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THE LOWY OF TONBRIDGE AND THE LANDS OF THE CLARE FAMILY IN KENT, 1066 — 1217.

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Although the Clare family are better known in the twelfth century for their activities in Wales and Ireland rather than England, it was the English lands which furnished them with their permanent landed wealth. Of these lands, the most extensive comprised the honour of Clare, mainly situated in East Anglia and Essex, whose value amounted to £591 3s. 6d. in 1086. Their lands in Kent, however, were by no means negligible, and in several respects their history made them distinct from the rest of the Clare estates.

In addition, the Clares held considerable land in Surrey, and the balance of demesne and subinfeudated land in the two counties in 1086 shows that they were organised together as a separate lordship; all the Kent land was retained in demesne, whilst two-thirds of the Surrey manors had been subinfeudated, the total value of the estates amounting to £349 6s. 6d. In the Domesday Survey for Kent and Surrey, Richard, the son of Count Gilbert of Brionne, and the founder of the Clare family, was often called Richard of Tonbridge, taking his surname from the *caput* or centre of these estates. Eighty years later, in the *Carta* of 1166, the Surrey fees were listed separately from those for Essex, Suffolk and Norfolk, and the vassals probably owed castleguard to Tonbridge rather than to Clare. Although the Surrey manors were sometimes described in the twelfth century as part of the honour of Clare, there are strong indications that they were regarded as distinct from the lands north of the Thames. The Surrey vassals held aloof from the activities of those in Suffolk; only three made grants to the Clare family's priory of Stoke by Clare from their lands in Kent and Surrey, and it is significant that all of them had estates in Suffolk and Essex. It is probable that the Clare officials were responsible for all the lands in east and south-east England in the twelfth century, but with the emergence of professional administrators in the early thirteenth cen-

tury Tonbridge came to have its own officials. In the late thirteenth century, lands in Surrey were described as belonging to the honour of Tonbridge, and this term symbolises their distinctness at an earlier date.¹

Moreover, the existence of the lowy of Tonbridge distinguished the Kent and Surrey lands from the typical feudal estate. The lowy, or *banlieu* as it is often termed, covered a small area around Tonbridge itself; it was not a compact block of land, but was mixed up with the holdings of others and had no clear boundary. Tonbridge lay in the heavily-forested Weald, and it seems likely that Richard took over the denes, areas of woodland pasture, belonging to a number of Kentish manors. The lowy was held of the archbishop of Canterbury, in contrast to the honour of Clare which was held of the king in chief by military service. The family's services to the archbishops and their disputes have no parallel at Clare. Moreover in the lowy the family exercised the most important liberties which they possessed in England, notably the right to have a special session of the justices in eyre at Tonbridge itself.

The Domesday Survey makes it clear that several tenants-in-chief treated their lands in Kent and Surrey as a single unit, and Richard son of Count Gilbert was no exception.² This practice was due to the urgent need of the Normans to defend south-east England, and William I aimed to secure Kent and Sussex and to guard the routes to London by giving estates there to men on whom he especially relied. Odo of Bayeux, his half-brother, was created Earl of Kent by March 1067, and strategic places, like Tonbridge on the upper Medway, were given to trusted barons. Tonbridge castle was situated between the castles of the rapes of Sussex, Hugh de Montfort's castle of Saltwood, and Dover castle, and was thus a place which William would be anxious to have well defended.³

These considerations of defence suggest that the grants in this area were made soon after William's coronation. Other evidence points to the same conclusion. In one of the accounts of the trial at Penenden Heath in 1072, which investigated Lanfranc's complaints about encroachments on the Canterbury lands, Richard was named Richard of Tonbridge, and he must have been well established at Tonbridge by then.⁴ Stronger evidence is provided by the Domesday

¹ E.g. *Calendar of Inquisitions post mortem*, iii, 239; *Calendar of Close Rolls, 1296-1302*, 369; *Calendar of Patent Rolls, 1292-1301*, 496.

² J.H. Round, 'Introduction to the Surrey Domesday,' in *VCH (Surrey)*, i (1902), 280.

³ N. Neilson, 'Introduction to the Kent Domesday,' in *VCH (Kent)*, iii (1932), 191.

⁴ *Anglia Sacra*, ed. H. Wharton, (1691), i, 335.

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Survey for Surrey which shows considerable reductions in geld assessment on Richard's estates, and the Domesday valuation of Richard's lands shows a great decrease in value at the time he was granted the honour. The fall in value of many of the manors was largely due to William's march from Hastings to London, and to the accompanying devastation by which the Normans doubtless hoped to hasten the submission of the English.⁵ Surrey was not affected by the subsequent troubles of William's reign, so that the waste cannot well be later. It is not clear how far the devastation accounted for the reduction in assessment; the reduction is only found in Surrey, Sussex, Hampshire and Berkshire, by no means in all the counties where there was ravaging, and it is equally possible that William I's followers extorted from him a remission of their geld obligations in the early years of the Conquest.⁶

Kent was the only county where Richard held most of his land of other lords rather than of the king in chief. Working on the basis of Domesday values in 1086, he held:—

Of the King in chief:	£ 24		
Of Odo of Bayeux:	44	1s.	11d.
Of the Archbishop of Canterbury:	38	18s.	6d. ⁷
Of the Bishop of Rochester:	2	12s.	
	<hr/>		
	£109	12s.	5d.
	<hr/>		

In fact, much of his land had been usurped from the Church, and it was only gradually that Canterbury and Rochester were able to assert their rights; some of the encroachments were never recovered. It is fortunate that Domesday Book can be supplemented by the *Domesday Monachorum* of Christ Church Canterbury and by charter evidence, since Domesday Book conceals the extent to which Richard encroached on Church lands. Rights of landholding in Kent were particularly confused and disputed in the Conqueror's

⁵ F.H. Baring, 'The Conqueror's Footprints in Domesday', in *Eng. Hist. Review*, xiii (1898), 17-25.

⁶ J.H. Round, 'Danegeld and the Finance of Domesday', in *Domesday Studies*, ed. P.E. Dove, (1888-91), i, 113. R.W. Finn, *The Norman Conquest and its Effects on the Economy: 1066-86*, (1971), 51.

⁷ This total would amount to 2d. more if the value for Meopham in *The Domesday Monachorum of Christ Church Canterbury*, ed. D.C. Douglas, (1944), 94, were preferred to the figure of 18s. 6d. in *Domesday Book*, ed. A. Farley and H. Ellis (1783-1816), i, f.4b.

reign.⁸ Odo of Bayeux was undoubtedly responsible for the seizure of much ecclesiastical property, although Richard was closely associated with some of his encroachments. The field was wide open for appropriation by Odo and the Normans in the early years of the Conquest, as William I would never have come to the aid of the pluralist Archbishop Stigand, nor of an Anglo-Saxon bishop of Rochester. Most of the usurpations were doubtless made before Lanfranc was consecrated Archbishop of Canterbury in 1070, and Gundulf Bishop of Rochester in 1077. From 1070 Lanfranc worked slowly and persistently to recover the Canterbury lands. Relations between him and Odo became strained to say the least, and the supremacy of the archbishop in Kent was not established until Odo was overcome by the royal forces during the rebellion of 1088; the earlier link between Odo and Richard son of Count Gilbert was probably one of the reasons why Gilbert of Tonbridge, the second son of Richard son of Count Gilbert and heir to his English lands, sided with Odo against William II and Lanfranc.

The lowy of Tonbridge is often mentioned in Domesday Book and the *Domesday Monachorum*, and its primary purpose at this time was the maintenance and defence of Tonbridge castle;⁹ on one occasion the lowy was styled a castellany.¹⁰ At first sight it appears that the manors where Richard held lands lay at a considerable distance from Tonbridge, but these places would have outlying pasture in the Weald which could be easily appropriated; several of the Domesday entries describe the woodland which Richard had in his lowy, and it is clear that he obtained a number of his holdings by encroachment.

Neither Domesday Book nor the *Domesday Monachorum* gives any account of Tonbridge itself, the *caput* of the Kent and Surrey lands. In 1086, it may have been situated in the manor of Hadlow, which Richard held of Odo, but which was later held of the archbishop.¹¹ Alternatively, it may have been included in the survey of Wrotham, as Tonbridge was situated on Wrotham common land.¹² It is more probable, however, that in 1086 Lanfranc was pursuing his claim to Tonbridge, and quite possibly a plea was pending

⁸ *The Domesday Monachorum of Christ Church Canterbury*, ed. D.C. Douglas, (1944), 32. D.R. Bates, 'The Land Pleas of William I's Reign: Penenden Heath Revisited', in *Bulletin of the Institute of Hist. Research*, li (1978), 14-15.

⁹ W.V. Dumbreck, 'The Lowy of Tonbridge', in *Arch Cant.*, lxxii (1958), 142, 147.

¹⁰ *The Domesday Monachorum of Christ Church Canterbury*, ed. D.C. Douglas, (1944), 88.

¹¹ E.S. Armitage, *The Early Norman Castles of the British Isles*, (1912), 220.

¹² K.P. Witney, *The Jutish Forest*, (1976), 121-2.

between him and Richard; in this case Tonbridge would have been deliberately omitted in the Survey. Neither of the chronicle accounts of the acquisition of Tonbridge and its lowy is satisfactory as it stands. According to the chronicle of William of Jumièges, Richard received the land as compensation for the Norman castle of Brionne, which had been held by his father but never restored to him, and the *banlieu* of Brionne was measured in order to ensure that he received the same amount of land at Tonbridge;¹³ the king is not mentioned, but such an exchange, involving the abandonment of a claim to part of the ducal demesne must have been a royal act. The author of the Tintern Abbey *Genealogia* on the other hand states that Richard obtained Tonbridge by exchange with the see of Canterbury.¹⁴ The combination of these accounts in the *Victoria County History*, where it is stated that the exchange with the archbishop was the castle of Brionne, is not feasible, since Brionne was then part of the Conqueror's demesne.¹⁵ The Tintern account is supported by the fact that in the thirteenth century the lowy was held of the archbishop. Moreover, Gilbert of Tonbridge owed a service of four knights to the archbishop according to a list compiled in the early years of Anselm's primacy.¹⁶ This service must have been due from the lowy, since, with the exception of East Peckham, all Richard's holdings of the archbishop in Domesday are said to lie within it, and it is interesting to find that in 1258 the archbishop renounced his claim to a service of four knights from the lowy.¹⁷

One vital factor, however, indicates that Tonbridge was granted by the Crown, namely the consideration of defence. It appears most likely that the grant of Tonbridge was similar to that of Saltwood, although this cannot in fact be proved. Saltwood was granted to Hugh de Montfort by the Conqueror, but was recovered by Lanfranc at the trial of Penenden Heath; in 1086, it was held by Hugh of the archbishop together with 225 burgesses of Hythe by the service of two knights.¹⁸ A similar explanation for Tonbridge including a royal grant and a recovery by Lanfranc would bear out the main statements of the two chroniclers; with regard to the exchange of lands, the Tintern writer might have been thinking of Richard's

¹³ *Guillaume de Jumièges, Gesta Normannorum Ducum*, ed. J. Marx, (1914), 289 (interpolation of Robert of Torigni).

¹⁴ *Monasticon Anglicanum*, (1846), v, 269.

¹⁵ N. Neilson, 'Introduction to the Kent Domesday', in *VCH (Kent)*, iii (1932), 191.

¹⁶ *The Domesday Monachorum of Christ Church Canterbury*, ed. D.C. Douglas, (1944), 63-4, 105.

¹⁷ P.R.O. C.47/9/59. Lambeth MS. 1212, 148-57.

¹⁸ *Placita Anglo-Normannica*, ed. M.M. Bigelow, (1879), 6. *Domesday Book*, ed. A. Farley and H. Ellis, (1783-1816), i, f.4b.

grants to the abbey of Bec with which Lanfranc was closely connected.

With Tonbridge situated in the Weald, the Clares had extensive chaces around the castle, with their forests of Northfrith and Southfrith. Tonbridge itself was developing as a borough at least by the early twelfth century, with toll being levied on goods passing through.¹⁹ The existence of the motte and bailey castle which had been built under William I, and the presence of the Clare lord and his retinue from time to time helped the development of the borough. The strategic situation of Tonbridge meant that it underwent several sieges in the Middle Ages, and it fell easily to the besieger on each occasion. In the rebellion of 1088, it only took William II two days to wrest the castle from Gilbert of Tonbridge during his campaign in south-east England. In the early thirteenth century, when both Richard of Clare, Earl of Hertford, and his son Gilbert were fighting on the baronial side in the civil war following on Magna Carta, Tonbridge was captured by royal forces as early as 28th November, 1215; John at that time was besieging Rochester castle and securing his hold on Kent.

Tonbridge was by no means the only appropriation that Richard son of Count Gilbert made in Kent. He held two manors in chief of the king, East Barming, worth £4 in 1086, and Yalding which had been worth £30 in the time of King Edward, but was only worth £20 in 1086, because the land had been despoiled of stock.²⁰ Without supplementary evidence there would be no suspicion that the manor had been obtained by encroachment. It was not mentioned in the trial at Penenden Heath, but was referred to in a document drawn up by a royal clerk in 1078 or 1079. The relevant entry reads, 'Aldret held Pimp, Chinton, and Yalding of the archbishop. Now Richard holds'.²¹ In 1086, Pimp was held by Adam and Rayner of Odo of Bayeux,²² and Yalding continued to be a possession of the Clare family in the twelfth and thirteenth centuries. This account points to the close association between Richard and Odo, and also to the changes in land tenure which must have taken place during the Conqueror's reign.

The charters concerning the lands held of the bishop of Rochester

¹⁹ *The Chartulary of the Priory of St. Pancras of Lewes*, ed. L.F. Salzmann, *Sussex Record Soc.*, xxxviii (1932), 156.

²⁰ *Domesday Book*, ed. A. Farley and H. Ellis, (1783-1816), i, f.14a.

²¹ D.C. Douglas, 'Odo, Lanfranc and the Domesday Survey', in *Historical Essays in honour of James Tait*, ed. J.G. Edwards, V.H. Galbraith and E.F. Jacob, (1933), 52, 54. Pimp is situated in East Farleigh. 'Chinton' can be identified with Kennington near Chart.

²² *Domesday Book*, ed. A. Farley and H. Ellis, (1783-1816), i, f.8b.

provide a complete account of appropriation and recovery. In Domesday Book, Richard held land of the bishop in Southfleet, Stone, Halling and Frindsbury of a total value of £2 12s.;²³ no hint of encroachment was given. It is therefore of especial interest to find an agreement between Bishop Gundulf of Rochester, and Gilbert of Tonbridge, made in the presence of Archbishop Lanfranc;²⁴ it can be dated fairly precisely between about 1087, when Richard son of Count Gilbert became a monk at St. Neots, and Lanfranc's death in 1089. It stated that, by the judgement of the archbishop, Gilbert was to give the bishop £2 10s. a year for the land which he held belonging to Rochester cathedral; this rent was to be paid until Gilbert gave the bishop an equivalent amount of his own land. Presumably, Richard had usurped the land in the first place, and Lanfranc was acting as mediator on behalf of Rochester. The next step in the matter is shown in a charter in the *Registrum Roffense*.²⁵ At the wish and with the consent of Archbishop Anselm, Gilbert granted and confirmed to Rochester cathedral the church of Rotherfield in Sussex and the chapel of Frant belonging to it, with all lands, tithes, oblations and appurtenances; Rotherfield comprised part of the estates of Odo of Bayeux in 1086, and was probably acquired by the Clares shortly afterwards. Among other grants, Gilbert promised one stag at the feast of St. Denis and he agreed that the son of one of his men should be a monk at Rochester. Moreover, Gilbert recorded that he had given back the cathedral's lands which lay in the lowy of Tonbridge. A royal confirmation charter shows that this grant was made in the reign of William II, and it must have been drawn up between Anselm's consecration as archbishop at the end of 1093, and November, 1097, when he left England for Rome.²⁶

All feudal lordships of the eleventh century comprised subinfeudated as well as demesne land, and, as Richard son of Count Gilbert retained all his Kent estates in his own hands, his vassals were rewarded from his lands in Surrey. In this way, the Kent and Surrey lands complemented each other, and Tonbridge acted as the centre for a lordship which spanned two counties. Richard was one of the most important landholders in Surrey,²⁷ and the Conqueror's grant must have actually named the manors which he was to have, since these had been held by a large number of men

²³ *Ibid.*, f.5b.

²⁴ *Textus Roffensis*, ed. T. Hearne, (1720), 149.

²⁵ *Registrum Roffense*, ed. J. Thorpe, (1769), 590-1.

²⁶ *Textus Roffensis*, ed. T. Hearne, (1720), 160.

²⁷ J.H. Round, 'Introduction to the Surrey Domesday', in *VCH (Surrey)*, i (1902), 280.

in the time of King Edward. Some of these manors were retained in demesne, notably Bletchingley and Walton Leigh; but whereas the demesne estates in Kent were worth £109 12s. 5d. in 1086, the Surrey manors only amounted to £78 1s. 9d. Far more significant in Surrey was the land granted to vassals which was valued in the Domesday Survey at £160 12s. 4d. Therefore, taking Kent and Surrey together, about half the land had been granted to sub-tenants, a proportion which was not excessive when compared with other baronial estates.²⁸

The feudal structure was mainly complete by 1086, and Richard's successors granted only a few of their demesne manors to vassals in the next fifty years; Stoke Dabernon, for instance, was given to the Abernon family. Much of the subinfeudated land was in the hands of a few major tenants, some of whom held land also of the honour of Clare,²⁹ and had possibly been associated with Richard son of Count Gilbert before the Conquest. Robert of Wateville stands head and shoulders above the rest, with holdings in seven villages.³⁰ Others held two or three manors, such as Roger of Abernon who held Moulsey Prior and probably Albury as well; he came from Abernon, a village close to Orbec, one of Richard's possessions before 1066.

Some land in Kent was subinfeudated in the twelfth century, but the majority of vassals in the lordship continued to hold lands in Surrey, and the pattern of a small number of outstanding tenants continued. The Clare *Carta* of 1166 for Surrey listed about 44 knights' fees;³¹ a few of these lay north of the Thames,³² but most were situated in Surrey, with probably a few in Kent. Most men held between one and four fees, such as Ingelram of Abernon who held four, but nearly half the fees were in the hands of two men, Robert of Wateville who held nine, and William of Danmartin with 11½.

Little is known of the feudal obligations of these vassals to the Clares. Doubtless some performed military service, and all probably owed castleguard to Tonbridge; Shalford, which was held by Robert of Wateville in 1086, owed two shillings a year for the guard of

²⁸ R. Lennard, *Rural England, 1086-1135*, (1959), 50-1.

²⁹ *Domesday Book*, ed. A. Farley and H. Ellis, (1783-1816), ii, ff. 39a, 41b, 395b.

³⁰ *Ibid.*, i, ff. 34b, 35a,b. Robert held land in Beddington, Chelsham, Chessington, Farleigh, Malden, Shalford and Warlingham.

³¹ P.R.O. E. 198/1/3 gives 44¼ + 1/3 + 1/9. *Liber Niger Scaccarii*, ed. T. Hearne, (1771-4), 294-5, gives 2¼ instead of 1¼ fees for Peter of Taleworth, and 3 rather than 9 fees for Robert of Wateville; *Red Book of the Exchequer*, ed. H. Hall, (1897), i, 405, gives 11 fees for Robert of Wateville.

³² E.g. Gervase of Cornhill's fee at Langham, Essex.

Tonbridge castle at the end of the thirteenth century.³³ It is not known where the military tenants performed suit of court in the twelfth century, although one hundred years later Surrey vassals attended the court of Bletchingley.³⁴ One instance has survived of the lord arranging the marriage of the heiress of one of his vassals.³⁵ There is no indication of a separate hierarchy of officials on the Kent and Surrey lands before the administration became more bureaucratic in the thirteenth century. Tonbridge castle however had its own constable at least by 1200 when Hugh of Pecham held the office.³⁶ Tonbridge had its own servants, such as the foresters; Earl Roger granted land near the town to Peter his forester, in return for his service of keeping the forest of Tonbridge on the south.³⁷

To turn to the lowy, it has already been seen that Lanfranc established the archbishop's overlordship, and Gilbert of Tonbridge owed a service of four knights in the time of Anselm.³⁸ This service was for the lowy, and the demesne manors of Hadlow and Tonbridge.³⁹ Lanfranc's victory did not mean that the Canterbury overlordship was secure, and each archbishop had to be ready to maintain his claim to property. This is made clear by the inquiry carried out under Archbishop William of Corbeil, possibly in 1136, when the jurors testified to the Clare lands in Meopham, Cooling, East Peckham, East Farleigh and East Barming.⁴⁰ It is significant that the Clares argued that they had less land than the jurors claimed; for instance at East Peckham the jurors stated that 3½ sulungs lay in the lowy, but the Clares' men only admitted two. The restoration of lands was a major task facing Thomas Becket who attempted to reassert his rights over Tonbridge. In 1163, Roger of Clare, Earl of Hertford, refused to do homage for the castle and lowy, stating that

³³ *Calendar of Inquisitions post mortem*, iii, no. 422.

³⁴ *Ibid.*

³⁵ B.L. Harley Charters, 111, E.45.

³⁶ R. Furley, *A History of the Weald of Kent*, (1871-4), i, 381.

³⁷ P.R.O. Ancient Deeds, C2179. Roger of Clare succeeded his brother Gilbert as Earl of Hertford in 1152 and died in 1173.

³⁸ *The Domesday Monachorum of Christ Church Canterbury*, ed. D.C. Douglas, (1944), 63-4, 105.

³⁹ P.R.O. C.47/9/59. Lambeth MS. 1212, 148-57. *Radulfi de Diceto Decani Landoniensis Opera Historica*, ed. W. Stubbs, (1876), i, 311. *Vita Sancti Thomae auctore Herberto de Boseham*, in *Materials for the History of Thomas Becket*, ed. J.C. Robertson, (1875-85), iii, 251. *Vita Sancti Thomae auctore Willelmo filio Stephani*, in *Materials for the History of Thomas Becket*, ed. J.C. Robertson, (1875-85), iii, 43, describes the *banlieu* as an honour.

⁴⁰ Lambeth MS. 1212, 340, 343. R.S. Hoyt, 'A Pre-Domesday Kentish Assessment List,' in *A Medieval Miscellany for D.M. Stenton*, ed. P.M. Barnes and C.F. Slade, *Pipe Roll Society*, N.S., xxxvi (1962), 196-7.

he held them of the king by military service.⁴¹ Earl Roger did not, however, succeed in his stand for he was mentioned in 1165 in the account of the knights of the archbishopric.⁴² In a similar list drawn up in 1171, a service of four knights was due from the lowy; but the earl only accepted a service of two, the same figure which was entered in the enquiry of 1210–12.⁴³ According to Gervase of Canterbury, the Clare's homage was recovered by Hubert Walter, probably about 1200.⁴⁴

The service due to Canterbury was described in detail in an agreement between Richard of Clare, Earl of Gloucester, and Archbishop Boniface of Savoy in 1258,⁴⁵ and much of it probably dates back to the beginning of the thirteenth century, if not earlier. The Clares performed homage, and the tenure was partly military and partly a serjeanty. The service of four knights from the lowy was not formally remitted until the 1258 agreement, when suit of court also ceased to be performed. In addition, the earl in the thirteenth century acted as steward at the archbishop's enthronement feast; how far back this service goes is unknown. It was well established by the time of the 1258 agreement which simply concerned itself with disputed details. Possibly the service was settled at the time when Hubert Walter re-established his rights over Tonbridge, but it might well date from earlier in the twelfth century. According to the agreement, the earl was to receive a fortnight's summons. On his arrival at Canterbury the day before the feast, he would be given his rod of office, which he would relinquish on the morrow of the feast, after receiving the account of his subordinate officials. While in office he might appoint any officials he thought necessary, but this privilege was worth little in practice since the rights of claimants had to be observed, and all the former ministers of the archbishop were to remain in office. The earl's perquisites as steward comprised seven scarlet robes, thirty sesters of wine,⁴⁶ fifty pounds of wax for his own lights at the feast, hay and oats for eighty horses for two

⁴¹ *Radulfi de Diceto Decani Londoniensis Opera Historica*, ed. W. Stubbs, (1876), i, 311. *Vita Sancti Thomae auctore Herberto de Boseham*, in *Materials for the History of Thomas Becket*, ed. J.C. Robertson, (1875–85), iii, 251.

⁴² *Pipe Roll, 11 Henry II*, Pipe Roll Society, viii (1887), 109.

⁴³ H.M. Colvin, 'A List of the Archbishop of Canterbury's Tenants by Knight Service in the Reign of Henry II,' in *Documents Illustrative of Medieval Kentish Society*, ed. F.R.H. Du Boulay, *Kent Records*, xviii (1964), 6, 15. *Red Book of the Exchequer*, ed. H. Hall, (1897), ii, 472.

⁴⁴ *The Historical Works of Gervase of Canterbury*, ed. W. Stubbs, (1879–80), ii 409.

⁴⁵ P.R.O. C.47/9/59. Lambeth MS. 1212, 148–57. The agreement covered several matters besides service, and was designed to put an end to a number of disputes.

⁴⁶ The size of this liquid measure is uncertain.

nights, and the dishes and salts set before the archbishop at the first course of the feast. The earl quit-claimed his right to any remains in the larder. On his departure he was to be entertained by the archbishop for three days at his nearest manors in Kent; the earl was to choose the place for his rest cure, and was to bring fifty horses only.⁴⁷

Quite apart from its tenure, Tonbridge was unique among the English lands of the Clares with regard to its franchises. Although the main purpose of the lowy in the eleventh century was to maintain the castle,⁴⁸ by the early thirteenth century it had come to have a primarily judicial significance. Hasted considered that Richard son of Count Gilbert obtained a grant of liberties and exemptions from William the Conqueror,⁴⁹ but the most important franchises cannot be earlier than the twelfth century. Franchises only grew up gradually in response to changes in royal justice,⁵⁰ and some emerged relatively late; for instance, the privilege of return of writs had taken a definite form by 1200, but was not known by this name until the reign of Henry III.⁵¹ The extent of a lord's privileges depended largely on his ability to adapt them to new circumstances, and to persuade the king and his justices to accept the fresh interpretation.⁵² Why Tonbridge should have acquired exceptional privileges in the twelfth century must remain an open question, but it is most likely that these rights were conceded to the Clares by an archbishop of Canterbury, or that they were usurped.

Most of the information on the franchises comes from the thirteenth century; by about 1250 the earl's liberties amounted to the complete exclusion of the sheriff and his officers, thus giving the Clares the franchise of return of writs, and their most exclusive privilege was the special session held by the itinerant justices at Tonbridge itself. According to the claim which the earl had to make for his franchises in 1279,⁵³ the itinerant justices should come to Tonbridge to deal with all pleas of the Crown as well as common pleas; the coroner of the honour would make his oath to them, and answer for all matters touching the Crown. Moreover, the twelve jurors should take the oath at Tonbridge, and receive the articles of

⁴⁷ The agreement stated that the earl was to be entertained 'in order to lessen the bleeding'.

⁴⁸ W.V. Dumbreck, 'The Lowy of Tonbridge', *Arch. Cant.*, lxxii (1958), 142, 147.

⁴⁹ E. Hasted, *The History and Topographical Survey of the County of Kent*, (1797-1801), v, 174.

⁵⁰ Cf. E. Miller, *The Abbey and Bishopric of Ely*, (1951), 241.

⁵¹ S. Painter, *Studies in the History of the English Feudal Barony*, (1943), 116.

⁵² M.D. Lobel, 'The Ecclesiastical Banleuca in England', in *Oxford Essays in Medieval History presented to H.E. Salter*, (1934), 126.

⁵³ *Placita de Quo Warranto*, ed. W. Illingworth and J. Caley, (1818), 348.

the eyre and reply to them as was customary. The earl demanded a copy of the eyre roll before the justices left the lowy. He claimed to levy all fines and amercements as the minister of Christ Church, Canterbury, and to have all the issues of the eyre. Further, he claimed the chattels of felons and fugitives, fines for escape of thieves, and the chattels and amercements appurtenant to *murdrum*, the fine originally levied on the hundred after the Conquest if a Frenchman was found slain. The earl's bailiffs, as ministers of the archbishop, were to levy all fines and amercements without hindrance of any royal official. Finally, he asserted that no sheriff or bailiff should enter the liberty unless his own bailiffs had neglected their duty. Gallows and return of writs were added to this list in 1293;⁵⁴ although the last franchise is not mentioned by name in the claim, it is certainly implied.

Not all these franchises date back to the twelfth century, but there is little doubt that the Clares had their special session of the justices before 1200, since the justices are known to have held such a session at Tonbridge from the beginning of the thirteenth century. In an inquisition into the place within the liberty where the justices in eyre ought to meet, reference was made to a case in the time of King John, and when Hubert Walter was archbishop of Canterbury and justiciar; that must have been between 1199 and 1205.⁵⁵ After the civil war following on Magna Carta, Gilbert of Clare, Earl of Gloucester's claim of liberties was investigated by the king's council,⁵⁶ but in July, 1219, the justices were ordered to go to Tonbridge, as they were wont to do in the time of the predecessors of the king and earl.⁵⁷ The earl had his own prison at least from the early thirteenth century; the constable, Hugh of Pecham, was accused of wrongfully detaining a man in 1200, and the prison was specifically mentioned in 1226.⁵⁸ Probably from the start the earl received all the amercements of his men who appeared before the justices in the lowy. In February 1258, Henry stated that he had learnt that Richard, Earl of Gloucester, like his predecessors, used to have the amercements; these were to be allocated to the earl by the Exchequer.⁵⁹

⁵⁴ *Ibid.*, 396.

⁵⁵ *Calendar of Inquisitions Miscellaneous*, i, no. 498. Unfortunately, the inquisition has partly rotted, and the full details of the case cannot be seen. Hubert became archbishop in 1193, and was justiciar from 1193 to 1198; he died in 1205.

⁵⁶ *Rotuli Litterarum Clausarum, 1204-24*, 383.

⁵⁷ *Ibid.*, 396

⁵⁸ R. Furley. *A History of the Weald of Kent, (1871-4)*, i, 381. *Rotuli Litterarum Clausarum, 1224-7*, 108.

⁵⁹ *Close Rolls, 1256-9*, 196.

THE LOWY OF TONBRIDGE

With the expansion of royal government under John, and with new expedients being devised, the franchises developed further. Probably the Clares had their own coroner by the 1240s, for reference was made to the present coroner and his predecessor in the eyre of 1255;⁶⁰ a new appointment was ordered in February 1258, after Richard, Earl of Gloucester, had explained to the king that the justices in eyre used to appoint a coroner in the lowy from the earl's men, and that the coroner appointed in the last eyre was dead.⁶¹ In the early thirteenth century also the earl was exercising the franchise of return of writs, and details concerning this were settled by the agreement with Archbishop Boniface in 1258. Although the earl lost his coroner as a result of the *quo warranto* pleas in Edward I's reign, the lowy of Tonbridge remained a highly privileged area into the later Middle Ages.

Because of the lack of source material in the twelfth century, any investigation of the Clare lands in Kent and the lowy of Tonbridge is bound to be incomplete. Yet their history throws light on certain problems which do not often occur on feudal estates, notably controversy over tenure, and the development of franchises. The complex structure of the lowy and its varied history furnish ample scope for comparison and contrast with greater honours, and its tenure and liberties set it apart from the rest of the Clares' English lands.

⁶⁰ R. Furley, *op. cit.* ii, Part 1, 58; the two men were John of Cortone and Simon of Baridene.

⁶¹ *Calendar of Patent Rolls, 1247-58*, 617.

