Primary Sources: Documents Illustrative of Feudalism

NOTE TO TEACHERS: These documents are to be used discretely as examples only. It is not expected for students to master or learn the content in this collection. However, these sources may be drawn from to help underscore how deeply feudalism had an impact all over Europe.

THE ORIGINS OF FEUDALISM, A. D. 500-1100

Feudalism is the name given to that form and degree of organization and system in European society which existed at a period when there were no strong central governments, when there was no civil equality of persons, and no conception of absolute property in land. The absence of these institutions was more or less characteristic of all the countries of western Europe from the ninth to the fourteenth century. Any effort to illustrate such a condition of society by contemporary documents is necessarily somewhat fallacious, for Europe was above all else disorganized and anarchic, while formal documents always give an impression of order and regularity.
On the other hand, such a mere dominion of force as has been spoken of, which certainly tended to exist when the more orderly conditions of the period of the Roman Empire and of the early barbarian monarchies had passed away, was limited in several respects. It was modified notably by personal alliances of lord and vassal, by praedial relations of landlord and tenant, by the exercise of many of the powers of government on their own lands by nobles one or more stages below the national ruler. A vast number of documents, edicts, formulas, and contemporary records illustrate this side of the growth of Feudalism. These documents show that from an early period, both among the Romans and the barbarians, a habit of forming voluntary personal agreements of protection on the one hand and service on the other between a superior and an inferior was prevalent; secondly, that the definiteness of the Roman legal idea of private ownership of land was becoming blunted, and the idea of its communal ownership by the clan was being lost, so that they were both superseded by an ideal of beneficiary or undefined land holding, which was quite satisfied with the profitable superiority over the land by its lord and the practical use of it by its actual tenant, without raising the question of its ownership; and thirdly, that the power of local nobles and the connivance of the weak central government combined to place military, judicial, and even certain legislative and administrative powers in the hands of those whose only claim to them was that they were lords over vassals and holders of lands.

The documents in Part I. are intended to illustrate these three customs, which are commonly known respectively as commendation, the creation of benefices, and the grant of immunities.

I. THE GROWTH OF PERSONAL DEPENDENCE.

1. An Anglo-Saxon Form of Commendation

Thus shall one take the oath of fidelity:

By the Lord before whom this sanctuary is holy, I will to N. be true and faithful, and love all which he loves and shun all which he shuns, according to the laws of God and the order of the world. Nor will I ever with will or action, through word or deed, do anything which is unpleasing to him, on condition that he will hold to me as I shall deserve it, and that he will perform everything as it was in our agreement when I submitted myself to him and chose his will.

2. A Frankish Formula of Commendation, Seventh Century.

Who commends himself in the power of another:

To that magnificent lord so and so, I, so and so. Since it is known familiarly to all how little I have whence to feed and clothe myself, I have therefore petitioned your piety, and your good-will has decreed to me that I should hand myself over or commend myself to your guardianship, which I have thereupon done; that is to say in this way, that you should aid and succor me as well with food as with clothing, according as I shall be able to serve you and deserve it.

And so long as I shall live I ought to provide service and honor to you, suitably to my free condition; and I shall not during the time of my life have the ability to withdraw from your power or guardianship; but must remain during the days of my life under your power or defence. Wherefore it is proper that if either of us shall wish to withdraw himself from these agreements, he shall pay so many shillings to the other party (pari suo), and this agreement shall remain unbroken.

[Wherefore it is fitting that they should make or confirm between themselves two letters drawn up in the same form on this matter; which they have thus done.]

3. Acceptance of an Antrustion, Seventh Century
It is right that those who offer to us unbroken fidelity should be protected by our aid. And since such and such a faithful one of ours, by the favor of God, coming here in our palace with his arms, has seen fit to swear trust and fidelity to us in our hand, therefore we decree and command by the present precept that for the future such and such above mentioned be counted with the number of the antrustions. And if any one perchance should presume to kill him, let him know that he will be judged guilty of his wergild of 600 shillings.

4. Charter of Guardianship Granted by the King, Ninth Century.

We wish it to be known to all our faithful, dwelling in the parts of Romania and Italy that certain men whose names are such and such, coming into our presence have begged and prayed us that on account of the injuries of evil men we should take them under the security of our protection, which we have done with willingness. On this account we have ordered this precept of our authority to be made and given to them; by which we require and command that no one of you take anything of their property from them against what is right, or presume to prosecute them in any cause unjustly; but it is allowed to them under our defence and protection and without opposition of any kind to live quietly on their own property. And if any causes shall have arisen against them which within their own country cannot be concluded without heavy and unreasonable expense, we will that these be suspended and reserved for our presence till they may receive a just and lawful final sentence, and let no one presume to deprive them of the opportunity of coming to us.

5. Capitulary Concerning Freemen and Vassals, A.D. 816.

If any one shall wish to leave his lord (seniorum), and is able to prove against him one of these crimes, that is, in the first place, if the lord has wished to reduce him unjustly into servitude; in the second place, if he has taken counsel against his life; in the third place, if the lord has committed adultery with the wife of his vassal; in the fourth place, if he has willfully attacked him with a drawn sword; in the fifth place, if the lord has been able to bring defence to his vassal after he has commended his hands to him, and has not done so; it is allowed to the vassal to leave him. If the lord has perpetrated anything against the vassal in these five points it is allowed the vassal to leave him.

6. Capitulary of Mersen, A.D. 847.

We will moreover that each free man in our kingdom shall choose a lord, from us or our faithful, such a one as he wishes.

We command moreover that no man shall leave his lord without just cause, nor should any one receive him, except in such a way as was customary in the time of our predecessors.

And we wish you to know that we want to grant right to our faithful subjects and we do not wish to do anything to them against reason. Similarly we admonish you and the rest of our faithful subjects that you grant right to your men and do not act against reason toward them.

And we will that the man of each one of us[Lothar, Lewis and Charles] in whosoever kingdom he is, shall go with his lord against the enemy, or in his other needs unless there shall have been (as may there not be) such an invasion of the kingdom as is called a landwer, so that the whole people of that kingdom shall go together to repel it.

7. Instances of Commendation from the Domesday Book, A.D. 1085.

In Greenwich were two free men, one commended to King Edward, the other to Girth.
In the borough [of Thetford] Roger has thirty-three men commended to him, whom his predecessor held, in whom he had nothing except commendation.

---------------Norfolk, i, 173.

In Wantage hundred the same bishop holds from the king one hide and a half, and Tori from him. The father of Tori held it in the time of King Edward, and was able to go whither he wished, but for his protection he committed himself to bishop Herman, and Tori similarly to bishop Osmund.

--------------- Berkshire, i, 58.

This land Edmund, a man of Earl Harold, held.

---------------Hertfordshire, i, 133.

In Munehale a certain Englishman holds from Geoffrey three virgates, which he held as a free man in the time of King Edward; and in the time of King William he became the man of Geoffrey, of his own free will. --------------Essex, i, 6z b.

In Becham one free man holds by commendation from bishop Almar 80 acres of land.--------Norfolk, i, 198 b.

In the borough there were 943 burghers in the time of King Edward. Of these the king has the whole custom. Of these there were 36 so completely in the dominion of King Edward that they were not able to be the men of any one without the license of the king. All the rest were able to be the men of any one, but the custom nevertheless remained to the king, except heriot.

---------------Thetford, Norfolk, i, 186 b.

II. THE GROWTH OF DEPENDENT LAND TENURE.

1. Grant of Lands to a Monastery, and their Return as a Precaria, Seventh Century.

I, such a one, in the name of God. I have settled in my mind that I ought, for the good of my soul, to make a gift of something from my possessions, which I have therefore done. And this is what I hand over, in the district named so and so, in the place of which the name is such and such, all those possessions of mine which there my father left me at his death, and which as against my brothers or as against my co-heirs the lot legitimately brought me in the division; or those which I was able afterward to add to them in any way, in their whole completeness, that is to say the courtyard with its buildings, with slaves, houses, lands cultivated and uncultivated, meadows, woods, waters, mills, etc. These, as I have said before, with all the things adjacent or appurtenant to them I hand over to the church, which was built in honor of such and such a saint to the monastery which is called so and so, where such and such an abbot is acknowledged to rule regularly over God's flock; on these conditions, viz.: That so long as life remains in my body, the possessions above described I shall receive from you as a benefice for usufruct, and the due payment I will make to you and your successors each year, that is so and so much. And my son shall have the same possessions for the days of his life only, and shall make the above named payment; and if my children should survive me they shall have the same possessions during the days of their life and shall make the same payment; and if God shall give me a son from a legitimate wife, he shall have the same possessions for the days of his life only, after the death of whom the same possessions with all their improvements shall return to your part to be held forever; and if it should be my chance to beget sons from a legitimate marriage, these shall hold the same possessions after my death, making the above named payment, during the time of their lives. If not, however, after my death, without tergiversation of any kind, by right of your authority, the same possessions shall revert to you to be retained forever. If any one, however, which I do
not believe will ever occur, if I myself or any other person shall wish to violate the firmness and validity of this grant, the order of truth opposing him, may his falsity in no degree succeed; and for his bold attempt may he pay to the aforesaid monastery double the amount which his ill-ordered cupidity has been prevented from abstracting; and moreover let him be culpable to the royal authority for \textit{such and such an account} of gold; and, nevertheless, let the present charter remain inviolate with all that it contains, with the witnesses placed below.

Done in \textit{such and such} a place? publicly, those who are noted below being present, or the remaining innumerable multitude of people.

In the name of God, I, abbot \textit{so and so}, with our commissioned brethren. Since it is not unknown how you, \textit{such and such a one}, by the suggestion of divine exhortation did grant to \textit{such and such a monastery}, to the church which is known to be constructed in honor of \textit{such and such a saint} where we by God's authority exercise our pastoral care, all your possessions which you seemed to have in the district named, in the will named, which your father on his death bequeathed to you there, or which by your own labor you were able to gain there, or which as against your brother or against \textit{such and such a co-heir}, a just division gave you, with courtyard and buildings, gardens and orchards, with various slaves, \textit{so and so} by name, houses, lands, meadows, woods, cultivated and uncultivated, or with all the dependencies and appurtenances belonging to it, which it would be extremely long to enumerate, in all their completeness; but afterwards, at your request, it has seemed proper to us to cede to you the same possessions to be held for usufruct; and you will not neglect to pay at annual periods the due \textit{censum} hence, that is \textit{so and so much}. And if God should give you a son by your legal wife, he shall have the same possessions for the days of his life only, and shall not presume to neglect the above named payment, and similarly your sons which you are seen to have at present, shall do for the days of their life; after the death of whom all the possessions above named shall revert to us and our successors perpetually. Moreover, if no sons shall have been begotten by you, immediately after your death, without any prejudicial contention, they shall revert to the rulers or guardians of the above named church, forever. Nor may any one, either ourselves or our successors, be successful in a rash attempt inordinately to destroy these agreements, but just as the time has demanded in the present \textit{precaria}, may that be sure to endure unchanged which we, with the consent of our brothers, have decided to corroborate.

Done in \textit{such and such a place}, in the presence of \textit{so and so} and of others whom it is not worth while to enumerate. Seal of the same abbot, who has ordered this \textit{precaria} to be made.

\textbf{2. Oswald's Grants of Subject-Lands, A.D. 970.}

\textit{[The translation of this document is difficult, and the meaning of some clauses as given here is scarcely more than conjectural]}

To my dearest lord Edgar, King of the English, I, Oswald, bishop of the church of Worcester, return thanks before God and men for all the gifts which by your clemency have been granted to me. Therefore, if the mercy of God will allow, before God and men will I always remain faithful to you, remembering in my gratitude your abundant goodness, in granting to me that which I desired so deeply, and taking up my quarrel and that of the holy church of God. This you did through the aid and intervention of my spokesmen, the most reverend archbishop Dunstan, and the venerable Aethelwold, bishop of Winchester, and that magnificent man, Earl Brihtnoth; and in accordance with the counsel of his wise men and magnates decided it justly, and to the sustentation of the church which he graciously committed to me to rule. Wherefore, in what manner with the lands which were handed over to my power, I have endowed my dependents, for the space of life of three men, that is of two heirs after themselves, with the license and attestation of the same my lord king it has pleased both myself and my helpers and counsellors to explain openly through the form of a chirograph to my brethren and successors, that is the bishops. They will thus know what ought justly to be required from them according to the agreement made with them and with their promise. I have also been careful to compose this letter by way of caution, lest any one in the future, instigated by wicked cupidity, and desiring to change this, should renounce the service of the church. So this agreement was made with
them, the same my lord king approving and by his attestation corroborating and confirming the greatness of
his munificence, all the wise men and magnates of his court attesting and consenting.

With this agreement I have conceded to them the lands of holy church to be held under me, that is that all
the law of riding which pertains to *equites* should be fulfilled by them; and that they should fully perform
all those things which justly belong to the right of the same church, that is to say those things which in
English are called churchscot and toll (that is *Theloneum*), and tac (that is *swinsceade,* and other rights of
the church, unless the bishop shall wish to pardon anything to any of them; and they must, moreover, affirm
with an oath that so long as they hold his lands they will continue humbly in all subjection to the
commands of the bishop. Besides this, moreover, they shall provide themselves ready for every need of the
bishop; they shall provide horses, they themselves shall ride; and for all the burning of lime for the need of
the church and for the building of the bridge they shall be found ready; moreover they shall provide, of
their own accord, for building the hunting lodge of the lord bishop, and shall turn their own spears to
hunting whenever it shall please the lord bishop. Moreover, for the many other occasions of need which the
lord bishop often requires, either for his own service or to fulfill that to the king, they should always be
subjected in all humility to the governance of that leader and to the will of whomsoever presides over the
episcopal office, on account of the benefices which have been granted to them, according to his will and
according to the quantity of lands which each one possesses.

When the aforesaid course of time shall have passed away, that is to say, the period of life of two heirs after
those who now possess them, it shall rest with the judgment of the same bishop as to what he wishes, and
whatever his will is, so it shall stand, either to retain these to his own need, if so he shall judge it is useful to
him, or to grant them for a longer time to any one if it shall so seem good to him, so, nevertheless, that the
service of the church shall always, as we have said before, be fully provided for.

But if any of those rights mentioned above shall have failed because of the crime of any one
misrepresenting, let him atone for the crime of his misrepresentation according to the right of the bishop, or
let him be deprived of that gift and land which he before had control of. If there should be any one, tempted
by the devil (as we should hope not), who, by means of our benefice, should attempt by fraud to deprive the
church of God, either of its property or of its due service, let him be deprived of our benediction and of all
blessing of God and his saints, unless by the most profound repentance, he hastens to correct it and restores
to its original condition what he has defrauded it of; for it is written: "it robbers and sacrilegious men shall
not reach the kingdom of God." Now, however, for the sake of God and Holy Mary, in whose name this
monastery is endowed, I advise and require that in no way should any one venture to wrest this, but as by
us it has been established, as we have described above, so let it remain forever. He who keeps this let him
be filled with all benediction; he, however, who infringes it let him be cursed by the Lord and all saints,
Amen.

3. Change from Allodial to Feudal Holding.

This instance of the original entry of a piece of land into feudal relations is of course at a date
centuries after feudal tenure had become characteristic of most of the land of Europe, but it seems to
be typical of conditions even at this late period in the south of France.

The Official of Auxerre to all who shall see the present letters, greeting. Let all know, that standing in our
presence William de la Foret, knight, and Agnes, his wife, asserting firmly that they hold and possess in
free allod the property noted below: viz: the arpent of vines, situated in the vineyard of Chablis, in the place
which is called the Close, between the vines of William Berner, on the one side and the vines of the late
Pariot, on the other.[The charter continues to describe some 20 pieces of vineyard, meadow and arable
land, certain houses, and rents in wine and grain, the property being situated apparently in six different
villages ] . . . also all other things which they possessed and held in free allod, as they said, and still hold
and possess within the boundaries of Chablis, of Chichiac, of Milli, of Ponche, of Bena and of Chapelle, the
direct and hereditary holdings of the same Agnes wherever they may be within the same boundaries, and
whatsoever; by their common consent and will, after previous deliberation they have placed altogether in
the fee of the church of St. Martin of Tours, and in fee for the future have wished to hold and possess firmly from the said church.

They promise, on the fealty offered by their bodies, that they hold and will hold the things aforesaid and expressed above, with all other things which they hold and possess within the said boundaries wherever they may be and whatsoever, for the future, from the said church in fee, and to the same church in future, by reason of the same property will provide feudal service as they ought to provide it, just as others holding in fee are accustomed to hold and are bound to give or provide.

Given A. D. 1261, Wednesday after the Ascension of the Lord.

III. PRIVATE JURISDICTIONS

1. Grant of Immunity for the Land of a Bishopric.

We believe that it increases the great renown of our government, if with benevolent deliberation we concede opportune benefits to the places of the churches or to any one you may name, and under the protection of the Lord, write them down to endure in stability. Therefore, may your zeal know that we have seen fit upon petition to grant such a benefit, for our eternal reward, to that apostolic man, lord so and so, bishop of such and such a city; that in the vills of the church of that lord, which in recent times, or in ours, or by the gift of any one, he is seen to have, or which in the future godly piety shall wish to amplify in the right of that holy place, no public judge shall at any time presume to enter for the hearing of causes or for the exaction of payments, but the prelate himself or his successors for the name of the Lord shall be able to rule over this under the name of a complete corporation. We require, therefore, that neither you nor your subordinates nor your successors nor any public judicial power should presume at any time to enter into the vills of the same church anywhere in our kingdom, either those granted by royal bounty or by that of private persons or those which shall in future be granted; either for the sake of hearing altercation or to exact fines for any causes, or to obtain sureties. But whatever the Treasury could expect either of fines or other things either from freemen or from servants and other nations who are within the fields or boundaries or dwelling upon the lands of the aforesaid church; by our indulgence for our future welfare, shall be profitable for the expenses of the same church by the hand of those ruling it, forever. And what we for the name of God and the remedy of our soul and that of our progeny who shall follow us have granted from full devotion, let not the royal sublimity, in the reckless cupidity of any of the judges be tempted to break. And, in order that the present authority may, by the aid of God, remain inviolate in present as in future times we have ordered this to be corroborated below by the subscription of our hand.

2. Grant of Immunity to a Layman, Seventh Century.

Therefore, may your greatness or perseverance know that we have seen fit to concede by our ready will to such and such an illustrious man, the vill named so and so, situated in such and such a district, completely with its whole proper boundary, as it has been possessed by such awed such a one or by our treasury, or is possessed at this present time. Wherefore, by our present authority we have decreed what we command shall be kept forever, that the man aforesaid, so and so, should have conceded to him such and such a vill as we have said, in its entirety, with the lands, houses, buildings, villeins, slaves, vineyards, woods, fields, meadows, pastures, waters or watercourses, grist mills, additions, appurtenances, or any kind of men who are subjected to our Treasury who dwell there; in entire immunity, and without the entrance of any one of the judges for the purpose of holding the pleas of any kind of causes. Thus he may have, hold, and possess it in proprietary right and without expecting the entrance of any of the judges; and may leave the possession of it to his posterity, by the aid of God, from our bounty, or to whom he will; and by our permission he shall have free power to do whatever he may wish with it for the future. And in order that this authority may be held as more firm, we have decreed it to be corroborated below with the subscription of our hand.

3. Anglo-Saxon Grant of Immunity.
Such grants as the following have not usually been recognized as grants of immunity, and our ignorance as to the exact significance of the Anglo Saxon technical terms employed makes it impossible to decide the extent of the exemptions granted. But there seems to be no doubt that the result of such a grant was to give the recipients the right to all the profits of justice, and exemption from the intrusion of royal officials, and therefore inferentially the right and duty of holding courts and exercising other forms of jurisdiction.

I, King Edward, greet bishop Wulfwig and earl Gyrth and all my thanes in Oxfordshire amicably, and I make known to you that I have given to Christ and Saint Peter in Westminster, the village in which I was born, by name Islip, and a half-hide at Marsh, scot-free and rent-free, with all the things which thereto belong, in wood and in field, in mead and in water, with church and with church socon, as full and as complete and as free as it stood in my own hand, and as Aelfgifu Emma, my mother, gave it to me at my birthday, as a first gift, and naturally bequeathed it. And I give them, moreover, sac and socon, toll and team, and infangenehod and bloodwite and wardwite and hamsonc, and forestal, grith Bryce and mund Bryce, and all the rights which to me belong. I now greet well my beloved kinsman at Wallingford, and I enjoin thee that thou in my stead deliver that land into the possession of the saint, for I will on no account allow that any man have any authority there, in any thing or at any times, except the abbot and the brethren, for the monastery's necessary requirements. And whoso shall faithfully hold this alms may God and God's mother hold him in everlasting bliss. And whoso shall turn it aside, be he turned aside from God to the rigid tortures of hell's inmates, unless he in this earth the more rigidly make amends. God and St. Peter's favor preserve you.

4. From the Capitulary of Kiersey, A. D. 877.

If a count of this kingdom, whose son is with us, shall die, our son with the rest of our faithful shall appoint some one of the nearest relatives of the same count, who, along with the officials of his province and with the bishop in whose dioecese the same province is, shall administer that province until announcement is made to us, so that we may honor his son who is with us with his honors.

If, however, he had a minor son, this same son, along with the officials of that province and with the bishop in whose dioecese it is, shall make provision for the same province until the notice of the death of the same count shall come to us, that his son may be honored, by our concession, with his honors.

If, however, he had no son, our son along with the rest of the faithful, shall take charge, who, along with the officials of the same province and with the proper bishop shall make provision for the same province until our order may be made in regard to it. Therefore, let him not be angry who shall provide for the province if we give the same province to another whom it pleases us, rather than to him who has so far provided for it.

Similarly also shall this be done concerning our vassals. And we will and command that as well the bishops as the abbots and the counts, and any others of our faithful also, shall study to presence this toward their men.

I. FEUDAL INSTITUTIONS, A. D. 1100-1400.

The relation of lord and vassal, the engagements between lord and tenant, and the feudal possession of political powers, as time passed on, obtained a greater amount of fixedness and uniformity. That is to say, there came to be well-defined feudal institutions in existence. Moreover, in local tradition, in documentary formulas, in charters issued by kings or great feudal lords, and finally in legal treatises, such as the Coutumiers of various French provinces, the Sachsenspiegel, or the Libri Feudorum, there grew up a body of established feudal law or custom which could be appealed to as authoritative. Thus by the thirteenth century Feudalism, as far as it extended, was a tolerably regular system. But by this time also many non-feudal influences were already growing in strength. The centralized monarchies, city life, the system of national estates, commerce, manufactures, money capital, were increasing in influence, while feudal institutions were both absolutely and relatively losing in
importance. Feudalism therefore merely bridges over the chasm lying between one set of orderly institutions, those of the Roman Empire and the early barbarian monarchies, and another, those of the reviving national monarchies of the thirteenth and subsequent centuries. The documents in Part II are intended to illustrate feudal institutions as they took shape in the twelfth and thirteenth centuries.

1. Acknowledgment of Feudal Tenure, A. D. 1220.

I, Guy, lord of Maligny, make known to all who shall see this present letter that I hold from the count of Champagne, the chateau of Maligny, and the manors which are subject to the jurisdiction of and liable to revert to the same count at small and great force, and the knights' fees which are held from Maligny, and whatever I have at La Chapelle, near Maligny, and whatever I have at Beine, except Henry and his family, and Sir Guy of Montreal, and whatever I have at Chablis, which is in the name of my wife. And that this may be known for the future I have strengthened the present letter with the support of my seal. Given in the year of grace 1220, in the month of February.

2. Grant of a Fief, A. D. 1200.

I, Thibault, count palatine of Troyes, make known to those present and to come that I have given in fee to Jocelyn d'Avalon and his heirs the manor which is called Gillencourt, which is of the castellanerie of La Ferte sur Aube; and whatever the same Jocelyn shall be able to acquire in the same manor I have granted to him and his heirs in augmentation of that fief. I have granted, moreover, to him that in no free manor of mine will I retain men who are of this gift. The same Jocelyn, moreover, on account of this has become my liege man, saving, however, his allegiance to Gerard d'Arcy, and to the lord duke of Burgundy, and to Peter, count of Auxerre. Done at Chouaude, by my own witness, in the year of the Incarnation of our Lord 1200, in the month of January. Given by the hand of Walter, my chancellor; note of Milo.

3. Grant of a Fief, A.D. 1167.

In the name of the Holy and Undivided Trinity, Amen. I, Louis, by the grace of God, king of the French, make known to all present as well as to collie, that at Mante in our presence, Count Henry of Champagne conceded the fief of Savigny to Bartholomew, bishop of Beauvais, and his successors. And for that fief the said bishop has made promise and engagement for one knight and justice and service to Count Henry; and he has also agreed that the bishops who shall come after him will do likewise. In order that this may be understood and known to posterity we have caused the present charter to be corroborated by our seal; done at Mante, in the year of the Incarnate Word 1167; present in our palace those whose names and seals are appended: seal of count Thibault, our steward; seal of Guy, the butler; seal of Matthew, the chamberlain; seal of Ralph, the constable. Given by the hand of Hugh, the chancellor.


In 1166 an order seems to have been sent out from the royal Exchequer in England requiring all tenants-in-chief to make formal report to the king of the number and names of the subtenants who had been enfeoffed on their lands previous to 1135, of those enfeoffed subsequently, and of the number of knights they owed to the king from their lands in addition to these military subtenants. The returns to this summons, which give exceedingly valuable information for the military side of feudalism, are preserved in the "Red Book of the Exchequer," lately published in the Rolls Series, and interpreted by Mr. J. H. Round in his work entitled "Feudal England," especially pp. 236 ff.

To his dearest lord Henry, by the grace of God king of the English, William of London, greeting:

Know that I have no knight enfeoffed of old or recently, but I ought to defend my fief with the service of my body.
To Henry, by the grace of God king of the English, Peter de Mare, greeting:

Let it be known to you that I hold Lavington, by your grace, in domain, for the service of two knights. But I have no knight enfeoffed there, either by old or recent feoffment.

To Henry, king of the English, duke of the Normans and Aquitanians, and count of the Angevins, Roger de Burun, greeting:

Concerning my knights in the time of king Henry, know this to be true: W. de Heriz holds two knights' fees; Roger de Cordingestoke too knights' fees; Patrick de Rosel one knight's fee; and Albert, whom my father enfeoffed after the death of king Henry, one knight's fee. And I myself fulfill the service of four knights from my domain.

Earl Walter Giffard [Earl of Buckingham] had these knights enfeoffed in old feoffment; Hugh Bolebeche owed the earl the service of twenty knights; Geoffrey Fitz-William, of twenty-seven knights; Manasser Bisset, of one knight; William de Saurkeville, of one knight; Hugh de Noers, of one knight; Gerard de Granville, of three knights; Wido de Rocheford, of three knights; Richard Talbot, of two knights; William Passeleue, of three knights; William Buteri, of five knights; Peter Corbuzone, of five knights, Richard Fitz-Mabel, of four knights; Gerard de Reddenham, of two knights; Walter de Weston, of two knights; Jordan de Belnair, of two knights; Pagan de Dertone, of one knight; Henry de Oyli, of one knight; Hugh de Cresi, of one knight; Elias Giffard, of two knights; Robert de Neville, of one knight; Ralph de Lucinton, of one knight; Matilda de Bec, of one knight; the son of William FitzRoger, of one knight; Hamo Fitz-Bener, of half a knight; Roger de St. Faith, of half a knight; Robert de Bedford, of half a knight; Sawalle de Crendon, of half a knight, supported by the earl; Gerard de Bodingham, of half a knight; Alan de Bodingham, of half a knight; Adam de St. Lawrence, of half a knight; Richard de Witewelle, of half a knight; Richard Makerel, of half a knight. Of recent feoffment, Hugh de Millville has the fee of half a knight; William Cokerel, of half a knight; William de Bureville, of half a knight.

5. Grant of a Fief of Money, A. D. 1380.

We, Regnault de Fauquemont, knight, lord of Bournes and of Sitter, b make known to all by these presents, that we have become liege man of the king of France, our lord, and to him have made faith and homage because of 1000 livres of Tours of income which he has given to us during our life, to be drawn from his treasury at Paris. And we have promised to him and do promise by these presents to serve him loyally and well in his wars and otherwise against all who can live and die, in the form and manner in which a good and loyal subject ought to serve his sovereign lord. In testimony of which we have put our seal to these present letters. Given at Paris, the 15th day of June, the year 1380.

II. CEREMONY OF HOMAGE AND FEALTY.

1. Homage and Fealty to Count of Flanders, A. D. 1127.

Through the whole remaining part of the day those who had been previously enfeoffed by the most pious count Charles, did homage to the count, taking up now again their fiefs and offices and whatever they had before rightfully and legitimately obtained. On Thursday the seventh of April, homages were again made to the count being completed in the following order of faith and security.

First they did their homage thus. The count asked if he was willing to become completely his man, and the other replied, " I am willing;" and with clasped hands, surrounded by the hands of the count, they were bound together by a kiss. Secondly, he who had done homage gave his fealty to the representative of the count in these words, " I promise on my faith that I will in future be faithful to count William, and will observe my homage to him completely against all persons in good faith and without deceit," and thirdly, he took his oath to this upon the relics of the saints. Afterward, with a little rod which the count held in his
hand, he gave investitures to all who by this agreement had given their security and homage and accompanying oath.


In the name of the Lord, I, Bernard Atton, Viscount of Carcassonne, in the presence of my sons, Roger and Trenchel, and of Peter Roger of Barbazan, and William Hugo, and Raymond Mantellini, and Peter de Viety, nobles, and of many other honorable men, who have come to the monastery of St. Mary of Grasse, to the honor of the festival of the august St. Mary; since lord Leo, abbot of the said monastery, has asked me, in the presence of all those above mentioned, to acknowledge to him the fealty and homage for the castles, manors, and places which the patrons, my ancestors, held from him and his predecessors and from the said monastery as a fief, and which I ought to hold as they held, I have made to the lord abbot Leo acknowledgment and homage as I ought to do.

Therefore, let all present and to come know that I the said Bernard Atton, lord and viscount of Carcassonne, acknowledge verily to thee my lord Leo, by the grace of God abbot of St. Mary of Grasse, and to thy successors that I hold and ought to hold as a fief in Carcassonne the following: that is to say, the castles of Confoles, of Leocque, of Capendes (which is otherwise known as St. Martin of Sussagues); and the manors of Mairac, of Albars and of Musso; also, in the valley of Aquitaine, Rieux, Traverina, Herault, Archas, Servians, Villatrites, Tansiraus, Presler, Cornelles. Moreover, I acknowledge that I hold from thee and from the said monastery as a fief the castle of Termes in Narbonne; and in Minerve the castle of Ventaion, and the manors of Cassocanlles, and of Ferral and Aiohars; and in Le Roges, the little village of Longville; for each and all of which I make homage and fealty with hands and with mouth to thee my said lord abbot Leo and to thy successors, and I swear upon these four gospels of God that I will always be a faithful vassal to thee and to thy successors and to St. Mary of Grasse in all things in which a vassal is required to be faithful to his lord, and I will defend thee, my lord, and all thy successors, and the said monastery and the monks present and to come and the castles and manors and all your men and their possessions against all malefactors and invaders, at my request and that of my successors at my own cost; and I will give to thee power over all the castles and manors above described, in peace and in war, whenever they shall be claimed by thee or by thy successors.

Moreover I acknowledge that, as a recognition of the above fiefs, I and my successors ought to come to the said monastery, at our own expense, as often as a new abbot shall have been made, and there do homage and return to him the power over all the fiefs described above. And when the abbot shall mount his horse I and my heirs, viscounts of Carcassonne, and our successors ought to hold the stirrup for the honor of the dominion of St. Mary of Grasse; and to him and all who come with him, to as many as two hundred beasts, we should make the abbot's purveyance in the borough of St. Michael of Carcassonne, the first time he enters Carcassonne, with the best fish and meat and with eggs and cheese, honorably according to his will, and pay the expense of the shoeing of the horses, and for straw and fodder as the season shall require.

And if I or my sons or their successors do not observe to thee or to thy successors each and all the things declared above, and should come against these things, we wish that all the aforesaid fiefs should by that very fact be handed over to thee and to the said monastery of St. Mary of Grasse and to thy successors.

I, therefore, the aforesaid lord Leo, by the grace of God abbot of St. Mary of Grasse, receive the homage and fealty for all the fiefs of castles and manors and places which are described above; and in the way and with the agreements and understandings written above; and likewise I concede to thee and thy heirs and their successors, the viscounts of Carcassonne, all the castles and manors and places aforesaid, as a fief, along with this present charter, divided through the alphabet. And I promise to thee and thy heirs and successors, viscounts of Carcassonne, under the religion of my order, that I will be good and faithful lord concerning all those things described above.

Moreover, I, the aforesaid viscount, acknowledge that the little villages of Cannetis, Maironis, Villamagna, Aiglino, Villadasas, Villafrancos, Villadenz, Villaudriz, St. Genese, Conguste and Mata, with the farm-
house of Mathus and the chateaux of Villalauro and Claromont, with the little villages of St. Stephen of Surlac, and of Upper and Lower Agrifolio, ought to belong to the said monastery, and whoever holds anything there holds from the same monastery, as we have seen and have heard read in the privileges and charters of the monastery, and as was there written.

Made in the year of the Incarnation of the Lord 1110, in the reign of Louis. Seal of Bernard Atton, viscount of Carcassonne, seal of Raymond Mantellini, seal of Peter Roger of Barbazon, seal of Roger, son of the said viscount of Carcassonne, seal of Peter de Vitry, seal of Trencavel, son of the said viscount of Carcassonne, seal of William Hugo, seal of lord abbot Leo, who has accepted this acknowledgment of the homage of the said viscount.

And I, the monk John, have written this charter at the command of the said lord Bernard Atton, viscount of Carcassonne and of his sons, on the day and year given above, in the presence and witness of all those named above.

3. Legal Rules for Homage and Fealty.

If any one should hold from a lord in fee, he ought to seek his lord within forty days, and if he does not do it within forty days the lord may and ought to seize his fief for default of homage, and the things which should be found there he should seize without return, and yet the vassal would be obliged to pay to his lord the redemption. When any one wishes to enter into the fealty of a lord, he ought to seek him, as we have said above, and should say as follows: "Sir, I request you as my lord, to put me in your fealty and in your homage for such and such a thing situated in your fief, which I have bought." And he ought to say from what man, and this one ought to be present and in the fealty of the lord; and whether it is by purchase or by escheat or by inheritance he ought to explain; and with his hands joined, to speak as follows: "Sir, I become your man and promise to you fealty for the future as my lord towards all men who may live or die, rendering to you such service as the fief requires making to you your relief as you are the lord." And he ought to say whether for guardianship, or as an escheat, or as an inheritance or as a purchase.

The lord should immediately reply to him: "And I receive you and take you as my man, and give you this kiss as a sign of faith, saving my right and that of others," according to the usage of the various districts.

And the lord may take the revenues and the products of the year, if the relief is not paid to him, and also money rents. But no one makes money payments for a guardianship, or for a dowry, or for a partition, or for a report of the extent of the fief, according to the usages of various districts; except in the one case that the one who holds in guardianship ought to give security to the parties that when the child shall come of age the one who has the guardianship, will do it at his own expense and at his cost, and will guarantee the socage tenants for any payments. It is thus in the case of a fief, but in villenage there is no guardianship.

III. SUB-INFEUDATION.

1. From the Exchequer Rolls, A. D. 1254.

Commandment is given to the sheriff of Worcester, that if Baldwin de Frivill does not hold from the king in capite, but from Alexander de Abetot, and Alexander from William de Beauchamp, and William from the bishop of Worcester, and the bishop from the king in capite, as the same Baldwin says; then the said Baldwin is to have peace from the distraint which has been made upon him for the aid to make the king's son a knight.

2. From the Hundred Rolls, A. D. 1279.
Robert de Romeny holds one knight's fee in the vill of Steepleton for homage and his service from William de Leybourne, and he shall pay scutage, when it runs, for one shield viz: forty shillings; and William de Leybourne holds from the countess of Albemarle, and the countess from the lord king in Lapis.

Roger of St. Germain holds one messuage from Robert of Bedford on the service of paying 3d. to the aforesaid Robert, from whom he holds and of paying 6d. to Richard Hylchester in place of the said Robert, who holds from him. And the said Richard holds from Alan de Chartres, and pays him 2d. a year and Alan from William the Butler, and the same William from lord Gilbert de Neville, and the same Gilbert from the lady Devorguilla de Balliol, and Devorguilla from the king of Scotland, and the same king from the king of England. Sir Adam de Cretinges holds and accounts in the vill of Stoughton, for four knights' fees from the bishop of Lincoln, and the bishop from the king. The same Adam holds by homage and scutage, when it runs, and has in demesne 13 score acres of arable land and 3 messuages of 2 acres, and 40 acres of woods and 7 acres of meadow and 10 acres of separable pasture.

11 villains, each with a virgate of 20 acres, a house and some meadow, and each performing certain weekly works, Sloughing, etc.

16 cottars, each with a cottage and a rood of land, and each paying 12 d. a year and performing certain labor.

1 cottar with a half acre, and 2 with houses only.

Sir Anselm de Gyse holds and accounts for two knights' fees, from the same Adam for half a mark a year and for scutage when it happens; and he has in his garden, with a house and vineyard, 6 acres of land; and of arable land 13 score acres, and in meadows 7 acres, and in separable pasture 10 acres and in woods 8 acres.

6 villains, each with 20 acres, etc., as above.

The prior of Bissemede holds one knight's fee from the said Anselm and pays to him scutage when it happens. The same prior has in his garden with the house 8 acres, and 5 score acres of arable land, and 8 acres of woods and 8 acres of meadow, and 6 acres of separable pasture.

5 free tenants with a total of 633{ acres of arable land, etc.

3 villains with a total of 134 nrgates.

5 cottars each with a cottage.

Geoffrey, son of Everard of Stoughton holds half a knight's fee from the said Anselm for homage and foreign service, and has in demesne 6 score acres of arable land, and in garden with a messuage one acre and a half and 4 acres of woods and 2 acres of separable pasture.

1 free holder with 6 acres.

William Schohisfoot holds the twelfth part of one knight's fee from the aforesaid Anselm for homage and foreign senice, and has in garden with the house one acre and a a half, and in arable land 20 acres, and 3 acres of meadow; and he ought to have common with his beasts in the meadow which is called Mora.

William Dingle holds from the said William one acre and a half of land, and pays annually 1d.
Various free and villein tenants holding immediately and mediately from Sir Adam de Cretinges.

IV. MUTUAL DUTIES OF VASSALS AND LORDS.

1. Letter from Bishop Fulbert of Chartres, A. D. 1020.

To William most glorious duke of the Aquitanians, bishop Fulbert the favor of his prayers.

Asked to write something concerning the form of fealty, I have noted briefly for you on the authority of the books the things which follow. He who swears fealty to his lord ought always to have these six things in memory; what is harmless, safe, honorable, useful, easy, practicable. Harmless, that is to say that he should not be injurious to his lord in his body; safe, that he should not be injurious to him in his secrets or in the defences through which he is able to be secure; honorable, that he should not be injurious to him in his justice or in other matters that pertain to his honor; useful, that he should not be injurious to him in his possessions; easy or practicable, that that good which his lord is able to do easily, he make not difficult, nor that which is practicable he make impossible to him.

However, that the faithful vassal should avoid these injuries is proper, but not for this does he deserve his holding; for it is not sufficient to abstain from evil, unless what is good is done also. It remains, therefore, that in the same six things mentioned above he should faithfully counsel and aid his lord, if he wishes to be looked upon as worthy of his benefice and to be safe concerning the fealty which he has sworn.

The lord also ought to act toward his faithful vassal reciprocally in all these things. And if he does not do this he will be justly considered guilty of bad faith, just as the former, if he should be detected in the avoidance of or the doing of or the consenting to them, would be perfidious and perjured.

I would have written to you at greater length, if I had not been occupied with many other things, including the rebuilding of our city and church which was lately entirely consumed in a great fire; from which loss though we could not for a while be diverted, yet by the hope of the comfort of God and of you we breathe again.

2. English Customs of the Twelfth Century.

And it is allowable to any one, without punishment, to support his lord, if any one assails him, and to obey him in all legitimate ways, except in theft, murder, and in all such things as are not conceded to any one to do and are reckoned infamous by the laws.

The lord ought to do likewise equally with counsel and with aid; and he may come to his man's assistance in his vicissitudes in all ways, without forfeiture.

V. AUTHORITY OF THE LORD OVER THE MARRIAGE OF VASSALS.

1. Acknowledgment of Countess of Nevers, A. D. 1221.

I, Matilda, countess of Nevers make known to all who see this present letter, that I have sworn upon the sacred gospels to my dearest lord, Philip, by the grace of God, the illustrious king of France, that I will do to him good and faithful service against all living men and women, and that I will not marry except by his will and grace. For keeping these agreements firmly I have given pledges to the same lord king from my men whom I had with me, on their oaths, in this wise, that if I should fail to keep the said agreements with the lord king, (though this shall not be), these are held to come to the lord king with all their lands and fiefs which are held from me, and shall take their oaths to him against me until it shall have been made good to him to his satisfaction. And whenever the lord king shall ask me I will cause him to has E similar oaths from my men who were not present with me before the lord king, that is to say from all whom I may have,
in good faith, and without evil intention, and similarly the fealty of my town. And in order that this may remain firm and stable, I have written the present letters supported by my seal. Given at Melun, in the year of the Lord 1221, in the month of February.

2. From Chronicle of Lambert of Waterloo, A. D. 1151.

Then the young man Aegidius, son of Gerard Maufilatre[Hereditary steward of Hainault and a vassal of the count] married a wife, Bertha by name, half-sister of Count Baldwin of Hainault and took her without his assent. The count, extremely angry at this, immediately took up arms against him at the beginning of the month of October. Thus from the time in which he had married her till Whitsunday, with or without consent, he kept her closely by force and arms at his house. But Aegidius having been attacked by a severe fever, which troubled him sharply every day, compelled by the counsel of his friends, who had helped him honorably in all things in his war, dismissed and openly abjured her; and peace was thus restored with the count, and the land was peaceful which had been long troubled by wars.

3. Fees for License to Marry, A. D. 1140-1282.

Ralph son of William owes 100 marks as a fine, to be allowed to marry Margery who was wife of Nicholas Corbet who held of the king in capite, and that the same Margery may be allowed to marry him.

Walter de Cancy renders account of £15 to be allowed to marry a wife as he shall choose.

Wiverona wife of Iverac of Ipswich renders account of £4 and 1 mark of silver that she may not have to take any husband except the one she wishes.

Emma de Normanville and Roheisa and Margaret and Juliana, her sisters, render account of 10 marks for license to marry where they wish.

Roheisa de Doura renders account of £450 to have half of all the lands which belonged to Richard de Lucy, her grandfather, and which the brother of the same Roheisa had afterward as well in England as in Normandy, and for license to marry where she wishes so long as she does not marry herself to any of the enemies of the king.

Alice, countess of Warwick, renders account of £1000 and 10 palfreys to be allowed to remain a widow as long as she pleases, and not to be forced to marry by the king. And if perchance she should wish to marry, she shall not marry except with the assent and on the grant of the king, where the king shall be satisfied; and to have the custody of her sons whom she has by the earl of Warwick her late husband.

Hawisa, who was wife of William Fitz Robert renders account of 130 marks and 4 palfreys that she may have peace from Peter of Borough to whom the king has given permission to marry her; and that she may not be compelled to marry.

Geoffrey de Mandeville owes 20,000 marks to have as his wife Isabella, countess of Gloucester, with all the lands and tenements and fiefs which fall to her.

VI. WARDSHIP, RELIEF, AND AIDS.

1. Wardship from the English Exchequer Rolls

Thomas de Colville renders an account of 100 marks for having the custody of the sons of Roger Torpel and their land until they come of age.
William, bishop of Ely, owes 220 marks for having the custody of Stephen de Beauchamp with his inheritance and for marrying him where he wishes.

William of St. Mary's church, renders an account of 500 marks for having the custody of the heir of Robert Young, son of Robert Fitzharding, with all his inheritance and all its appurtenances and franchises; that is to say with the services of knights and gifts of churches and marriages of women, and to be allowed to marry him to whatever one of his relat*es he wishes; and that all his land is to revert to him freely when he comes of age.

Bartholomew de Muleton renders an account of 100 marks for having the custody of the land and the heiress of Lambert of Ibtoft, and for marrying the wife of the same Lambent to whomsoever he wishes where she shall not be disparaged and that he may be able to confer her (the heiress) upon whom he wishes.

2. Relief, from the English Exchequer Rolls, A. D. 1140-1230.

Walter Hait renders an account of 5 marks of silver for the relief of the land of his father.

Walter Brito renders an account of £66, 13S. and 4d. for the relief of his land.

Richard of Estre renders an account of £15 for his relief for 3 knights fees which he holds from the honor of Mortain.

Walter Fitz Thomas, of Newington, owes 28S. 4d. for having the fourth part of one knight's fee which had been seized into the hand of the king for default of relief.

John of Venetia renders an account of 300 marks for the fine of his land and for the relief of the land which was his father's and he does homage to the king against all mortals.

Ralph, son and heir of Ralph of Sullega renders an account of £100 for his relief for the lands which were Ralph his father's which he held from the king in capite.

John de Balliol owes £100 for the relief of 30 knights' fees which Hugh de Balliol his father held from the king in Lapis, that is 100S for each fee.

Peter de Bruce renders an account of £100 for his relief for the barony which was of Peter his father.

3. Acknowledgmentof Relief, A. D. 1238.

To all to whom the present writing shall come the nobleman Aimeric, viscount of Chatelherault, greeting. Know that I am held to pay to John de Vineis; bailiff of the lord king, for the raffia! and relief of the viscounty of Chatelherault 1500 livres of Tours, to be paid to him in the place of the lord king, that is to say, at the coming Ascension 500 livres, and at the feast of All Saints next following 500 livres and at the Purification next following 500 livres. And unless I make complete satisfaction for the said money at the said dates, I agree that he shall seize all my land and all my rents and even my personal property, wherever they may be, until I shall have given complete satisfaction for the above debt. For the fuller testimony and security of which I have confirmed the present writing with my seal. Given A. D. 1238 in the month of February.

4. The Three Customary Aids.

Next it is proper to see the chief aids of Normandy, which are called chief because they should be paid to the chief lords.
In Normandy there are three chief aids. One is to make the oldest son of his lord a knight; the second, to marry his oldest daughter; the third to ransom the body of his lord from prison when he is taken in the Duke's war.

ii. Aid granted to the king (Henry III.) for the knighting of his eldest son, that is to say from each fee 40s. The sheriff (of Hereford) renders account of 40S. from John de Balun for one fee, and of £30 from John de Munemul for fifteen fees; the bishop of Hereford renders account of £3° for fifteen fees.

The earl of Clare renders account of £94, IIS. Iod. for the aid for the daughter of the king, for 131 knights and two-thirds of a knight) and a third and a fourth and an eighth and a ninth and a tenth of a knight, and two thirtieths of a knight of his fee; and for nine knights and the fourth part of a knight of the fee of the countess, his wife.

The abbot of St. Edmund's renders account of 40 marks for the same aid for 40 knights whom he acknowledges he owes to the king.

Of the scutage of knights for the ransom of the lord king Constance, countess of Brittany, renders account of 140 knights whom Thomas of Borough, steward of the same countess acknowledges before the barons to pertain to the honor of the count of Brittany in England

VII. MILITARY SERVICE OF TENANTS.

1. An Early Feudal Summons, probably A. D. 1072.

William, king of the English to Aethelwig, abbot of Evesham, greeting I command you to summon all those who are under your charge and jurisdiction to have armed before me by the week after Whitsunday, at Clarendon all the knights which are due to me. And do you also come to me on that day and bring with you armed those five knights which you owe to me from your abbey. Witness Eudo, the steward, at Winchester.

2. Grant by an Abbot to a Knight, A. D. 1100.

Abbot Faritius also granted to Robert, son of William Mauduit, the land of four hides in Weston which his father had held from the former's predecessor, to be held as a fief. And he should do this service from it, to wit: that whenever the church of Abingdon should perform its knight's service he should do the service of half a knight for the same church; that is to say in castle ward, in military service beyond and on this side the sea, in giving money in proportion to the knights on the capture of the king, and in the rest of the services which the other knights of the church perform. He also does homage to the same abbot. This land previously did the service of three weeks yearly only.


The jurors say that Robert Fitz Nigel holds the manor of Iftele in chief from the king for doing the service of one knight's fee in the service of the lord king when he is in the army, at his own cost, and afterward, if he shall be required, at the cost of the lord king.

The manor of Hedington with its hamlets and all its appurtenances is of the ancient demesne of the crown of the lord king and is held in chief from the lord king for £20, at the two terms of the year, to be paid to the Exchequer of the lord king, that is to say, at Easter £10 and at Michaelmas £10. And Hugh de Plesens is feudatory of the lord king, since he is responsible to him for one knight's fee when scutage runs, or he must go with the lord king when he is in the army and serve him for forty days at his own cost, for the aforesaid manor, and if he makes a longer stay, at the expense of the lord king. Hugh de Plesens holds the manor of Hedington.

William, by the grace of God bishop of Auxerre to all who shall see these presents, greeting in the Lord.
Know that we acknowledge that we owe to our lord Philip, illustrious king of the French, military service,
as is the common service of bishops and barons; and this for the future we will perform through our
knights, as others. For the same lord king has released our person from the service of the army so long as
we live.

5. Legal Rules for Military Service

The baron and all vassals of the king are bound to appear before him when he shall summon them, and to
sense him at their own expense for forty days and forty nights, with as many knights as each one owes; and
he is able to exact from them these services when he wishes and when he has need of them. And if the king
wishes to keep them more than forty days at their own expense, they are not bound to remain if they do not
wish it. And if the king wishes to keep them at his expense for the defence of the realm, they are bound to
remain. And if the king wishes to lead them outside of the kingdom, they need not go unless they wish to,
for they have already sewed their forty days and forty nights.

6. Service of the Count of Champagne

Then Louis, king of the French in order to escape from the pestilence, which was raging with great severity
in the camp (before Avignon), betook himself to a certain abbey called Montpensier, which was not far
distant from the siege works, till the city should be captured. There came to him at that place Henry, count
of Champagne, who had passed forty days at the siege, asking license to return to his own possessions,
according to the custom of France. When the king refused his permission the count replied that when his
military service of forty days had been performed, he was not bound nor was he willing to remain longer.
The king, however, was so inflamed by anger at this that he declared with an oath that if the count should
withdraw then he would devastate his whole land with fire. Then the count, as the story goes, procured
poison to be placed in the drink of the king, on account of his desire for the queen, for whom he had a
guilty love, and was so impelled by the incentive of lust that he was not able to brook longer delay. When
the count had thus gone away the king grew desperately sick, and the poison reaching his vital parts, he
came to his end; although others say that it was not from poison but from dysentery that he died.

7. French Military Tenants Summoned to the Royal Army.

In the year 1272 the bishop of Paris came to Tours at the citation of the lord king and presented himself in
the king's house on the second Sunday after Easter, before Ferrario de Verneuil, knight, marshall of France,
saying that he had come at the citation of the lord king prepared to fulfill his duty; who replied to him that
he should come again or send at the first hour of the next day, because in the meanwhile he could not speak
or respond to him, since Gregory of St. Martin of Tours was absent, on account of his weakness, and
because, moreover, he was expecting new instructions from the king. On the next day and on Tuesday the
aforesaid bishop presented himself before the said marshall, saying that he had come ready for the service
of the king with three knights, whose names were John de Marchiaco, John de Juliaco and Adam de
Blesum. He said that if he was held to send more he was ready to do what he ought; and if he had furnished
more than he owed, that this should not bind either him or the church of Paris for the future.

The bishop of Troyes appeared for his see, saying that he owed two knights, whose names were Ralph and
Droco de Pratellis.

John de Rouvraye, knight, lord of Yneto, appeared for himself acknowledging that he owed one knight by
reason of his land of Rouvraye, whom he brought with him, that is to say, John de Caim.

Reginald Trihan, knight, appeared for himself and goes into military service with the army.
Henry d’Eauville did not appear, but he sent for himself one knight, William de Petra.

William Bacon, knight, appeared for Geoffrey de Foret, who owes military service for forty days; he goes to the army.

William de Coynères, knight, sends for himself Thomas Chocquet, for ten days.

Thomas de Cugry, esquire, appeared, saying that he owes four days; he sends instead of himself Richard de St. Germain, who will complete these four days after his own service.

Nicholas Bourdet, esquire, appeared for himself, and goes to the army; and he will be a knight there, or will provide another knight.

John de Chanteleu, knight, appeared saying that he owed ten days for himself, and that he also appeared for Godardus de Godardville, knight, who owes forty days.

Robert de Morville, knight, appeared for himself, owing military service for twenty days for half a fee.

The count of Soissons appeared and went to the army with three other knights whom he acknowledges he owes to the king, and led with him six knights besides his service.

Hugh de Conflans, knight, marshal of Champagne, appeared for the king of Navarre and led with him sixty knights for service owed to the king.

John Doré, knight, appeared for the lady of Chapelle, on account of her land of Berry which owes military service; and he goes in place of her.

William de Chantelon, knight, appeared for himself saying that he owed military service to the lord king for thirty days, for three-quarters of a knight's fee.

VIII. FEUDAL JUSTICE.

1. English Customs of the Twelfth Century.

To every lord it is allowed to summon his man that he may be at right to him in his court; and even if he is resident at the most distant manor of that honor from which he holds, he shall go to the plea if his lord summons him. If his lord holds different fiefs the man of one honor is not compelled by law to go to another plea, unless the cause belongs to the other to which his lord has summoned him.

If a man holds from several lords and honors, however much he holds from others, he owes most and will be subject for justice to him of whom he is the liege man.

Every vassal owes to his lord fidelity concerning his life and members and earthly honor and keeping of his counsel in what is honorable and useful saving the faith of God and of the prince of the land. Theft, however, and treason and murder and whatever things are against the Lord and the catholic faith are to be required of or performed by no one; but faith shall be held to all lords, saving the faith of the earlier, and the more to the one of which he is the liege. And let permission be given him, if any of his men seek another lord for himself.

2. Royal Writ to Secure Feudal Jurisdiction.

Henry, king of England, to Ralph Basset, greeting.
I command you to cause Vincent, abbot of Abingdon to have his court in Oxford as well and fully as that church of Abingdon ever had it or any one of his predecessors had it best and most fully and honorably. And his men shall not plead outside of his court unless the abbot has first failed to give right in his court, and as you are able to make inquisition through the legal men of Oxford that he ought to have his court. Witness the chancellor; at Woodstock.

3. Legal Rules for Justice.

If a baron is summoned to the court of the king for any question of an inheritance and shall say, "I am not willing to be judged in this matter except by my peers," then at least three others ought to be summoned, and the king's justice shall try the suit along with these and any other nobles.

4. Condemnation by a Feudal Court.

Raymond by the grace of God count of Toulouse, marquis of Provence, to the nobleman Arnold Atton, viscount of Lomagne, greeting.

Let it be known to your nobility, by the tenor of these presents what has been done in the matter of the complaints which we have made about you before the court of Agen; that you have not taken the trouble to keep or fulfil the agreements sworn by you to us, as is more fully contained in the instrument drawn up there, sealed with our seal by the public notary; and that you have refused contemptuously to appear before the said court for the purpose of doing justice; and otherwise committed multiplied and great delinquencies against us. As your faults have required, the aforesaid court of Agen has unanimously and concordantly pronounced sentence against you, and for these matters has condemned you to hand over and restore to us the chateau of Auvillars and all that land which you hold from us in fee, to be had and held by us by right of the obligation by which you have bound it to us for fulfilling and keeping the said agreements.

Likewise it has declared that we are to be put into possession of the said land and that it is to be handed over to us, on account of your contumacy, because you have not been willing to appear before the same court on the days which were assigned to you. Moreover, it has declared that you shall be held and required to restore the said land in whatsoever way we wish to receive it, with few or many, in peace or in anger, in our own person, by right of lordship. Likewise it has declared that you shall restore to us all the expenses which we have incurred or the court itself has incurred on those days which were assigned to you or because of those days, and has condemned you to repay these to us.

Moreover, it has declared that the nobleman Gerald d'Armagnac, whom you hold captive, you shall liberate, and deliver him free to us. We will, moreover, by right of our lordship that you liberate him.

We call, therefore, upon your discretion in this matter, strictly requiring you and commanding that you obey the aforesaid sentences in all things and fulfil them in all respects and in no way defer the fulfillment of them. For making the announcement, the demand and the reception of these things, we have appointed as our representatives our beloved and faithful noblemen Gaston de Gontaud and R. Bernard de Balencs, promising that whatever shall be done by them in the aforesaid matters, we will hold as settled and firm forever. In testimony of which we have caused these present letters to be corroborated by the strength of our seal. Similar letters, divided through the alphabet, for a perpetual memory of this matter we have caused to be retained with us. Given at Agen, the third of the Kalends of July, A. D. 1249.

IX. RIGHT OF COINAGE.

1. Grant of the Mint of Auxerre, A. D.1204.

I, Pierre, count of Auxerre and Tonnerre, make known to all present and to come that since Lambert de Bar possessed by hereditary right the dies of the mint of Auxerre and Tonnerre, and on that account was my
man; on his petition I have granted the said dies to my beloved and faithful Pierre de Chablis and his heirs to be possessed peacefully and quietly forever. And on this account with the consent and good will of the countess Yolande, my wife, I have received the aforesaid Pierre as my liege man. For the confirmation of this matter I and Yolande, the countess, my wife, have given command that the present charter corroborated with the protection of our seals should be delivered to the said Pierre.

Done in the year of the Incarnation of the Lord 1204, in the month of July.


We, Odo, duke of Burgundy, count of Artois and Burgundy, palatine and lord of Saens make known to all that since we have heard that our dear and famous lord, the king of France, feels hardly toward us because his master of the mint has given him to understand that we are now coining money in our town of Auxerre like his money in imprint and form, that there is little difference between his money and ours, and that many people may be deceived in taking our money as the money of our said lord; we who would not on any account wish to do anything which should be displeasing to our lord, are willing and do promise to change the imprint in the form which we are now having coined in our town of Auxerre, and to make in our said money such a difference and such a form that each person will be able clearly to distinguish our money from the money of the lord king, so that our said money will have its circulation only in our county of Burgundy and in the land of the Empire. Moreover we will command and forbid and cause to be forbidden that money of the kingdom should be minted, and also cause oath to be made that the small coin of the kingdom shall not be received.

In testimony of which thing we have caused our seal to be placed upon these present letters, made and given at the Bois de Vincennes the third day of October, 1337.

X. FORFEITURE.

It is presented by the jurors above named that the manor of Chinnole along with the hamlet of Sydenham was held of old, from the time of the Conquest, from the lord king of England, by a certain man who was named Walter de Vernon, as one knight's fee; and because the said Walter de Vernon refused to perform his due senice from the said manor to the lord king John in the time of the war which sprang up between the lord king John and the king of France, the lord king John with the advice of his council seized that same manor with its appurtenances and removed the said Walter de Vernon, on account of his ingratitude from the possession of the aforesaid manor forever. And the lord king John granted that same manor with its appurtenances for the services that to the same lordkingweredue from it to Saer de Quincy formerly earl of Winchester, to hold to himself and his heirs in ratite from the lord king as one knight's fee; and the heirs of the said Saer held the aforesaid manor in succession, and still hold it, except the hamlet Sydenham, which the abbot of Thame holds as a gift from Roger de Quincy.