Charters and Charter Scholarship in Britain and Ireland, ed. M. T. Flanagan & J. A. Green (London: Palgrave, 2005), 32–52 [original page numbers in square brackets].

ADDRESS AND DELIVERY IN ANGLO-NORMAN ROYAL CHARTERS

The writ is now widely recognized as an innovative diplomatic instrument, created in Anglo-Saxon England, developed by Anglo-Norman rulers, and by the end of the twelfth century influential elsewhere. Its essence is that it was delivered to a particular person or body responsible for the appropriate aspect of the administration of the realm or the doing of royal justice. In diplomatic terms, this is expressed in the address clause which is generally the vital clue to the way a document would be used and therefore to what it was meant to accomplish. There was an inherent linkage between the nature of the transaction, the person or body to whom it would be delivered, and the address clause. Who actually delivered the document would vary according to the nature of the business too, but the documents themselves do not spell out this step in the process: that must be inferred from understanding the relationship between address and function.

The eleventh century appears to us now to be the key period in the evolution of the writ, though such a conclusion is bedevilled by issues of survival. All surviving pre-Conquest 'writs' are in fact what I should define more narrowly as 'writ-charters': that is, they are deliverable writs whose role was (or had developed into) that of charters. Anglo-Saxon writ-charters were addressed and delivered to the shire court, where they were publicly read before being returned to the beneficiary to keep for future use. Only after the Conquest do we see surviving examples of writs addressed to analogous bodies such as the officials responsible for the administration of areas (royal forests, for example) outside the jurisdiction of the ordinary local courts. As early as the 990s, however, there is indirect evidence that the king addressed writs to shire courts that were not in their function charters: there survives the record of a plea referring to the king's order to the shire court of Berkshire to meet and [**33**] decide the case (Robertson, *Anglo-Saxon Charters*, 136–9, no. 66; S 1454). The apparent post-Conquest development in the competence of the writ may be an accident of preservation: writs were short-life instruments, not intended for permanent retention, and it was only their progressive acquisition of charter-like functions that led some 'beneficiaries' (at least in circumstances where the

writ ended up in the their hands) to preserve them. From the reign of Henry I, there was an increasing reason to keep certain categories of writ, and the great increase in the number of documents preserved from his reign is not simply an index of the increasing use of documentary procedures.

There is a good case to be made that the writ existed long before the emergence of the writ-charter addressed to the shire court (which I conjecture to have happened during the reign of King Eadgar). We are here more concerned with its end. The reign of Henry I signalled the beginning of the end for the writ-charter through the establishment of a standard so-called 'general' address, which appears to have been undeliverable. The charter addressed generally and the charter addressed in writ form to a shire court continue side by side for about sixty years until in Henry II's time the writ-charter is abandoned.

We can classify transactions into two groups, notifications ('sciatis') and mandates ('mando', 'precipio', but also 'sciatis quod uolo et precipio', and sometimes 'mando' held back until after a notifying preamble). I shall spend little time on mandates, which are addressed and delivered to those ordered to do something, and in principle there is no restriction on who may be addressed. Mandates addressed to shire courts pose a problem: the court, in such cases, is not usually ordered to act but is instructed in certain facts rather than merely notified, and we have yet to understand the distinction implicit in the form. Notifications, communicating royal decision or consent or confirmation, were addressed and delivered to the appropriate body, most commonly the shire court. In that case, the address reflects the composition of the court, though variation in the formula used must be taken into account. Equivalent bodies are addressed in a similar way. The general address, which I shall deal with at the end of the paper, represents a distinct and interesting development.

For more detailed consideration, we turn now to the **writ-charter**. This is addressed, as I have said, to the shire court. This normally means that in the early eleventh century the address specifies the presiding bishop in the shire (Anglo-Saxon terminology refers to *scirbisceop*), the ealdorman of the shire, and 'ealle mine þegenas on Hamtunescire'. Most examples surviving have replaced the ealdorman with the earl, a reflection of change introduced in the reign of Cnut, and pre-Conquest examples [**34**] refer to the specified individuals by name and role, '*Æ*lfheah biscop', '*Æ*lfric ealdorman', though the less important persons occasionally included in the address are simply named: they knew who they were, though we may not. Whether the late Saxon earls of Wessex or Mercia had been able to attend all the shire courts in their jurisdictions is questionable, but after 1066 most shires had no earl.

In post-Conquest usage, therefore, the earl's place was taken in most shires by the sheriff, Latinized as *uicecomes* 'earl's deputy'. The linkage between earl and *comes*, sheriff and *uicecomes*, shire and *comitatus*, may point towards a design for Anglo-Norman shiring that never came about: William I's earls still took their titles from shires, though their landed interests designedly overrode such territorial units, and (as with Norman *comtes*) earls only existed in parts of the country; Anglo-Norman earls were not destined to be the leaders of local government, a role left to sheriffs, very different figures from Norman *vicomtes*. In post-Conquest usage, it became common to refer to the specified individual more briefly then previously, often initial and role, sometimes name without role, and later (in specialized contexts) it would become role without name. When one tries to draw up lists of Anglo-Norman sheriffs, for example, it is sometimes unclear whether initials refer to the same person or not and sometimes even whether someone named without role was indeed one of the officers normally specified. Other changes introduced in the normal address clause are simple. The thegns of Old English are Latinized as *barones*, a word which we translate as 'barons' though that word did not mean in 1070 anything like what it meant in 1170; in the language of the shire court, the *barones* are the men who make decisions, and even in the setting of the king's court the word can have the same significance. From an early date, William I adds to the address his *fideles* 'sworn men' (deriving from Latin *fides* 'oath'), the ordinary suitors of the shire court, who were invisible in pre-Conquest writ-charters. What distinction is implicit in this addition in its contemporary context is not yet clear to me; nor was it necessary, since writ-charters will sometimes omit either barons or sworn men from the address.

The shire remains at the centre of eleventh-century diplomatic even in contexts that go beyond its internal business. As we see from the coronation charter of Henry I, this national communication was published by being read at the shire courts, to which copies were seperately addressed and delivered. The St Albans historians have preserved one local text, addressed to Hugh of Buckland, sheriff, and all the king's *fideles* of Hertfordshire (omitting the bishop of Lincoln, for reasons unexplained); the Red Book of the Exchequer happened to preserve a copy [**35**] of another local text, addressed to Bishop Samson of Worcester, Urse d'Abetot as sheriff, and the king's *barones* and *fideles* of Worcestershire, one of several acts copied in the Red Book from Worcestershire documents. By contrast, early legal collections from Winchester (MS Cotton Domitian VIII and *Quadripartitus*), as well as other early-twelfth-century sources such as Richard of Hexham and the *Textus Roffensis* have preserved an archival version addressed to the king's *barones*

and *fideles* without further specification. It would have been preferable for historians to find a formulary style, 'to N. bishop and M. sheriff and all my *barones* and *fideles* of Anyshire', but on any reading the style in the archival copy does not represent a general address. The mechanisms for drafting and publishing such an act were readily available to the new king, and one might suspect that the main constraint on how quickly the coronation charter could be got out into the shires was the time it would take for the king's goldsmith to carve the matrices of the great seal.

Much of this is very basic, but we have no handbook to the diplomatic, and I find that students of the period have not always grasped the norms. I am afraid that, where the situation is not the usual one of a writ-charter addressed to the court of the beneficiary's home shire, even specialists are not always clear about who is who.

To take an example, there is a series of three writs, issued by William Rufus and Henry I, continuing the exemption of the monks of Durham and their men from being impleaded in the king's courts concerning any possessions they held in the time of Bishop William of Durham. There is a complication here, inasmuch as the writ was first requested in a period of vacancy after his death but it was renewed in the same terms after the appointment of a bishop of Durham, so that it appears to involve the division of the interests of the bishop and the cathedral, but that is not what we are concerned with.

W. rex Angl(orum) Th. archiepiscopo et R. episcopo et omnibus uicecomitibus suis et fidelibus francigenis et anglicis regni Anglie salutem. Precipio et defendo ne monachi uel homines sancti Cuthberti ullo modo placitent uel respondeant de terris uel hominibus uel consuetudinibus uel aliis rebus de quibus saisiti erant die qua Will(el)m(us) episcopus Dunelmensis uiuus et mortuus fuit, sed ita bene et quiete et in pace omnia sua cum saca et soca et tol et team et infange<ne>theof et omnibus aliis consuetudinibus infra burgum et extra teneant sicut melius tenuerunt in predicto tempore. Et si quid inde postea ablatum est reddatur eis. Testibus W(illelmo) cancellario et W(illelmo) Peuerello. (*Regesta* 481; Bishop & Chaplais, no. 12)

[**36**] *William king of the English to Archbishop Th. and Bishop R. and all his sheriffs and sworn men French and English of the realm of England greeting. I command and forbid that the monks or the men of St Cuthbert shall not in any way plead or respond concerning their lands or men or customs or other property in which they were seised on the day when William bishop of Durham was alive and dead, but they shall hold everything with sake and soke and tol and team and infangthief and all other customs in borough and out as well and quietly and in peace as they well held at the foresaid time. And if anything has been taken from them, it shall be restored to them. Witness William the chancellor and William Peverell.*

There is no difficulty in interpreting Th. as Archbishop Thomas of York, but R. appears more problematic. The first volume of *Regesta* (often an

unreliable witness in these matters) expanded it as referring to Robert Bloet, bishop of Lincoln; T. A. M. Bishop and Pierre Chaplais, who published the facsimile, expanded it as referring to Ranulf Flambard, bishop of Durham from May 1099, citing the confirmation of this grant by Henry I:

Henr(icus) rex Angl(orum) G. archiepiscopo et R. episcopo et omnibus uicecomitibus et baronibus et fidelibus francis et anglis regni Anglie salutem. Precipio et defendo ne monachi sancti Cuthb(er)ti uel homines sui placitent ullo modo aut respondeant de terris uel hominibus uel consuetudinibus aut de ulla re unde saisiti <erant> die qua Will(el)m(us) Dunelmensis episcopus uiuus et mortuus fuit . . . (*Regesta* 767)

Henry king of the English to Archbishop G. and Bishop R. and all sheriffs and barons and sworn men French and English of the realm of England greeting. I command and forbid that the monks of St Cuthbert or their men shall not in any way plead or respond concerning the lands or men or customs or any other property in which they were seised on the date when William bishop of Durham was alive and dead . . .

In this case the second volume of *Regesta* (often less reliable than the first) expanded R. as Ranulf without hesitation. He was already bishop at the beginning of the reign, Durham is the beneficiary, and they neither looked nor thought one step further. At one level this is an exercise in solving cross-word puzzles, and there is a third document that must be brought into the picture, William II again:

Willelmus [dei gratia] rex Anglie Thome archiepiscopo et R. episcopo et omnibus uicecomitibus et baronibus et fidelibus suis francigenis et [**37**] anglicis regni Anglie salutem. Precipio et defendo ne monachi sancti Cuthberti uel homines sui ullo modo placitent aut respondeant de terris uel hominibus uel consuetudinibus aut de ulla re unde saisiti erant die qua Willelmus episcopus Dunelmensis uiuus et mortuus fuit . . . Testibus Walkelino episcopo et Willelmo cancellario. Apud Salesburiam. (*Regesta* 396)

William [*by the grace of God*] *king of the English to Archbishop T. and to Bishop R. and to all his sheriffs and barons and sworn men French and English of the realm of England greeting. I command and forbid that the monks of St Cuthbert or their men shall not in any way plead or respond concerning the lands or men or customs or any other property in which they were seised on the date when William bishop of Durham was alive and dead . . . . Witness Bishop Walkekin and William the chancellor. At Salisbury.*

In this case the date must lie between the death of Bishop William of Durham in January 1096 and that of Bishop Walkelin of Winchester, here attesting, in January 1098. Ranulf was not bishop of Durham until nearly eighteen months later. Johnson & Cronne, Bishop & Chaplais, must explain therefore why there is a different bishop, and from a different diocese, in the address clause of documents effecting the same outcome, if they are to defend the expansion Ranulf in the other two documents. In 1096 and 1097, there are four bishops in England with the initial R.: Robert Bloet of Lincoln, Ralph Luffa of Chichester, Robert of Chester, and Robert of

Hereford. Now, I suspect that the editors of volume i of *Regesta* simply picked Robert Bloet because he is frequently named in William II's charters and the other three are not. But this is not merely a puzzle: the address-clause bears a rational relationship to the document.

The two bishops specified indicate where this document is expected to be delivered; it is primarily addressed to shire courts presided over by them. This is not formally a general address, though its compass is widened to include 'omnibus uicecomitibus', as well as all barons and sworn men, 'regni Anglie'. There was no shire court and no royal sheriff in Durham at this date, but the church of Durham had extensive interests in several shires, notably in Yorkshire and Nottinghamshire, where the archbishop of York presided, and in Lincolnshire where the bishop of Lincoln presided. Other interests further south in Northamptonshire are also within the diocese of Lincoln. The point of this document was that the monks of Durham should deliver it to be read in any of the several shire courts south of the Tees where their interests were affected, but [**38**] primarily in the shires where Archbishop Thomas of York or Bishop Robert of Lincoln presided.

It is easier to arrive at the correct interpretation by trying to understand how the document was used than by searching for parallels. A group of documents preserved from Bishop Ranulf's archive, however, provides a decisive parallel. *Regesta* 545 notified the shire courts of Yorkshire, Lincolnshire, and Northumberland that Ranulf has been restored to his bishopric in 1101; it is addressed 'Girardo archiepiscopo et R(oberto) episcopo Lincolniensi et O(sberto) uicecomiti et omnibus fidelibus suis de Euerwicschira et de Lincolnschira et de Northumberlanda'. Robert's see is specified, though Gerard's is not; similarly *Regesta* 575 gives Robert his name and title in full.

The interpretation of initials in the address *may* be informed by an understanding of the tenor of the act, the act *may* be interpreted through its address clause, but the two *must* fit together. In this case it would have been easier if the three texts had all specified the shires, but before 1100 it is rare to find even two shires specified (more examples to come, however). What would usually be done in such cases is to use a plural, 'of the shires where the church of Durham holds lands', though the specification of two or even three shires increased in Henry I's reign.

With sufficient space one might present an elaborate taxonomy of address clauses from the period; there are many variations, and it is worth attempting to understand them. There are several categories of variation.

First, within the category of writ-charters addressed to a shire, one has the broad distinction already seen between the address to a single shire and

the address to those shires where the beneficiary has lands, a formula in use throughout the eleventh century. This is straightforward, though its use was declining in Henry I's time. Instead one finds documents that specify more than one shire; as for example in *Regesta* 613 for Abingdon, 'Rogero episcopo Salesb' et Roberto episcopo Linc' et Hugoni de Bochelanda et Willelmo de Oxeneford et baronibus suis omnibus et fidelibus Francis et Anglis de Berchescira et Oxenefordscira'; I shall mention one later that specifies three shires.

Second, there are variations in the formula used for the shire address. The basic form comprised four elements, bishop, sheriff, and the *barones* and *fideles* of the named shire. Occasionally the name of the shire is omitted, but the specification of bishop and sheriff leaves no room for doubting the status of the shire address. In some circumstances any one element may be deliberately omitted. So, for example, in notifications [**39**] of the appointment of a bishop, or in grants to the bishop, he is omitted (*Regesta* 1243, original, appointing Richard de Capella as bishop of Hereford in 1121, unusually naming the three shires within his diocese, 'Henricus rex Anglorum Adam de Port et omnibus baronibus suis et fidelibus francis et anglis de Herefort scira et de Gloecestra scira et Salope scira salutem'). Similarly, in notifications of the appointment of a sheriff, the sheriff is omitted (*Regesta* 1034, Walter de Beauchamp as sheriff of Worcester). Other variations appear less deliberate than accidental, careless, or even captious, though I may simply not (yet) have understood the reasons behind them. For example, the inclusion of both *barones* and *fideles* was apparently not strictly necessary, and the omission of one or other seems unimportant. Very occasionally one finds two elements omitted: so, for example, when William II granted the church in the royal manor of Sutton (Berks) to Abingdon abbey, 1091 × 1094, the writ-charter is addressed to the sheriff and *fideles* of the shire, but the chronicle context in which it is preserved represents it as addressed (as one would expect with a transaction of this kind) to the shire court:

Ecclesia uille regalis Suttune per hos dies regis dominio constabat soli subdita. Hanc ipse rex Willelmus iunior a Rainaldo petitus abbate eccelsie Abbendonie concessit, istas ad comitatum Berchescire inde litteras dirigens: 'Willelmus rex Anglorum Gilleberto de Brittewilla et omnibus fidelibus suis francigenis et angligenis de Berkascira salutem. Sciatis me dedisse . . .' (*Regesta* 359; context from the Abingdon Chronicle, ed. J. G. H. Hudson, *Historia Ecclesie Abbendonensis*, OMT (Oxford, 2002–), ii. 36)

At that time the church of the royal village of Sutton was accepted to be subject only to the king's lordship. At Abbot Rainald's request, King William the younger granted it to the church of Abingdon, sending these

letters concerning it to the shire court: 'William king of the English to Gilbert de Bretteville and all his sworn men French and English of Berkshire greeting. Know that I have given . . .'

There is no apparent reason for the omission of the bishop in this instance; Salisbury diocese was not *sede uacante*; one might conjecture that the bishop had been separately notified of this transfer of advowson—this would be compatible with later procedure—but I have no evidence to explain the variation at this date. [**40**]

Third, further elements may be included for a particular reason. So, the provost and burgesses of a borough may be included alongside the address to the shire court:

Henricus rex Anglorum Will(elm)o Exon(iensi) episcopo et Ric(ardo) filio Bald(wini) uicecomiti et preposito Exon(ie) et omnibus baronibus et fidelibus suis Deuenescirę et omnibus burgensibus et ministris suis Exon(ie) salutem. Sciatis me concessisse . . . (*Regesta* 1493)

Henry king of the English to William bishop of Exeter and Richard fitz Baldwin sheriff and the reeves of Exeter and all his barons and sworn men of Devon shire and all his burgesses and officials of Exeter greeting. Know that I have granted . . .

In some parts of the country, there appears to have been a local custom of including other individuals in the address clause, for reasons hardly understood. In Somerset the abbot of Glastonbury sometimes appears in address clauses (*Regesta* 326, addressed to the shires of Somerset and Wiltshire), perhaps simply because he was too important to treat simply as one of the *barones* of the shire court, perhaps because of the interaction of his liberty and the shire's jurisdiction—but by contrast the no less important abbot of Bury St Edmunds does not appear in writ-charters addressed to the shire court of Suffolk. The joint shire court of Nottinghamshire and Derbyshire was always complicated, involving two bishops, one sheriff, but often other prominent laymen:

Willelmus rex Anglorum Thome archiepiscopo et R(oberto) episcopo de Cestra et Rogero comiti et E. uicecomiti et H(enrico) de Ferrariis et W(illelmo) Peuerel et omnibus fidelibus suis francigenis et anglicis de Esnotingehamscire et de Derbiscire salutem (*Regesta* 337)

William king of the English to Archbishop Thomas and Bishop Robert of Chester and Count Roger and E sheriff and Henry de Ferrers and William Peverell and all his sworn men French and English of Nottinghamshire and Derbyshire greeting.

Count Roger is not a local earl but Roger of Poitou, who held the title *comes* in respect of his French wife, but he was a major landholder in these shires,

and we find him addressed in some other documents in the area; only rank puts him in front of the sheriff, while other major landholders follow the sheriff. But it is merely local custom that brings such names into the address. In parts of Lincolnshire, local custom [**41**] included particular great men in the address: so for example we find the three successive husbands of Lucy, daughter of Thorold of Lincoln—Ivo Taillebois (*Regesta* 406), Roger fitz Gerold (*Regesta* 408), and Ranulf Meschin (*Regesta* 534, 535, 537, 727, 968)—each addressed and sometimes with precedence over the sheriff. In other parts of the county other local great men are named, but not in all parts of the county. We have perhaps some still-not-yet-understood reflection of the role of the 'parts' in the organization of the shire, rather as in Sussex the separate sheriffs of the several rapes are included as appropriate (*Regesta* 614, 810, &c.). In some cases we can see why there is variation from the normal formula in specific cases. So, for example, Robert de Lacy forfeited his English estates very soon after he had given land for the founding of an Austin priory at Nostell. His honour of Pontefract was put into the keeping of a subordinate, William Foliot, whose name appears after the sheriff's in the address of the earliest writ-charter confirming the founding of the priory (*Regesta* 1628), datable *c.* 1115. Very soon afterwards the honour was assigned to Hugh de Laval, and in a renewal of the confirmation he is addressed before the sheriff (*Regesta* 1286). Other writ-charters for Nostell did not include the lord of the honour in their address-clauses: this was done in specific circumstances, and in a form that nicely differentiates in precedence the lord of the honour and the official who had stood in during the vacancy. This detail reflects the intense degree of personalization built into the system of communication by writ-charter

Fourth, in particular circumstances, the officers of shire court may be accompanied in the address-clause by officers of higher rank, such as one or more of the king's regents during his absence in Normandy:

Willelmus rex Anglorum W(alchelino) episcopo et S(amsoni) episcopo et R(anulfo) capell(ano) et iustificatoribus suis et Waltero uicecomiti Glocestrie et omnibus fidelibus suis francis et anglis salutem. Sciatis me concessisse Herueo episcopo . . . T(estibus) W(illelmo) canc(ellario) et Vr(sone) de Abetot. Apud insulam de Wyct. (*Regesta* 389)

William king of the English to Bishop Walkelin and Bishop Samson and Ranulf the chaplain and his iustificatores *and Walter sheriff of Gloucester and all his sworn men French and English greeting. Know that I have granted to Bishop Hervey . . . Witness William the chancellor and Urse d'Abetot. At the Isle of Wight.*

[**42**] Here Bishop Walkelin and Ranulf Flambard, as usual at this date styled chaplain, were appointed regents for the king's absence in 1097–8 (and this

was issued as he was about to sail from the Isle of Wight), while Bishop Samson and Walter the sheriff were the presiding officers of the shire court of Gloucester. The order of individual names reflects a complex precedence: bishops precede other clergy who precede laymen; in a second order of precedence the king's regents precede local officers; so Walkelin precedes Samson, but Bishop Samson precedes Ranulf the chaplain, while the unnamed *iustificatores* precede the sheriff. While there were occasions when men close to the king were sent to sit as justices in shire courts, it is not necessarily implicit in the address that this writ-charter was intended for such an afforced meeting. It is possible that it was intended for delivery, in separate contexts, to the king's regents and to the shire court of Gloucester.

A fifth cause of variation in address-clauses of the same class of document is evolution in the course of time. I have mentioned the disappearance of the earl from the writ-charters of most counties. The conspicuous addition in Henry I's time is the inclusion of the king's justice, usually between the bishop and the sheriff, and usually by name only without title, in the address to writ-charters and, in due course, the inclusion of justices ('iusticiis') in the same position in the general address. It would provide a useful dating criterion if we knew when Henry added royal justices to the regular personnel of shire courts, but it is more likely that we shall have to infer that from approximating the appearance of the change in address clauses. A little snag with this variation is its form, always abbreviated as *iustic'* in the Anglo-Norman period and often anachronistically expanded in cartularies (and editions) as *iusticiariis*, though one can demonstrate that the word is *iusticia* from the many documents that add an adjective, 'iusticia mea' (common in the clause *nisi feceris*); for example, 'Et nisi feceris, iusticia mea et uicecomes faciant' (*Regesta* 1566); in writ-charters the word should generally be treated as singular, though at times there might be two justices holding joint office in a particular region (for example, *Regesta* 754).

Now, there is a fundamental distinction between notifications such as writ-charters and writs that issue a command; it is a distinction usually reflected in the address-clause. Where the king issues a grant or a decision by means of a writ-charter addressed to the shire court, there would *often* be a writ issued at the same time to instruct the sheriff alone, or to the sheriff and *ministri*, to put the king's will into execution. The survival of paired writs is unusual; one must suppose the sheriff had given back to the beneficiary the writ of execution. The editors of the *Regesta* sometimes [**43**] print one member of such a pair and refer to the other as a 'duplicate', a fundamental misunderstanding. What particularly tends to mislead in such

cases is if, after the address, the opening sentence rehearses the notification before issuing the command; the address is the most conspicuous clue to the correct categorization of the transaction. There are also rare cases where one document is issued with an apparently fused address clause and even with a switch from notification to command within the text of the document. Such hybrids can be confusing.

Here is a relatively clear example from the Abingdon archive that takes the form of a mandate but appears to address the shire courts of Berkshire and Oxford:

Henricus rex Anglorum Rogero episcopo Salesbirie et Roberto Lincolie episcopo et Hugoni de Bochelanda et Willelmo uicecomiti de Oxeneford et omnibus baronibus et ministris suis de utraque scira salutem. Volo et precipio ut ecclesia de Abbendona et monachi habeant suas consuetudines in nauibus transeuntibus, scilicet in accipiendis allecibus et in mercatis faciendis, sicuti unquam melius et plenius habuit, tempore regis Eadwardi et patris et fratris mei, et meo tempore. Teste Willelmo episcopo Exonie. Apud Merlebergam. Et testibus Eustachio de Britoil et Patricio de Cadurcis. (*Regesta* 937)

Henry king of the English to Roger bishop of Salisbury and Robert bishop of Lincoln and Hugh of Buckland and William sheriff of Oxford and all his barons and officials of either shire greeting. I will and command that the church of Abingdon and the monks shall have their customs in passing boats, namely in receiving herring and in making markets, just as ever it well and fully held in King Edward's time and my father's and mine. Witness William bishop of Exeter. At Marlborough. And witness Eustace de Breteuil and Patrick de Cadurcis.

The two bishops and the two sheriffs, the *barones* of the two shires, point clearly to the shire courts, but where one might expect mention of *fideles*, instead the phrase 'ministris suis' is meant for the officials who have been interfering in the monks' right to levy customs. This document was perhaps intended to be read at the two shires but then given back to the monks of Abingdon to show, as a writ would be shown, to any *minister* who sought to interfere with their collecting tolls from boats carrying fish or other merchandise along the Thames. The river formed the boundary between the jurisdiction of the two shires, and [**44**] the authority of different *ministri* met in midstream. Hence the need to include two shires.

In a form analogous to the shire address, notifications would be addressed in special circumstances to the appropriate local officers, for example, in peculiar jurisdictions. *Regesta* 696, for example, for Abingdon is addressed to the officials in Windsor forest:

Henricus rex Anglorum W. filio Walteri et Croco uenatori et Ricardo seruienti et omnibus ministris de foresta Windresores salutem. Sciatis me concessisse Deo et sancte

Marie de Abbendona totam decimam de uenatione que capta fuerit in foresta de Windesores. Testibus Roberto episcopo Linc' et Eudone dapifero. Apud Bruhellam.

Henry king of the English to W. fitz Walter and Croc the huntsman and Richard the serjeant and all his officials of the forest of Windsor greeting. Know that I have granted to God and St Mary of Abingdon all the tithe of the venison that is caught in the forest of Windsor. Witness Robert bishop of Lincoln and Eudo Dapifer. At Brill.

There is every reason to think that the draftsmen had a very precise and up-to-date knowledge of what was needed in the different circumstances and localities. Of course, the king's clerks should always know who was bishop and who was sheriff in any given shire court—they would have prepared the writs of appointment and they may well have kept lists to remind themselves of the details—but the beneficiary, or the impetrant obtaining a writ, must have taken care to make sure that they knew which shire or shires (or other courts) were concerned with any particular transaction, and the beneficiary may have supplied other particulars. Occasionally one wonders whether one glimpses details in the clerks' knowledge. So, for example, in a writ-charter of William II for Bermondsey, the surviving copies (three antiquarian transcripts) all have a gap where one would expect the initial of the archbishop of Canterbury: 'Willelmus rex Anglorum [*blank*] archiepiscopo et G(undulfo) episcopo Rouesc' et H(amoni) dapifero et omnibus fidelibus suis francigenis et anglicis salutem' (*Regesta* 340). The text refers to 'Robert my chancellor, that is, the bishop of Lincoln', providing a date between March 1093 when he was nominated bishop and September 1093 when he was replaced as chancellor. During this period he is usually referred to simply as bishop of Lincoln, and I infer that this act was probably drafted soon after his nomination. Anselm was nominated at almost the same time, but it was September before he accepted the temporalities: the draftsman appears [**45**] to have known that there was about to be an archbishop but did not commit himself to writing the initial A; he still included Gundulf, who had been deputizing since Lanfranc's death.

At later dates, the level of current knowledge appears to diminish: in Stephen's reign, for example, we find the first example of a writ-charter that includes the words 'episcopo Lund(oniensi)' even though at the time this was issued the see of London was vacant: S(tephanus) rex Angl(orum) episcopo Lund(oniensi) et omnibus baronibus suis de Lund(onia) et de Essexa et de Heortfordsc(ira) et ministris et fidelibus suis omnibus tam clericis quam laicis francis et anglis salutem' (*Regesta*, iii. 521, datable to 1135 × 1137, during the long vacancy 1134–41).

I indicated that I should say little here about mandates. I want to mention just one category, and that is the general writ, adapted for various specific purposes. The usual pattern with a general writ is that it was addressed to all the king's sheriffs and officials of all England, so that the impetrant could carry it and show it to any official who needed to be instructed. The special form granting exemption from tolls was usually addressed to sheriffs, officials, and the reeves of boroughs and ports. Justices were added in due course, perhaps simply by analogy with the shire court, perhaps because they could help the impetrant secure his exemption, but not, I think, on account of any involvement in levying tolls. For those who were so involved, the word *balliuus* 'bailiff' emerges as a frequent term in the evolving address, either alongside *minister* 'official' (literally 'servant'), or in its place. There are examples from when Henry I was in Normandy that begin by addressing Roger of Salisbury, the highest official in England (*Regesta* 1573, 1682), though I can hardly imagine the holder of the writ felt the need to go and show it to Roger.

The overwhelming impression conveyed by the address clauses of royal acts from before the Conquest right through to the early years of Henry I's reign is that of a well-organized system of communication. The beneficiary probably knew what parts of the system needed to be told something, the king's draftsmen knew who the officers of the courts were and the officials in peculiar jurisdictions, and they knew pretty much exactly who should be addressed in what circumstances. In the drafting of addresses, there was some licence, but not so much as seriously to confuse the picture.

What then of the general address? What purpose did it serve, and why did it come eventually to supplant the shire address and the local variations on it?

Some form of general address can be seen in acts of William I and William II, but it is always very rare, usually confined to [**46**] Anglo-Norman diplomas. These early examples are also variable in form and, more conspicuously, different in their language from the address-clauses of writ-charters. In particular, lay magnates are not distinguished but addressed under the imprecise designations of *proceres* or *optimates*. From these we may learn that there were circumstances in which the other available addresses were felt not to meet the need. In Henry I's time, the formulaic general address emerges, to the archbishops, bishops, earls, sheriffs, *barones* and *fideles* of all England. It first certainly occurs between 1106 and 1110, and it becomes more frequent in the 1120s and 1130s. (There is one example, which, if authentic, would date from February 1102 (*Regesta* 564 for Eudo Dapifer), but other features of the act rouse suspicions.) Through

Henry I's reign, I can say that there are 22 currently-known examples of a general address surviving as originals and a further 73 authentic examples surviving only in copies. (I cannot provide precise figures for shire addresses yet, but the total is in excess of 700.)

There are a very few examples of acts with a general address and the specification of a shire. An original for the abbey of Tiron concerns a gift of property in Wales; it is addressed 'archiepiscopis et episcopis et omnibus baronibus et fidelibus suis totius Anglie et nominatim illis qui in Walis conuersantur' (*Regesta* 1187, datable 1107 × 1120). This remains in its character a general address: there were no local courts in Wales analogous to the English shires. Documents surviving as copies, however, from St Frideswide's priory, Oxford, and from Kirkham priory in Yorkshire, attach a shire to the general address: 'archiepiscopis episcopis abbatibus comitibus iustic(iis) baronibus uicecomitibus et omnibus ministris et fidelibus suis francis et anglis tocius Anglie et nominatim Oxon'' (*Regesta* 1957 for St Frideswide's, datable 1129 × 1135) 'archiepiscopis episcopis abbatibus comitibus uicecomitibus et omnibus baronibus et fidelibus suis francis et anglicis totius Anglie et de Eboraciscira et de Northumberlanda' (*Regesta* 1459 for Kirkham, datable 1123 × 1129). Such rarities adhere to some intention of deliverability, but it is impossible to comprehend why they exist. They could at this date have perfectly well been drafted to address the shire courts; their rarity argues against any strong interpretation of their significance; but they attest to some sense that the general address was, on rare occasions, somehow inadequate in the eyes of at least one draftsman.

The questions of whether a charter generally addressed was still taken to the shire court for publication, whether indeed it was published at all, are impossible to answer. The Abingdon chronicle provides an insight [**47**] into delivery of writ-charters, over and over again introducing those it quotes by saying that the king sent his letters to the shire. In the two instances where a charter generally addressed is quoted, the narrative introduces it thus: 'tales litteras totius regni Anglie primoribus misit' (*Regesta* 1259, datable 1121 × December 1122; Hudson, ii. 228), 'primoribus Anglie talia scripta transmisit' (Henry II, datable to 1159. Whatever the writer, in the early 1160s, thought this meant—and he may have been merely interpreting the words of the general address—it suggests that he did not expect a document so addressed to be published at the shire court.

Why the king should choose to increase the use of seemingly undeliverable documents is also a hard question to answer. If his coronation charter could achieve nationwide publication through shire courts, and if there were adequate systems for addressing the courts relevant to holders of

a multi-shire complex of rights, why the general address at all? And whence this form of it? I suspect form provides the best clue to the origin of the general address. I have entertained several possible explanations for its genesis. One might, perhaps, guess that a Norman draftsman devised a general address, someone who was familiar with the general addresses used in the diplomas of French kings with their roots going back to Carolingian diplomatic practice. Big assumptions underlie such a guess: who was in a position to devise such a formula, would that person have experienced Capetian forms, and why should he want to import this one to England, and this one alone, apparently without any substantive reason in the documentary mechanism? Since the words used are not the same, one must add the further supposition that in the devising of a formula for England the king's clerks chose to use the terms already in use in writ-charters in England rather than those used in the non-formulaic general addresses of William II's time.

Or one might, perhaps, see it as the logical extension of the writ-charter address to multiple shires. Before the Conquest that had been 'to the bishops, earls, and thegns of the shires where . . .'; adding sheriffs and replacing thegns with *barones* and *fideles* would bring it into line with Anglo-Norman usage in writ-charters, and adding the archbishops would allow for a landholder who owned in Kent and Yorkshire or Nottinghamshire. The addition of justices between earls and sheriffs was a consequence of a change in the practice of writ-charters. Once the formula was framed, however, it acquired a different logic of its own, [**48**] and came to incorporate other categories of great men who had no place in writ-charters. Abbots were the first, entering the general address before the end of Henry I's time and becoming usual in Stephen's; while abbots had been among the *barones* of the shire court, the shire address had not singled them out as a category and only rarely included a particular abbot. Over the centuries, the new general address would be augmented to include further dignities, but that need not concern us. One interesting point to reflect on, however, is this: sheriffs always precede *barones* until around the death of Henry I and the accession of Stephen, but thereafter *barones* are sometimes accorded precedence over sheriffs, though the precedence is inconsistent, even in the drafting of particular clerks, throughout Stephen's reign. This is the first signal that *barones* were beginning to be perceived as magnates, with higher precedence than royal officers such as justices and sheriffs; this precedence is consolidated in Henry II's time.

Or a third possible explanation for the general address is to suppose that it was in origin no such thing but simply an address to another grander court, the king's own, at which the archbishops, bishops, earls, and so on,

were gathered ‘in concilio’ (to use the expression of Henry I’s place-dates). One way to test this possibility might be to look for any correlation in early examples of the general address and place-dates at the major courts held at Christmas, Easter, and Whitsun. There are some that lend support to this hypothesis; such as *Regesta* 1280, 10 April 1121, granting the heiress Sybil of Neufmarché to Milo of Gloucester, ‘Apud Wintoniam eodem anno inter pascha et pentecost’ quo rex duxit in uxorem filiam ducis de Luuain’, or *Regesta* 1485, a resolution in the king’s court at Winchester in 1127, between Gloucester abbey and Gilbert de Miners. But there are others that argue against it; such as *Regesta* 1048, issued in 1114 at Holdgate Castle, ‘Apud Castrum Helgoti in Scalopescyra’, during the king’s Welsh campaign). These three all survive as originals. I am not convinced that a wider search would clinch this line of reasoning.

There is a small group of documents concerning England whose address is in some way intermediate. A charter that grants tolls during certain fairs to the bishop of Lincoln, for example, is addressed, ‘A(nselmo) archiepiscopo Cantuar(iensi) et Ger(ardo) archiepiscopo Eboracensi et episcopis suis et abbatibus et omnibus baronibus suis et fidelibus francis et anglis tocius Anglie’ (*Regesta* 864). If this one merely substitutes names for the two archbishops while remaining a general address in category, that is not true of the act appointing Geoffrey as abbot of St Albans, which is addressed, ‘Radulfo archiepiscopo Cantuarie et [**49**] Roberto episcopo Lincolnie et omnibus episcopis et comitibus et baronibus et uicecomitibus et ministris et omnibus fidelibus suis francis et anglis totius Anglie’ (*Regesta* 1203). The bishop of Lincoln is here singled out as the presiding bishop in the shire court of Hertfordshire, but the nature of the abbey’s relationship to the bishop and to the archbishop of Canterbury was perhaps already an active issue. Delivery appears to be notionally intended though it is not clear in what context it could be perceived as possible. These two acts come from a rather small group (others in it are *Regesta* 637, 885, 1687 for Fontevrault which names several bishops, and 1765 which addressed the archbishop of Canterbury by title but not by name).

If the general address does not represent a notional address to all members of the king’s court ‘in concilio’, it is perhaps ironic that its use should have been increasing during exactly the period when the lords of honours with seigneurial jurisdiction begin to imitate royal writ-charters, addressing them to the officers of the honour court. Extreme examples of this honour style come from the charters of Ranulf, earl of Chester, in the 1140s and ’50s: ‘Ranulphus comes Cestrie episcopo Cestrie, archidiacono, omnibusque sancte ecclesie filiis necnon et constabulario, dapifero,

iusticiario, baronibus, uicecomiti, ministris et baliuis, et omnibus hominibus et amicis suis salutem', 'Rannulfus comes Cestrie episcopo Cestriensi, abbati Cestrie, totique clero, constabulario Cestrie, dapifero, baronibus, iusticie, uicecomitibus, ministris et omnibus fidelibus suis Francis et Anglis'; secular examples are more common, such as, 'Ranulfus comes Cestrie constabulario, dapifero, iusticiario, baronibus, uicecomiti, ministris et balliuis et omnibus hominibus suis francis et anglis, clericis et laicis' (G. Barraclough, *Charters of the Anglo-Norman Earls of Chester* (1988), nos. 34, 63, 27, with silent and inconsistent expansion of abbreviations *iustic'* and *uic'*, where I should prefer 'iusticie', 'uicecomiti'). This is a relatively short-lived form, emerging in the late 1120s and 1130s and lasting into the early years of Henry II. Its apparent perception of the officers of the court is undermined by the inclusion in some examples of the perpetuity formula so common in private deeds but not used in authentic royal acts, 'Ranulphus comes Cestrie constabulario, dapifero, baronibus, iusticiario, uicecomiti Cestrie, tam presentibus quam futuris, et omnibus hominibus suis francis et anglis, clericis et laicis' (ibid. no. 26). These honorial acts demonstrate a trend towards including all *categories* of person without real regard to the *persons* themselves. The habit of mind that had already added abbots to the general address was clearly becoming settled. Whatever prompted the new form and whatever shaped its wording, it came to be treated as a general address and developed accordingly. [**50**]

Now, the real question must be whether such a change is initiated as a change of diplomatic form or in response to a new institutional demand. With the exception of the small number of acts for which publication through being read before the king's court might have been judged appropriate, it is impossible to discern any practical rationale dictating why a particular transaction is drafted with the shire address or the general address in much of Henry I's time, throughout Stephen's reign, and in the early years of Henry II.

My own instinct is to see the general address, in the formula adopted early in Henry I's time, as an almost accidental emergence from the writ-charter for multiple shires. It addressed, in general terms, like the general writ, any court or individual to whom the document might need to be shown. It could therefore provide an all-purpose solution in cases where the circumstances were varied or complicated, though it was decades before it was widely adopted. Once devised, the formula was quickly treated as a truly general address rather than an all-purpose amalgam of other addresses; this must have happened by the time the abbots were added to the formula. Such an evolution for the general address over the first twenty or twenty-five

years of Henry I's reign requires no supposition that it would be used in a wide range of circumstances, because for most purposes the standard shire address or the locally appropriate address met the need. The extension of its use was gradual.

The factors governing a choice between shire address and general address over the years from the later 1120s to the late 1160s were perhaps various. The charter as a form of document was emerging from the background of the writ-charter and it would be developed quickly by Henry II's chancery in the first years of his reign. The preference for personal addresses was giving ground in several contexts to generic addresses, even where a general formula was not used. The circumstances in which a writ-charter was appropriate may have been becoming less frequent, so that the locally specific form began to appear old-fashioned before it was obsolete. Writ-charters were always in the large majority over the general address in Henry I's time, they remained in a clear majority in the authentic charters of Stephen (which include about 150 examples of the general address and more than twice that number of shire addresses), but in the years between 1154 and 1170 the shire address was used in only a small proportion of Henry II's acts.

When the shire address ceased, perhaps in the late 1160s, perhaps *c.* 1170, some explanation is called for. It seems unlikely that it was simply that, after sixty years of what might have been choice, no one any longer wanted a writ-charter. It was more probably a central decision to [**51**] stop addressing royal acts to shire courts. This may have been because such business as was transacted through royal charters was no longer published by being read in the shire courts. No specific act indicates exactly when or why the shire address ceased to be used, but the fact of its disappearance may signal change at the centre of the legal system as well as in the shires. Justices ceased to serve continuously in the shire courts; instead, men of the same rank and competence as might have been appointed justices in the shires joined justices from the common bench at Westminster in travelling on eyre from time to time to hear pleas in one or more shires. This change is reflected in the charters: where the clause *nisi feceris* would previously have mentioned 'iusticia mea' as the person who could enforce action over the sheriff, after this change the *nisi feceris* clause would impose the responsibility on the king's justices in eyre. As Nicholas Vincent has shown, this change appears to coincide with the introduction of *Dei gratia* in the regnal style in 1172–3; by then, 'iusticia mea' was obsolete, but there are few examples referring to justices in eyre before that point. From around the same time the settled availability of a central court at Westminster and of

procedures dependent on the king's writ now tended to draw away from the shire courts those categories of business—disputes over land for which royal charters were cited in evidence, perhaps particularly where the private exercise of judicial privileges was in question—for which the publication of charters had been a precondition. And in the administrative sphere the question of monies to be collected by sheriffs was arranged between the sheriff and the court of the exchequer at Westminster. The shire court was no longer the forum in which such shrieval business was made public. The reasons, both legal and administrative, that had necessitated the writ-charter in King Eadgar's time and sustained it through the eleventh century appear finally to have become obsolete. This does not equate with a reduction in the volume of business heard in shire courts, but it may well reflect the increasing centralization of the categories of business to which writ-charters had been relevant. The precise chronology of such changes remains elusive.

Meanwhile, however, while there were two forms in use, are we to suppose two procedures? Were charters generally addressed still taken to the shire court for publication? Indeed, were they published at all, or had diplomatic, perhaps—perish the thought—become less embedded in the mechanics of government? Might a beneficiary be willing to pay the king rather more for a document that he would not have to take to the shire court at all unless conflict arose but which should rather sit in [**52**] his muniment chest? A change from an administratively well-structured procedure to one that was less tightly structured, less personalized, and less integrated into the local administration must be hard to explain, especially if we are to understand this change against a background of increased bureaucratization. It must surely reflect the increased emphasis on the central courts at the expense of the shires.

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