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The Reputation of the Sheriff, 1100–1216

Emilie Amt

The wicked sheriff is a stock villain of medieval English literature. In stories such as the Robin Hood ballads and *The Tale of Gamelyn*, oppressive or even corrupt officialdom is frequently personified by the man who represents the king's interest in the county.¹ Some modern historians have viewed the outlaw legends as being related, to a greater or lesser degree, to attitudes among the peasantry and yeomen in the later Middle Ages.² While outlaw tales in their present forms date from the fourteenth and fifteenth centuries, they are known to rest on much older stories,³ and a possible origin of the sheriff of Nottingham himself has been found as early as the first quarter of the thirteenth century.⁴ This takes us back to the era of Magna Carta, when sheriffs were enough of a problem for the investigation and regulation of their activities to be included in the terms which the king was forced to grant at Runnymede. How much can we discover of the origins of such a situation? This paper will explore the question whether the traditional bad sheriff, the oppressive sheriff, was already a problem in English government, or in the English consciousness, even earlier, in the twelfth century.⁵ It will also ask

¹ For their comments on the original version of this paper, I am grateful to Robin Fleming, Paul Brand, and David Crouch.

² R. H. Hilton, 'The origins of Robin Hood', in *Peasants, Knights and Heretics: Studies in Medieval English Social History*, ed. R. H. Hilton (Cambridge, 1976), 221–35 [reprinted from *P. & P.* xiv (Nov. 1958)]; R. B. Dobson and J. Taylor, *Rymes of Robyn Hood: an Introduction to the English Outlaw* (London, 1976), 10–11, 29–36; Maurice Keen, *The Outlaws of Medieval Legend* (revised edn., New York, 1987), pp. xiii–xix, 145–73, 234; idem, 'Robin Hood: peasant or gentleman?' in *Peasants, Knights and Heretics*, ed. Hilton, 258–66 [reprinted from *P. & P.* xix (Apr. 1961)]; cf. J. C. Holt, *Robin Hood* (London, 1982), 77–9; idem, 'The origins and audience of the ballads of Robin Hood', in *Peasants, Knights and Heretics*, ed. Hilton [reprinted from *P. & P.* xviii (Nov. 1960)]; J. R. Maddicott, 'The birth and setting of the ballads of Robin Hood', *E.H.R.* xciii (1978), 276–99 at 292–3.

³ The earliest mention of the Robin Hood stories is in *Piers Plowman*; 'Robinhood' as a surname occurs throughout the second half of the thirteenth century: David Crook, 'The sheriff of Nottingham and Robin Hood: the genesis of the legend?', *Thirteenth Century England*, ii (1988), 59–68 at 59–61. For a full discussion: Holt, *Robin Hood*, 62–81.

⁴ Holt, *Robin Hood*, 60–1; Crook, 'Sheriff of Nottingham', 60–8.

⁵ Holt suggests that this may have been the case: *Robin Hood*, 77, 189; Maddicott, 'Birth and setting', 279.

whether the royal government recognized oppressive sheriffs as bad ones, or whether it worried only about the other way in which sheriffs could be unsatisfactory: by failing to perform adequately the job which the king and his ministers expected them to do.

Our impression of government in the first half of the twelfth century is powerfully colored by the written sources which date from the reign of Stephen. From their standpoint in the Anarchy, chroniclers looked back to the time of Henry I and saw it as an era of peace and security; seldom did they dwell on its drawbacks, since what came afterwards was so much worse. Henry of Huntingdon observed the phenomenon; he mentioned avarice and cruelty as vices attributed by some to King Henry, and explained that it was in contrast to later disorder that people were inclined to admire whatever he had done, whether he behaved as a tyrant or simply as a king ('vel tyrannice vel regie').⁶ The firm hand of the Lion of Justice was undoubtedly a heavy one; that there must have been discontent at the time is evident. Take, for example, the slaughter of forest beasts in reaction to Henry's death, an event that might be seen as indicating feelings toward the king's foresters very similar to those which we find in later generations toward the king's sheriffs.⁷ Another indication comes from the citizens of London, who sought, obtained, and paid for the right to choose their own sheriff.⁸ Then there is John of Worcester's story of the nightmare which led Henry I to promise a remission of danegeld: the first group of unhappy subjects to appear in the dream were commoners, waving their farm implements, gnashing their teeth, and making unspecified demands.⁹ The king knew, at least subconsciously—or the chronicler assumed that he knew—that the *rustici* were restless. Outside of the king's nightmares, the link between king and commoner was often the sheriff. Though most levels of royal government usually dealt only with the relatively privileged (the knights and churchmen who appeared in the second and third segments of Henry's bad dream), most sheriffs probably dealt daily with the ordinary folk, the people whose descendants would find a hero in Robin Hood. Sheriffs encountered villeins, for example, when holding view of frankpledge, and Picot the sheriff had villeins testify on his behalf in 1086.¹⁰ Given such close relations, it is not unlikely that the sheriffs were the focus of some resentment on the part of the public in the time of Henry I.

Though the public's view remains largely undocumented, there was another party judging the performance of sheriffs in office. The sheriffs answered to the king, in particular to his Exchequer officials, and there is reason to think that these supervisors were not always satisfied. The turnover of sheriffs seems to have increased in Henry I's reign, and limited terms in office were introduced for some

⁶ Henry of Huntingdon, *Historia*, 700–1.

⁷ *Gesta Stephani*, 2–4.

⁸ Judith A. Green, *The Government of England under Henry I* (Cambridge, 1986), 67–8.

⁹ *The Chronicle of John of Worcester, 1118–1140*, ed. J. R. H. Weaver (Oxford, 1908), 32–3.

¹⁰ D.B., i, fol. 44b2; *Domesday Book*, ed. John Morris, iv: *Hampshire*, ed. Julian Munby (Chichester, 1982), entry 23/3.

sheriffs.¹¹ Our evidence is unusually good for an eventful period late in the reign. A special audit of the treasury in 1128–9 resulted in the large-scale replacement of sheriffs in 1129–30.¹² The audit had revealed a problem of significant proportions: a total uncollected debt to the Exchequer of nearly £39,000 by Michaelmas 1130. For a substantial part of this the sheriffs were responsible, or were blamed. In the county farm accounts, for which the sheriffs were without doubt primarily responsible, almost £2,000, or more than 20 per cent, of the current year's revenue was left owing. In addition, more than £2,700 was still owing from county farms of past years. To correct this trend a major housecleaning was set in motion, and most of the 'heavily indebted' sheriffs were dismissed from office.¹³ The royal government considered them unsatisfactory, removed them, and handed the shrievalties of some eleven counties over to a two-man team, Richard Basset and Aubrey de Vere, who held office on special terms that maximized the Exchequer's revenues from the counties. In general, the evidence from Henry I's reign suggests an increasing emphasis on the fiscal responsibilities of sheriffs,¹⁴ and so their financial performance was the criterion by which, in the eyes of their superiors, they succeeded or failed.

Because the accounts of the Anarchy of Stephen's reign dwelt on the horrors of warfare combined with general lack of government, one would not expect sheriffs, as agents of royal government, to figure prominently as villains, and they do not. Nor do freelance sheriffs, out to enrich themselves, appear as such. The general theme is that the strong oppressed the weak, the rich oppressed the poor, and—of course—the wicked oppressed the Church. The generic villains were foreign troops and rapacious lords and knights. It may well be that men who held shrievalties were among these oppressors,¹⁵ but it was not as sheriffs that such men were described. This may have been partly because that would not have fitted the theme of the chroniclers, but it may also have reflected reality. Royal authority was in eclipse: specifically, revenue collection and the administration of justice, the two main duties of the sheriff on behalf of the king, both suffered serious lapses during the civil war.¹⁶ It is therefore likely that overmighty sheriffs acting on behalf of the king were rare under Stephen's relatively uncoordinated rule. Then again, sheriffs may have spun out of control, acting in their own interests while cloaking themselves in royal authority. This may be what lies behind the statement by Ralph of Diss that sheriffs were one of the concerns

¹¹ Green, *Government under Henry I*, 201–4.

¹² *Ibid.* 47; *Pipe R.* 1130.

¹³ Green, *Government under Henry I*, 204.

¹⁴ *Ibid.* 65–6.

¹⁵ None of the notorious oppressors of the reign is definitely known to have served as a sheriff, but there is no reason to think that we know the names of all such men, and we certainly do not know the names of all the sheriffs. Miles of Gloucester held a shrievalty, but whether he should be called an anarchist is debatable, and he was a great enough man that being a sheriff was not his main claim to fame.

¹⁶ Emilie Amt, *The Accession of Henry II in England: Royal Government Restored, 1149–1159* (Woodbridge, 1993), 176–80.

addressed in the 1153 peace settlement between King Stephen and Henry of Anjou. According to Ralph's account, sheriffs would be appointed who would not act on the basis of favoritism and who would not be soft on crime.¹⁷ This may indicate that misbehavior by sheriffs had indeed been a problem during the civil war; but whether this was the case or not, the passage suggests that the idea of sheriffs abusing their office could be expected to resonate with a mid twelfth-century audience.

If few complaints about sheriffs being oppressive survive from the first half of the twelfth century, the evidence for such conditions comes from the next reign. With the advent of Henry II in mid-century, we have not only another radical change in the character of king and government, but a marked improvement in the source materials that tell us about sheriffs. The almost unbroken series of Pipe Rolls gives us a nearly complete list of sheriffs from 1155 on, and reveals a great deal about their activities, especially their financial activities. We can trace the rise and fall of individuals in office, as the royal government adjusted its roster of personnel. We can also attempt to determine how well individual sheriffs were doing in the job, at least from the viewpoint of the Exchequer.

Royal government viewed inefficient sheriffs as undesirable ones in Henry II's reign. This meant that in a general way the mountain of shrieval debt that had built up under Henry I was not permitted to recur in his grandson's reign.¹⁸ More specifically, individual sheriffs whose debts piled up were not only unlikely to remain in office for long periods of time, but were also pressed to pay off their arrears fairly quickly. This policy was established at the beginning of the reign. In 1156, for example, Jordan de Blosseville came up short by more than £170 in his county farm account for Lincolnshire; he was removed from the shrievalty the following year, even though he had shown up at the 1157 audit with nearly the whole amount in cash.¹⁹ A clearer and more unusual case of a sheriff gone bad is Robert fitz Hugh, sheriff of Warwickshire and Leicestershire, who owed the king more than £275 when he lost his shrievalty in disgrace in the middle of the 1158–9 Exchequer year.²⁰ It would be interesting to know more about Robert fitz Hugh's misdeeds. Was his victim the king or the king's subjects? One is inclined to think it was the former, but Henry II might well have classified the maltreatment of his subjects as *lèse-majesté*. The explicit connection between oppression and malfeasance finally came in 1170, with Henry's Inquest of Sheriffs, when the royal government identified the overzealous or rogue sheriff as a bad royal officer, one to be investigated and punished with dismissal.²¹

The agenda for the 1170 Inquest covered far more than the actions of sheriffs, but the focus on sheriffs caught the imagination either of the king's clerks or of the public, for the name which is still used for it is the one by which contemporaries

knew it. The articles of inquiry detailed first of all what was to be asked about money which the sheriffs had received 'from each hundred and from each vill and from each man'.²² There are implications that sheriffs may have exacted more than was justly owed to them,²³ that royal justice (for which the sheriffs were partly responsible) may not have been properly administered,²⁴ and that money for royal aids (collected by the sheriffs) may have gone astray.²⁵ Specific inquiry was to be made as to whether the sheriffs had recently 'restored any of the things which they have taken, or have made any peace with their men, . . . in order to prevent any complaint thereof reaching the lord king or his justices'.²⁶ By launching such an inquiry the king was implicitly declaring that oppressive sheriffs were undesirable from his point of view. But although in many cases the articles assumed that the primary victims of the sheriffs' imagined abuses were the king's subjects, the sheriffs' misdeeds were also failures to carry out their duty to the king. Their failure to serve the king properly would come to light through their victims' testimony.

After the 1170 inquiry, according to Roger of Howden, the king

removed from office all the sheriffs of England and their bailiffs because they had maltreated the men of his realm. And all the sheriffs and their bailiffs gave pledges to do right to their lord the king and to the men of his realm and to make proper recompense for their exactions.²⁷

In fact about three quarters of the sheriffs were dismissed.²⁸ The public message of the articles of inquiry and of the subsequent dismissals was that the interests of the king and of his subjects were the same: the royal officer who oppressed the men of the realm did wrong to the king, for the king's duty was to ensure the right treatment of his people. This was consistent with the message which Henry II had been at pains to send even before he became king, implicitly in his repeated promises to restore the good government of his grandfather, explicitly when he declared in 1153 that he had come to England to free the poor from the depredations of the powerful.²⁹ Moreover, when he set the Inquest of Sheriffs in motion, Henry assumed that the wrongdoing of the sheriffs had an impact on the lowest levels of society. This is evident in the provision for sworn testimony to be taken not only from the earls, barons, knights, and free men (*francos tenentes*) of each county, but even from the villeins (*et etiam villanicos*).³⁰ The king was telling the

²² Stubbs, *Charters*, 176.

²³ *Ibid.* 176 (cap. i).

²⁴ *Ibid.* 176 (cap. vi), 177 (cap. xi).

²⁵ *Ibid.* 177 (cap. vii).

²⁶ *Ibid.* (cap. x); *E.H.D.* ii. 472.

²⁷ Roger of Howden, ('Benedict of Peterborough'), *Gesta Regis Henrici Secundi*, ed. William Stubbs, R.S. 49 (2 vols., London, 1867), i. 4–5; translation from *E.H.D.* ii. 470.

²⁸ *E.H.D.* ii. 469–70.

²⁹ Robert of Torigni, *Chronicle*, in *Chronicles of the Reigns of Stephen, Henry II, and Richard I*, ed. Richard Howlett, R.S. 82 (5 vols., London, 1884–90), iv. 174.

³⁰ Roger of Howden, *Gesta Regis Henrici Secundi*, i. 5.

¹⁷ Ralph of Diceto, *Opera Historica*, ed. William Stubbs, R.S. 68 (2 vols., London, 1876), i. 297.

¹⁸ Amt, *Accession of Henry I*, 178.

¹⁹ *Pipe R.* 1155–8, 24–5, 83, 135–6.

²⁰ *Pipe R.* 1159, 19, 25, 44.

²¹ Stubbs, *Charters*, 175–8; a translation is printed in *E.H.D.* ii. 470–2.

realm that he knew that the villeins had suffered, and that he wished their complaints to be heard.

The Inquest represents an acknowledgement of some problems, and a public identification of the ruler's interests with those of his subjects, but it did not mark a dramatic shift in royal policy with regard to sheriffs. In fact, the removal of so many sheriffs from office in 1170 was remarkable chiefly for the fanfare which accompanied it. Dr. Julia Boorman, in her analysis of the Inquest of Sheriffs, sets 1170 in the context of Henry's whole reign to that point, demonstrating that the scale of change in the roster of sheriffs in 1170 was not very unusual, that it should properly be viewed as part of the ongoing adjustment of royal personnel, and that most of the sheriffs deposed in connection with the Inquest had not been in office very long.³¹ So while the king was trumpeting his concern about injustices and abuses, and gathering a great deal of useful information, he was not changing the course of local royal government. He was continuing to enforce the competence, efficiency, and loyalty of the sheriffs; and at the same time he made the sheriffs scapegoats in a large-scale public relations campaign.

Indeed, at least one chronicler refused to believe that the grand gesture of solidarity between king and subjects had much meaning at all: Roger of Howden claimed that 'the people of England suffered great loss in this matter, since after the inquisition had taken place the king restored some of the sheriffs to office, and they afterwards imposed even heavier exactions than before'.³² In fact, as Boorman points out, only two of the sheriffs dismissed in 1170 ever served as sheriffs again. As one of these, Ranulf de Glanville, later became sheriff of Yorkshire, Roger of Howden's home, the chronicler may have been under a false impression based on local experience.³³ Or his statement may reflect a more general perception that the sheriffs and the king were hand-in-glove, to the detriment of the king's subjects. Certainly the repeated association of the sheriffs with exactions and sufferings throughout the accounts of the events of 1170 is a significant indicator of the sheriffs' reputation.

What we are seeing here is a development in popular perception which reflected changes in royal government and in law. As government became more activist and interventionist, the legitimate activities of the sheriffs might be more irksome, and there might also be more opportunities for a sheriff to be oppressive on his own behalf. Like other characteristics of Henry II's governance, this one intensified under his sons. So did the royal urge to tighten control over sheriffs. In 1194 Richard I's government issued wide-ranging articles of inquiry (never actually put into effect) resembling those of 1170, with some specific limits on the powers of sheriffs.³⁴ It was also during Richard's reign that the Exchequer

³¹ Julia Boorman, 'The sheriffs of Henry II and the significance of 1170', in *Law and Government in Medieval England and Normandy: Essays in Honour of Sir James Holt*, ed. George Garnett and John Hudson (Cambridge, 1994), 260–7.

³² Roger of Howden, *Gesta Regis Henrici Secundi*, i. 5; *E.H.D.* ii. 470.

³³ Boorman, 'Sheriffs of Henry II', 268–9.

³⁴ Stubbs, *Charters*, 251–7. There was another abortive attempt to hold the inquest in 1196:

began to record prominently in the Pipe Roll accounts the actual amounts of the sheriffs' farms and increased its vigilance over their financial activities in other ways as well.³⁵

In the next reign, resentment of the sheriffs from below was an important fact of political life and formed part of the agenda for Magna Carta. In the crisis atmosphere of 1213, for example, John took a leaf from his father's book and loudly expressed his concern over the exactions being made by his sheriffs. He ordered an investigation into a number of problems, including the activities of sheriffs. In Lincolnshire and Yorkshire, local men were installed as new sheriffs in an attempt to placate the truculent northerners. At about the same time the Exchequer backpedalled on the latest round of 'increments' which it had been demanding from sheriffs; the implication is that these demands, passed on to the populace, were causing hardships or at least resentment. Therefore the sheriffs were allowed to be a little less efficient on behalf of the king, so as to lessen the burden on the people.³⁶ The new royal approach did not last, and when the Great Charter was drawn up the following year, measures designed to improve the conduct of sheriffs were considered necessary. Sheriffs (and other royal officers) were to 'know the law of the land and mean to observe it well'.³⁷ Juries were to be summoned and an official inquiry made into 'all evil customs' of sheriffs (and certain other royal officers), and these customs were then to be abolished.³⁸ One abuse that received special mention was the forcible requisitioning of horses and carts by sheriffs and royal bailiffs; this was to end.³⁹ Many of the other unpopular practices which appear in Magna Carta would have frequently involved sheriffs. While the focus was on the king's behavior, a clear picture emerges of his agents demonstrating a similarly cavalier attitude and arbitrariness as they went about their daily business, whether they were carrying out the king's orders or acting on their own behalf. And it is easy to see how one such sheriff, holding office only a few years later, might have become the reviled villain of a series of popular stories. Coincidentally, Philip Mark, who was specifically named in Magna Carta as one of the foreigners to be expelled, was among other things sheriff of Nottingham.⁴⁰

William of Newburgh, *Historia Rerum Anglicarum*, in *Chronicles of Stephen, Henry II, and Richard I*, ii. 464–5.

³⁵ *Pipe R.* 1197; D. A. Carpenter, 'The decline of the curial sheriff in England, 1194–1258', *E.H.R.* xci (1976), 1–32 at 3–4, 6–7; William Alfred Morris, *The Mediaeval English Sheriff to 1300* (Manchester, 1927), 140.

³⁶ J. C. Holt, *Magna Carta* (Cambridge, 1965), 126–9.

³⁷ Cap. 45 (text and translation printed *ibid.* 316–37).

³⁸ Cap. 48.

³⁹ Cap. 30.

⁴⁰ Cap. 50. Both he and his deputy sheriff of Nottinghamshire and Derbyshire, Eustace of Lowdham, who later held the shrievalty of Yorkshire, are among those who have been nominated as possible originals of the legendary sheriff of Nottingham: Holt, *Robin Hood*, 60–1; Crook, 'Sheriff of Nottingham', 62–3.

Finally, we need to ask whether such historical evidence from the twelfth and early thirteenth centuries can really reveal popular attitudes, or whether the chroniclers and barons were assuming or even manufacturing such attitudes in order to reinforce their own perceptions of royal authority and administration. One hint that the writers may indeed have been doing the latter is the similarity between peasant and baronial concerns, focusing as they did on the king's financial demands. For instance, I have used Henry I's dream as a clue to popular feeling, but the tale may simply have been a device by which the Worcester chronicler, on behalf of the educated and landed élite, used the familiar device of the three estates to present the complaints of his own social stratum in the voice of the kingdom as a whole. Indeed, there are reasons to suppose that the peasants did not share such views. It has been pointed out that both in the outlaw ballads and in the demands of the peasant rebels in 1381 the peasants regarded an idealized king as their would-be ally;⁴¹ they did not share the view of Roger of Howden, who cynically supposed that the elaborate gesture of the 1170 Inquest had done the people no lasting good.

Then again, the outlaw ballads themselves, with their sheriff villains, were not simply, if at all, expressions of peasant or yeoman outlooks.⁴² The views of the lowest levels of society at this even earlier date may be inaccessible to us. But at accessible levels, there is notable continuity of attitudes linking the twelfth to later centuries. When royal government took unpopular action, whether ordinary or extraordinary, the agents of royal government were the objects of popular resentment. Not only did the king's subjects sometimes record that resentment, but the royal government itself recognized it as a political reality requiring, at least on occasion, a royal response.

⁴¹ Hilton, 'Origins of Robin Hood', 234.

⁴² Holt, *Robin Hood*, 109–58; and see references in note 2 above.