

XVIII

THE EARL OF CLARE: RICHARD DE CLARE, EARL OF HERTFORD*

THE FIRST ENTRY of Matthew Paris' list of the twenty-five barons chosen to enforce the provisions of Magna Carta was *Comes de Clare*.¹ This was Richard de Clare, sixth lord of Clare and third earl of Hertford. His primacy on the list is easy to explain. As he held some 180 knights' fees, he was the most powerful of the twenty-five in feudal resources.² While his brother-in-law, Geoffrey de Mandeville, earl of Essex and Gloucester, was in theory far richer in revenue and knights' fees, it is clear that he did not have effective possession of the earldom of Gloucester. Even more important than Earl Richard's feudal power was his position as the head of the house of Clare. Thirteen of the twenty-five barons were certainly members of this family by blood or marriage and two more probably were. The members of the house of Clare on the committee held about 700 knights' fees or about a tenth of the total fees in England. Earl Richard was a prominent figure in the negotiations between the rebel barons and King John, and was a member of the four-man executive committee of the twenty-five provided for in the charter.

* This article and the next were found in Professor Painter's papers in a finished state, but they had not been previously published. He might have wished to revise them, but it appears desirable to print them, since they are such excellent illustrations of the preceding general paper on feudalism and the family.

¹ Matthew Paris, *Chronica Maiora* (ed. H. R. Luard, Rolls Series), II, 604-605.

² *Pipe Roll 13 John* (Pipe Roll society, LXVI), pp. 4, 145.

Richard fitz Gilbert, son of Gilbert, count of Brionne in Normandy and a great-grandson of Duke Richard I of Normandy, came to England with William the Conqueror. He received the sixth largest of the fiefs granted by King William to his followers.³ His lands lay chiefly in Suffolk, Essex, Kent, and Surrey, but he had scattered estates in Norfolk, Middlesex, Cambridge, Bedfordshire and Wiltshire. The chief seat of this great barony was at Clare in Suffolk where Richard built a motte and bailey castle. He also held the important stronghold of Tunbridge in Kent as a vassal of the archbishop of Canterbury. His wife Rohese, daughter of Walter Giffard and sister of William Giffard, bishop of Winchester, brought him estates in Hertfordshire and Huntingdonshire.⁴

The reign of Henry I saw an enormous expansion of the power of the house of Clare.⁵ Richard's son-in-law, Walter Tirel, shot the arrow which slew King William II. While there is no proof that Henry's generosity to the Clares was founded on gratitude, it was certainly munificent. His son Walter was given the forfeited barony of William d'Eu and another son Robert the lands of the house of Baynard. Richard's grandson Gilbert succeeded his uncle Walter and became eventually earl of Pembroke while his younger brother Baldwin obtained by marriage the barony of Boum.

The senior line of the Clares added steadily to its power and prestige. Richard's eldest grandson, another Richard, married Adeliza, daughter of Ranulf I and sister of Ranulf II earls of Chester, who brought him lands in Lincolnshire and Northamptonshire.⁶ This Richard's son and heir, Gilbert, was created earl of Hertford about 1138. Dying childless Gilbert was succeeded by his brother Roger who married Maud, daughter of James de

³ *Cambridge Medieval History*, V, 511.

⁴ *Domesday Book*, I, 14, 34b, 72, 113, 130, 142b, 196b, 207, 216; II, 38, 101b, 389b, 447b.

⁵ J. H. Round, *Feudal England* (London, 1895), pp. 468-479.

⁶ William Farrer, *Honors and knights' fees* (London, 1923-1925), II, 182, 210-211.

St. Hilaire. This lady had as her marriage portion some small estates and about ten knights' fees.⁷ While Gilbert and Roger were officially earls of Hertford and received the third-penny of the pleas of that shire, they were usually called Earls of Clare even in formal royal documents. Curiously enough their lands in Hertfordshire were insignificant.

The Richard de Clare of Magna Carta succeeded his father Roger as third earl in 1173.⁸ It was probably shortly after this that he prepared the way for the future overwhelming power of his family by marrying Amitia, second daughter of William, earl of Gloucester, the most powerful baron of England. As neither of Amitia's sisters bore children Earl Richard's son Gilbert, who was also one of the twenty-five barons, became in 1217 earl of both Gloucester and Hertford with some 500 knights' fees.

During the reign of Henry II Earl Richard played a cautious part. Although he did not aid the revolt led by Henry's eldest son, he did nothing towards suppressing it and was regarded with some suspicion by King Henry.⁹ He was, however, in favor with Henry's successor Richard I. The earl attended the king's coronation, accompanied him to Normandy while he prepared for his crusade, and visited him in his German prison.¹⁰ Richard granted him for a fine of 2000 marks half of the escheated barony of the Giffard earls of Buckingham—43 knights' fees. The other half went to his cousin Isabelle, wife of William Marshal.¹¹ Richard and Isabelle based their claim on their descent from Rohese Giffard, but none of her other descendants received a share of the inheritance.

When King Richard died, Earl Richard was one of the barons who gathered with armed followers to demand their "rights" and who were appeased by the promise of John's representatives that

⁷ *Red Book of the Exchequer* (ed. Hubert Hall, Rolls Series), I, 406-407.

⁸ Robert de Torigni in *Chronicles of the reigns of Stephen, Henry II, and Richard I* (ed. Richard Howlett, Rolls Series), IV, 258.

⁹ Matthew Paris, *Chronica maiora*, II, 294.

¹⁰ Lionel Landon, *The Itinerary of King Richard I* (Pipe Roll Society, LI), pp. 4, 28-29, 76.

¹¹ *Pipe roll 2 Richard I* (Pipe Roll Society, XXXIX), pp. 102, 144.

the new king would grant them.¹² We can only guess at what Earl Richard wanted. When Henry II arranged for his son John to marry one of the daughters of Earl William of Gloucester and to receive the bulk of the earldom, Richard de Clare's wife had been promised land worth £100.¹³ The records suggest that she had not received it. Then it is clear that the earls of Clare were engaged in a dispute with the crown over their feudal service. Earl Roger had paid only a small part of the scutage claimed by King Henry II in 1167 and his son had treated later demands in the same fashion.¹⁴

Although Earl Richard appeared rarely at John's court and was clearly not one of his intimates, their relations during the first half of John's reign cannot be called hostile. While the earl allowed certain debts claimed by the crown, especially scutages, to remain unpaid, he paid others reasonably promptly. He also served in at least one of John's Norman campaigns. In 1208 his debts had mounted to the impressive sum of £1230. John forgave him 1500 marks and Richard promised to clear up the rest at the rate of 500 marks a year. At the close of the year 1210 he had paid all but £20 of his debt.¹⁵ While Earl Richard may have resented having to pay anything on these debts, he was treated very generously by contemporary standards. Moreover in 1205 John gave Richard's son Gilbert de Clare, who had probably just come of age, the £100 worth of lands promised his mother and 15 knights' fees of the honor of Gloucester.¹⁶

A likely cause of Earl Richard's hostility to John was an

¹² "Annales de Burton" in *Annales monastici* (ed. H. R. Luard, Rolls Series), I, 199.

¹³ Benedict of Peterborough, *Gesta regis Henrici secundi* (ed. William Stubbs, Rolls Series) I, 124-125.

¹⁴ *Pipe roll 14 Henry II* (Pipe Roll Society, XII), pp. 20-21; *ibid.*, 2 *Richard I*, p. 102; *ibid.*, 1 *John* (Pipe Roll Society, XLVIII), p. 290.

¹⁵ See pipe rolls of John's reign, especially *Pipe roll 10 John* (Pipe Roll Society, LXI), p. 5; *ibid.*, 11 *John*, (Pipe Roll Society, LXII), p. 42; *ibid.*, 12 *John* (Pipe Roll Society, LXIV), p. 45. *Memoranda roll 1 John* (Pipe Roll Society, LIX), pp. 77, 79-80.

¹⁶ *Pipe roll 7 John* (Pipe Roll Society, LVII), pp. 119, 174. *Rotuli litterarum clausarum* (Record Commission), I, 60b, 78.

atrocities which affected his family. In 1208 the king had broken with his once staunch supporter William de Briouse. Driven from his lands in the marches of Wales, William and his family fled to Ireland. In 1210 John led an army to Ireland to capture him. Once more the Briouses fled. William escaped to France, but his wife and eldest son were captured in Scotland and surrendered to John. He starved them to death in Corfe castle.¹⁷ Now the wife of the younger William de Briouse was Richard de Clare's daughter Matilda. While she was returned to her father after her husband's death, Richard may well have deeply resented John's action. At any rate when Robert fitz Walter, Richard's second cousin, suddenly fled to France in 1212, John had doubts of the earl's loyalty. He and his son Gilbert were obliged to issue solemn charters promising fidelity to the king. A year later John took Matilda de Clare for a few months as a hostage for her father.¹⁸

Whatever his motives may have been Earl Richard de Clare was a steadfast adherent of the baronial party. He was one of those who gathered in arms at Stamford, he was one of the twenty-five barons and one of their executive committee of four, and he and his son fought on the baronial side in the civil war.¹⁹ When Louis of France arrived in England, Richard did homage to him. In March, 1216, the Flemish noble Robert de Béthune was granted Earl Richard's lands by King John. While he actually held Tunbridge for a time, it seems unlikely that he ever had effective possession of the bulk of Richard's estates.²⁰ On September 11, 1217, King Henry III acting through the Regent William Marshal, earl of Pembroke, made peace with Louis of France.

¹⁷ For a full account of this affair see Sidney Painter, *The Reign of King John* (Baltimore, 1949), pp. 242-250.

¹⁸ *Rotuli litterarum patentium* (Record Commission), p. 101b; *Rotuli chartarum* (Record Commission), pp. 192, 197.

¹⁹ Roger of Wendover, *Flores historiarum* (ed. H. G. Hewlett, Rolls Series), II, 114; *Rot. pat.*, pp. 158, 172b; H. G. Richardson, "The morrow of the Great Charter," *Bulletin of the John Rylands Library*, vol. XXVIII, No. 2 (December, 1944), pp. 422-443.

²⁰ *Histoire des ducs de Normandie et des rois d'Angleterre* (ed. F. Michel, Société de l'histoire de France), pp. 161-163, 171; *Rot. claus.*, I, 251, 268.

On October 5 the sheriffs of the counties in which Richard de Clare held lands were informed that he had returned to the king's allegiance. They were ordered to give him seisin of his lands.²¹ On November 28 the same sheriffs were notified of the earl's death.²²

There is no evidence that Richard de Clare was distinguished either as a statesman or as a captain and he was certainly no courtier. Throughout his 44 year tenure of his earldom he passed most of his life on his vast estates. His position rather than his activity gave him importance in the baronial party. Although he appears as a rather colorless figure, he was clearly a man of firm principles who supported his associates to the very end.

²¹ *Ibid.*, p. 327b.

²² *Ibid.*, p. 344b.