the counter-tally or stock. The Shorter part was kept by the Exchequer and was called a foil. This system of receipt by tally lasted until 1783, when it was abolished by Act of Parliament; and the whole system of Exchequer receipt ended in 1834.

(1) "The assaying of coins for their content of silver by weighing them against a standard measure (ad pensum), and for its purity by melting and removing the dross from a sample of the metal (moneta able or blanca) were in practice in the late Saxon period." J. E. A. Jolliffe. Op. cit. p. 130.
The accounting was done in the Hall where the session took place. It was done by means of a chess board. The Sheriff's account was shown in two divisions:

(i) His farm
(ii) His other financial collections.

I. A special account was drawn from the farm itself, then a certain deduction was allowed to the Sheriff by custom of the Exchequer, such as,

a) Alms, tithes and liveries. This was a regular payment on King's authority.

b) Series of wages to minor officials

c) One penny or twopence a day for doing justice, and twenty shillings a year for the public executioner.

II. Allowances were made for terrae datae i.e. allowances in respect of royal manors or domains given away by the King, and from which the Sheriff derived no rent. The allowance was always set off against the gross total of the farm. A full nominal value for rents was allowed to the Sheriff if the manor or land had been granted away by the crown together with the Hundred court and its profits. As the Sheriff lost both he was therefore allowed full nominal value, i.e. payment in balance. When all these allowances had been made a provisional balance was cast and at the end of the entry it was decided that it could be either et quietus est or et debet or et habit in superplasagio. Following that a series of regular entries were made for which the Exchequer had formal names and heading.

i — Purprestures and Escheats: — Purprestures consisted of any ties connected with the King's grounds, property or rights for which amercements were taken. Escheats were any profits from private estates in the King's hands.

ii — Placita et conventiones: — These were profits from the administration of the law by the itinerant justices. Later Pipe Rolls

(1) "The Treasury at Winchester did not have or did not retain for any considerable period the duty of checking the Sheriff's accounts, the control of
brought in more profits than these. All this accounting was carried on by means of elaborate calculations worked out visibly on a chess board. The arabic symbols were not yet in use at that time. Roman numerals were too complicated. The Exchequer had a special device of its own.

The sums were calculated on a chess-board by the substitution of coins in set arrangements which denoted the sum in question. By certain standard arrangements the calculations could be set out very quickly and a very few coins could represent a considerable sum in figures:

The arrangement of the members of the board was also fixed and definite. Each minister had his special place and duties. At the head sat the Justiciar who presided, on his left sat the Chancellor and then in order on the bench sat the Constable, the two Chamberlains of Exchequer and the Master. On the far side of the table sat the Treasurer who had the list of every payment for which the Sheriff was responsible and on the right of the Treasurer sat the writer of the Treasurer's Rolls — The Pipe Roll — Next to him sat the writer of the Chancellor's Roll and then the Chancellor's clerk who was later called the Chancellor of the Exchequer. The Sheriff sat facing the Justiciar at the left end of the board and the calculator sat opposite the chess board facing the Chancellor's clerk.

which was entrusted to a section of the Curia Regis and carried out by a method of counters on a squared table called the Exchequer; its results were inscribed in a parchment roll known as the Pipe Roll. The roll for the year 1129-1130 is extant.” Ch. Petit-Dutaillis, op. cit. p. 63.

(1) For the feudal complications connected with the Pipe Rolls see. J.E.A. Joliffe, op. cit. p. 161.

(2) Later he was called The Clerk of the Pipe.

(3) There Studies will be continued in the forthcoming issues of the “Sosyoloji Dergisi”.