THE CREATION OF THE EARLDOM OF GLOUCESTER.

By J. HORACE ROUND.

One of the problems in English History as yet, it would seem, unsolved, is that of the date at which Henry I. conferred on his natural son Robert the Earldom of Gloucester. The great part which Robert played in the eventful struggles of his time, the fact that this was, in all probability, almost the only earldom created in the course of this reign (1100-1135), and the importance of ascertaining the date of its creation as fixing that of many an otherwise doubtful record, all combine to cause surprise that the problem remains unsolved.

Brooke wrote that the Earldom of Gloucester was conferred on Robert "in the eleventh year of his father's reign," and his critic, the argus-eyed Vincent, in his "Discoverie of Errours," did not question the statement. As to Dugdale, he evaded the question. Ignorance on the point is frankly confessed in the Reports on the Dignity of a Peer; while Mr. Freeman, so far as I can find, has also deemed discretion the better part of valour.

Three dates, however, have been suggested for this creation.

The first is 1109. This may be traced to Sandford (1707) and Rapin (1724) who took it from the rhyming chronicle assigned to Robert of Gloucester:—

> "And of the kynges crownement in the [ninthe][1] yere,
> The vorst Erle of Gloucestre thus was mayd there."

This date was revived by Courthope in his well-known edition (1857) of the *Historic Peerage* of Sir Harris Nicolas (by whom no date had been assigned to the creation). It has lately, by inference, received the sanction of the authorities at the British Museum.

The second is 1119. This suspiciously resembles an adaptation of the preceding date, but may have been suggested, and in the case of Mr. Clark (*vide infra*) probably was, by reading Dugdale wrong.[2] It seems to have first appeared in a foot-note to William of Malmesbury (1840), as edited for the English Historical Society by the late Sir Thomas Duffus (then Mr.) Hardy. It is there stated that Robert "was created Earl of Gloucester in 1119" (Vol. II, p. 692.) No authority whatever

[1] This, the important word, is unfortunately doubtful.

[2] "He was advanced to the Earldom of Gloucester by the King (his Father). After which, in Anno 1119 (20 Hen. I.), he attended him in that famous Battle at Brennevill," etc., etc. (*Baronage I.* 534.)

is given for this statement, but the same date is adopted by Mr. Clark (1878) who asserts that "Robert certainly bore it [the title] 1119, 20th Henry I" (*Arch. Journ.* xxxv. 5); by Mr. Doyle (1886) in his valuable *Official Baronage* (ii. 9); and now (1887) by Mr. Hunt in his *Bristol* (p. 17). In none of these cases, however, is the source of the statement given.[3]

In the meanwhile, a third date, viz., shortly before Easter (2 April) 1116, was advanced with much assurance. In his Essay on the "Survey of Lindsey" (1882), Mr. Chester Waters wrote:

"We know that the Earldom was conferred on him before Easter, 1116, for he attested as Earl the Royal Charter in favour of Tewkesbury Abbey, which was executed at Winchester on the eve of the King's embarkation for Normandy" (p. 3).

The date attributed to this charter having aroused the curiosity of antiquaries, the somewhat singular discovery was made that it could be traced to the MSS. of Mr. Eyton, then lately deceased.[4] But of this more anon. For the time Mr. Waters enjoyed the credit of having solved an ancient problem, and "the ennobling of Robert fitz Roy in 1116" was accepted by no less an authority than Mr. Elton.[5]

I propose to shew that these three dates are all alike erroneous, and that the Tewkesbury charter is spurious.

Let us first observe that there is no evidence for the belief that Robert received his Earldom at the time of his marriage to the heiress of Robert fitz Hamon. There is, on the contrary, a probability that he did not. I do not insist on the Tewkesbury Charter (*Mon. Ang.* ii. 66), in which the King speaks of the Demesne of Robert fitz Hamon as being now "Dominium Roberti filii mei," for we have more direct evidence in a charter of Robert to the church of Rochester, in which he confirmed the gifts made by his wife and father, not as Robert Earl of Gloucester, but merely as "Ego Rodbertus Henrici Regis filius."

We must further dismiss late authorities, in which, as we might expect, we find a tendency to throw back the creation of a title to an early period of the grantee's life. We cannot accept as valid evidence the rhymes of "Robert of Gloucester," (*circa* 1300), the confusions of the later Brut, or the assumptions of the 15th century "Chronicque de Normandie," in which last work Robert is represented as already "Earl of Gloucester" at the battle of Tenchebrai (1106).

The only chronicle that we can safely consult is that of the continuator of William of Jumièges, and this, unfortunately,

[3] A Paper on the Earldom was read by the late Mr. J. G. Nichols, at the Gloucester Congress of the Institute (1851), but I do not find that it was ever printed, so that I cannot give the date which he assigned.

[4] Athenæum, 9 May and 27 June, 1885.

[5] Academy, 29 Sept. 1883 (p. 207).

tells us nothing as to the date of the creation. It is worth mentioning that the writer's words :—

"Præterea, quia parum erat filium Regis ingentia prædia possidere absque nomine et honore alicujus publicæ dignitatis, dedit illi pater pius comitatum Gloecestre" (viii, 29)

are suspiciously suggestive of Robert of Gloucester's famous story that Robert's bride refused to marry him "bote he adde an tuo name." It would be very satisfactory if we could thus trace the story to its source, the more so as the chronicle is not among those from which Robert is supposed to have drawn.

We are, therefore, left dependent on the evidence of charters alone. That is to say, we must look to the styles given to Robert the king's son, to learn when he first became Earl of Gloucester.

His earliest attestation is, to all appearance, that which occurs in a charter of 1113. This charter is printed in the Appendix to the edition of Ordericus Vitalis by the "Scciété de l'Histoire de France,"[6] and as all the circumstances connected with its grant, together with the names of the chief witnesses, are given by Ordericus in the body of his work,[7] there cannot be the slightest doubt, or even hesitation, as to its date.[8] In the text he is styled "Rodbertus regis filius," and in the charter "Rodbertus filius regis," this name being given, it should be noticed, last but one. The next attestation, in order, it would seem, is found in a writ of Henry I, tested at Reading, some time before Easter 1116, to judge from the presence of "Rannulfus Meschinus."[9] For Randulf became Earl of Chester by the death of his cousin Richard, when returning to England with the King in November, 1120.[10]

We next find Robert in Normandy with his father. He there attests a charter to Savigny, his name ("Robertus filius regis") coming immediately after those of the Earls (in this case Stephen Count of Mortaine, and Richard, Earl of Chester), that being the position in which it henceforth always figures. This charter, passed in 1118, probably in the autumn of the year.[11] Robert's next appearance is at the battle of Brémule (or Noyon), 20 August 1119. Ordericus refers to his presence thus :—

"Ibi fuerunt duo filii ejus Rodbertus et Ricardus, milites egregii, et tres consules," etc., etc., (IV, 357).

[6] V, 199.
[7] IV, 302.
[8] The King promised the charter on the occasion of his visit (3 Feb. 1113), and when it had been drawn up, it received his formal approval at Rouen. "Anno quo comes Andegavensis mecum pacem fecit et Cenomannum de me, meus homo factus, recepit."
[9] Abingdon Cartulary, II, 77.
[10] Henry remained abroad between the above dates.
[11] Gallia Christiana, XI (Instrumenta), pp. 111-2. The charter is there assigned, but without any reason been given, to 1118. A collation, however, of this record with the names given by Ordericus Vitalis (IV, 329) of those present at the Council of Rouen, 7 Oct., 1118, makes it all but certain that it passed on that occasion.

This is certainly opposed to the view that Robert was already an Earl, for he is carefully distinguished from the three earls ("tres consules") who were present, and is classed with his brother Richard, who never became an earl. We must assign to about the same date the confirmation charter of Colchester Abbey, which is known to us only from the unpublished Cartulary now in the possession of Lord Cowper. Robert's name here comes immediately after those of the Earls, and his style is "Robertus filius henrici regis Anglorum."

This charter suggests a very important question. That its form, in the cartulary, is that in which it was originally granted we may, confidently, deny. At the same time, the circumstances by which its grants were accompanied are told by the monks in great detail and in the form of a separate narrative. Indeed, on that narrative is based the belief, so dear to Mr. Freeman's heart, that Henry the First was, more or less, familiar with the English tongue. Moreover, it is suggested by internal evidence that the charter, as we have it, is based on an originally genuine record. Now, the accepted practice is to class charters as genuine, doubtful, or spurious, "doubtful" meaning only that they are either genuine or spurious, but that it is not quite certain to which of these classes they belong. For my part I see no reason why there should not be an indefinite number of stages between an absolutely genuine record and one that is a sheer forgery. It was often, whether truly or falsely, alleged (we may have our own suspicions) that the charter originally granted had been lost, stolen, or burnt. In the case of this particular charter, its predecessor was said to have been lost; at Leicester, a riot was made accountable; at Carlisle a fire. In these last two cases, those who were affected were allowed to depose to the tenor of the lost charter. In the case of that which we are now considering, I have recorded in another place[13] my belief that the story was probably a plot of the monks anxious to secure an enlarged charter. Of course, where a charter was really lost, and it was thought necessary to supply its place either by a pseudo-original document, or merely in a cartulary, deliberate invention was the only resource. But, in such cases, it was almost certain that, in the days when the means of historical information were, compared with our own, non-existent, the forger would betray himself at once by the names in his list of witnesses. There was, however, as I imagine, another class of forged charters. This comprised those cases in which the original had not been lost, but in which it was desired to substitute for that original a charter with more extensive grants. Here the genuine list of witnesses might, of course, be copied, and with a little skill the interpretations or alterations might be so made as to render

[13] *Academy*, No. 645.

detection difficult, if not impossible. I speak, of course, of a cartulary transcript; in an actual charter, the document and seal would greatly assist detection. But I would suggest that there might be another class to be considered. This Colchester charter is a case in point. Though speaking not as an expert, the impression it conveys to my mind is that of a genuine charter, adapted by a systematic process of florid and grandiloquent adornment to a depraved monkish taste. In short, I look on this charter as not, of necessity, a "forgery," that is intended to deceive, but as possibly representing the results of a process resembling that of illumination. Such an hypothesis may appear daring, but it is based, we must remember, on a mental attitude, on, so to speak, an historic conscience, radically different from our own. After all it is but in the present generation that the sacredness of an original record has been recognised as it should. Such a conception was wholly foreign to the men of the Middle Ages. I had occasion to allude to this essential fact in a study on "The Book of Howth," when calling attention to the strange liberties allowed themselves by the early translators of the *Expugnatio Hibernicæ*. Geoffrey of Monmouth illustrates the point. Looking not only at him but his contemporaries in the twelfth century, we cannot but compare the impertinent obtrusion of their pseudo-classical and, still more, their incorrigible biblical erudition, with the same peculiar features in such charters as those of which I speak. Another remarkable parallel, I think, may be found in the *Dialogus de Scaccario*. Observe there the opening passage, together with the persistent obtrusion of texts, and compare them with the general type of forged, spurious, or "doctored" charters. The resemblance is very striking. It was, one might say, the systematic practice of the monkish forger or adapter to make the royal or other grantor in such charters as these, indulge in a homily from the monkish standpoint on the obligation to make such grants, and to quote texts in support of that thesis. Once viewed in this light, such passages are as intelligible as they are absurd.

But, in addition to, and distinct from, these stilted moralizations, is the process which I have ventured to compare with illumination or even embroidery. This was, in most cases, so overdone, as to bury the simple phraseology of the original, if genuine, instrument beneath a a pile of grandiloquence. Take for instance this clause from the Colchester charter in question:

"Data Rothomagi deo gratias solemniter et feliciter Anno ab incarn' dom' MCXIX. Quo nimirum anno prætexatus filius regis Henrici Will's rex designatus puellam nobilissimam filiam fulconis Andegavorum comitis Mathildam nomine Luxouii duxit uxorem."

Now, if we compare this clause with that in a genuine original charter of some ten years later, we there read thus:—

"Apud Wintoniam eodem anno, inter Pascham et Pentecostem, quo Rex duxit in uxorem filiam ducis de Luvain."[14]

This peculiar method of dating charters which is found in this reign suggests that the genuine charter to Colchester is likely to have contained a similar clause,[15] beginning "Apud Rothomagum eodem anno quo," etc., etc. As it stands in the Cartulary, the original clause has been treated by the monkish scribe much as an original passage in a chronicle might be worked into his text, in the present day, by an historian of the "popular" school.[16] But wide and interesting though the conclusions are to which such an hypothesis might lead, I must confine myself here to pointing out that the list of witnesses, in its minutest details, is apparently beyond impeachment. Specially would I refer to four names, those of the clerks of the King's chapel. It is rare, indeed, to find so complete and careful a list. The four "capellani regis," as they are here styled, are (1) John de Bayeux[17]; (2) Nigel de Calne;[18] (3) Robert "Pechet;"[19] (4) Richard "custos sigilli regis."[20] The remarkable and, we may fairly assume, undesigned coincidence between the list of witnesses attesting this charter, and that of the King's followers at the battle of Brémulé (fought, there is reason to believe, within a few weeks of its grant,) as given by Ordericus Vitalis, ought to be carefully noted, confirming, as it obviously does, the authority of both the lists, and consequently my hypothesis that the charter in the Colchester cartulary represents a genuine original record belonging to the date alleged.[21]

It is also, perhaps, worth notice that Eadmer applies to

[14] Duchy of Lancaster Royal Charters, No. 6.

[15] Compare the Rouen charter [1113] to St. Evroul, where the clause is "Anno quo comes Andegavensis mecum pacem fecit," etc., etc.

[16] This is specially applicable to the insertion of the year in numerals. Such date would be, though actually an addition, yet a legitimate inference from the event alluded to in the charter. It may be worth alluding to another case, though it stands on somewhat a different footing, to illustrate the infinite variety of treatment to which such charters were subjected, even when there were neither occasion nor intention to deceive. This is that of the final agreement between the Archbishops of Canterbury and York, of which the record is preserved at Canterbury. It has been discovered that the document from which historians (as Mr. Freeman) have quoted (A. 1) is not really the original but a copy "which was plainly intended for public exhibition" (5th Report Hist. MSS. App. i, 452). Moreover, the real original (A. 2) was found not to contain the final clause (narrating the place and circumstances of the agreement), which is hence supposed to have been subsequently added, for the sake of convenience, by the clerk.

[17] Natural son of Odo, Bishop of Bayeux, the Conqueror's half brother.

[18] "Nigellus de Calna reddit compotum de j marcâ argenti pro Willelmo nepote suo"—Rot. Pip. 31 Hen. I, p. 18.

[19] Made Bishop of Lichfield and Coventry early in 1121.

[20] *Alias* "de Sigillo." He was made Bishop of Hereford in January, 1121, as "Ricardus qui regii sigilli sub cancellario custos erat" (Eadmer).

[21] In both we have the same three Earls, neither more nor less; in both we have the same two *filii regis*, Robert and Richard; in both we have Richard de Tankerville and Nigel de Albini and Roger fitz Richard.

William "the Ætheling," the very same term as that which meets us in this charter, namely "designatus."[22]

Approaching now the question of date, we note that the charter must have been subsequent to the marriage at Lisieux (June 1119) to which it refers, and previous to the Council of Rheims (20 October 1119), which Archbishop Thurstan attended, and from which he did not return.[23] We know that between these dates Henry was in Rouen at least once, viz., at the end of September (1119),[24] so that we can determine the date of the charter within extremely narrow limits.

The remaining charters which we have now to examine are all subsequent to the King's return and the disaster of the White Ship (25 Nov. 1120).

The desolate king had spent his Christmas (1120) in comparative seclusion at Brampton, attended by his nephew, Theobald of Blois.[25] In January (1121) he came south to attend a great Council before his approaching marriage. By Eadmer and the continuator of Florence of Worcester, the assembling of the Council is assigned to the Epiphany (6 Jan. 1121). Richard "de Sigillo" was on the following day (7 Jan.) elected to the See of Hereford, and was consecrated nine days later (16 Jan. 1121) at Lambeth.[26]

To this council we may safely assign a charter in the British Museum (Harley 111 B. 46),[27] of value for its list of witnesses, twenty-six in number. It gives us the names of no fewer than thirteen Bishops, by whom, in addition to the Primate, this Council was attended.[28] Mr. Walter de Gray Birch, by whom so much has been done to encourage the study of Charters and of Seals, has edited this record in one of his instructive sphragistic monographs.[29] He has, however, by an unfortunate inadvertence, omitted about half-a-dozen witnesses,[30] while his two limits of date are not quite correct; for Richard was consecrated Bishop of

[22] "Willelmum jam olim regni hæredem designatum" (p. 290). Compare the continuator of Florence of Worcester, who, speaking of the very event (1119) by which this charter is dated, describes him as William "quem jam [i.e. 1116] hæredem totius regni sui constituerat (II, 72).

[23] Florence of Worcester, II, 72.

[24] Ordericus Vitalis (Ed. Société de l'Histoire de France) IV, 371.

[25] Henry of Huntingdon.

[26] Cont. Flor. Wig. II, 75; Eadmer, 290.

[27] "Sciatis me dedisse et concessisse Ricardo episcopo episcopatum de Hereford," etc., etc.

[28] Five of them joined the Primate in the consecration of the Bishop of Hereford (16 Jan.). The Archbishop of York was not at the Council, being still in disgrace with the King for his conduct at the Council of Rheims (Oct. 1119).

[29] *Journ. Brit. Arch Ass.*, xxix., 258-9.

[30] Reading "Willelmo. & Ricardo filiis Baldewini," where the charter has:— "(1) William de Tankerville, (2) William de Albini, (3) Walter de Gloucester, (4) Adam de Port, (5) William de Piron, (6) Walter de Gant, (7) Richard fitz Baldwin.

Hereford, not on "the 16th of January 1120," but on the 16th January 1121 (N.S.) and Archbishop Ralph died, not "19th September," but 19th October (xiv kal. Novembris), 1122. Thus the limit for this charter would be, not "from April 1120 to September 1122," but from January 1121 to October 1122. Mr. Birch further observes that "the date may be taken very shortly after the consecration of Richard." Here again, I must reluctantly differ, for by the practice of the time, the grant of the temporalities did not come after, but before, the consecration. The charter, in short, as I observed above, can be safely assigned to the Council of January 1121.

In it the subject of this Paper attests as "Roberto filio Regis." His name occurs in its right place immediately after those of the Earls; who, oddly enough, are in this charter the same two, at least in title,[31] after whom he had attested the Savigny Charter in 1118.[32]

The next charters in my chain of evidence are two which passed at Windsor. We are told by Simeon of Durham that at the time of the king's marriage (29-30 Jan. 1121) there was gathered together at Windsor a council of the whole realm.[33] To this council I assign a charter printed by Madox from the original among the archives of Westminster Abbey.[34] I am led to do so because, firstly, the names of the witnesses are all found, with three exceptions, in charters belonging to this date; second, the said three exceptions are those of Count Theobald of Blois, who had, we know, joined the king not long before, of Earl David, from Scotland, whose visit would be due to the occasion of his brother-in-law's wedding, and of the Archbishop of Rouen, whose presence may be also thus accounted for[35]; third, the attestation of two archbishops with four bishops, suggests the presence of a "concilium," as described by Simeon of Durham.

If this is the date of the charter in question, it must also be that of another charter, also to Westminster Abbey,[36] for its eleven witnesses are all found among those of the preceding charter. In both these cases "Robert, the King's son," attests in his regular place immediately after the Earls.[37]

We now come to an original charter in every way of the highest importance.[38] I have already quoted its dating clause,[39]

[31] The Count of Moretaine, and the Earl of Chester. The latter was, of course, now Randolph, who had succeded his cousin Richard, drowned in the White Ship.

[32] *Vide supra*, p. 131.

[33] "Anno MCXXI Concilio totius Angliæ ante purificationem. . . . apud Windresoram adunato, Henricus rex . . . . Adelinam matrimonio sibi junxit" (ii, 259).

[34] *Formularium Anglicanum*, No. LXV (p. 39).

[35] This would give us, as the principal guests assembled at the King's wedding, his brother-in-law, Earl David, his nephews Theobald, Count of Blois, and Stephen, Count of Mortaigne, with the Primates of England and of Normandy.

[36] Madox's *Formularium Anglicanum*, No. cccxcvi. (p. 292).

[37] Earl David and the Count of Blois.

[38] Duchy of Lancaster, Royal Charters, No. 6.

[39] *Supra, p.* 134.

which proves it to have been executed at Winchester, between Easter (10 April) and Pentecost (29 May) 1121. Moreover, as the King spent his Easter at Berkeley and his Whitsuntide at Westminster,[40] the limit of date, as a matter of fact, is somewhat narrower still. Here again Robert attests ("Rob[erto] fil[io] Regis") at the head of all the laity beneath the rank of Earl.

The last charter which I propose to adduce, as attested by "Robert, the King's son," is one which, in all probability, may be assigned to this same occasion, for the whole of its thirteen witnesses had attested the previous charter, with the exception of two bishops, whose presence can be otherwise accounted for,[41] and of William de Warenne (Earl of Surrey).

The importance of this charter is not so great as that of those adduced above, for it is known to us only from "Rymer's Collectanea" (Add. MSS. 4573), of which an abstract is appended to the *Foedera*.[42] Moreover, in one minute detail its accuracy may be fairly impugned, for "Willielmo de Warennâ" clearly stands for "Willielmo *Comite* de Warennâ." Nor, indeed, is its evidence needed, the proof being complete without it. Yet, as the Charter (*quantum valeat*) has been assigned, I think, to a wrong date, the point may be worth glancing at. In Rymer's Collectanea the date is fixed as '1115' (or '16 Henry I') on the ground that it belongs to the same date as a charter of Henry I to Bardney, which was granted "Apud Wynton' xvj. anno postquam rex recepit regnum Angliæ."[43] Mr. Eyton also, in a late addition to his MS. Itinerary of Henry I,[44] wrote that the presence of three of the Bishops (Lincoln, Salisbury, and St. David's) suggested "the latter part of 1115." But we must remember that the Bardney charter is known to us only from a late Inspeximus,[45] and that the dating clause is somewhat suspicious. Yet even if the version were entirely genuine, the fact remains that the list of witnesses has only four names[46] in common with that in the charter I am discussing, which has, on the contrary, no less than ten in common with those in the original charter of 1121.[47] I cannot, therefore, but fix on 1121 as a far more probable date for its grant than 1115-1116.

This, however, as I said, is but a small matter. The really important fact is this: that we have a continuous chain of

[40] *Anglo-Saxon Chronicle.*

[41] Winchester, who had attested the Windsor charters, and who here attests in his own city; and St. David's, who is constantly found at Court, and who had attested, in January, the charter, at Westminster, to the Bishop of Hereford (*Supra* p. 135).

[42] "Concessio Manerii de clarâ Archiepiscopo Rothomagensi."

[43] Mon. Ang. I, 629.

[44] Add. MSS. 31,937, fo. 130.

[45] Cart. 5, Edw. III, n. 10.

[46] The Chancellor and three Bishops.

[47] Duchy of Lancaster Royal charters, No. 6.

evidence, proving that "Robert, the King's son," was not yet Earl of Gloucester, at least as late as April-May, 1121.

Against this weight of accumulated evidence what is there? Absolutely nothing but that Tewkesbury charter, which is quoted from Dugdale's *Monasticon*, where it is quoted from a mere *Inspeximus* of the 10th Henry IV (1408-9), some three centuries after its alleged date![48] I need scarcely say that this miserable evidence for the assertion that Robert was Earl of Gloucester, at Easter, 1116, is simply annihilated and crumpled up by the proof afforded by original charters that he had not yet received the Earldom even five years later on (1121).

It is, however, satisfactory to be able to add that, even independent of this rebutting evidence, the charter itself, on its own face, bears witness of its spurious character. Mr. Eyton, indeed, was slightly uneasy about two of the witnesses, it being, he thought, as unusually early for an attestation of Brian fitz Count, as it was late for that of Hamo Dapifer.[49] Yet he was not, on that account, led to reject it; indeed, he not only accepted, but unfortunately built upon its evidence. He never, however, we must remember, committed his conclusions to print, so that it may be urged with perfect justice that he might have reconsidered and changed his views before he made them public. Not so with Mr. Chester Waters. Following blindly, as the facts suggest, Mr. Eyton's crude conclusions, he thus adopted them as his own:—

> "We know that the earldom [of Gloucester] was conferred on him [Robert] before Easter, 1116, for he attested as Earl the Royal charter in favour of Tewkesbury Abbey which was executed at Winchester, on the eve of the king's embarkation for Normandy (*Monasticon*, vol. II, p. 66.)"[50]

When Mr. Waters thus wrote, had he observed that in this charter the King's style appears as "Henr' dei gratia Rex Angl' *et dux Norm'*?" And if he had done so, if he had glanced at the charter on which he based his case, is it possible that he was so unfamiliar with the charters and the writs of Henry I, as not to be aware that such a style, of itself, throws doubt upon the charter?[51] To those who remember that he confessed (in reply to certain criticisms of my own) to having "carelessly repeated a statement which comes from a discredited authority,"[52] and that he announced a discovery as to the meeting of Henry I and Robert of Normandy, in 1101,[53] which, as I

[48] Monasticum Anglicanum, II, 66.
[49] Addl. MSS. 31,943, fo. 68, b.
[50] *Survey of Lindsey*, p. 3.
[51] "Rex Anglorum" was the normal style employed in the English charters of Hen. I: "Dux Normanorum," etc., was added by Henry II.
[52] Academy, 27 June, 1885.
[53] *Notes and Queries*, 6th Series, i, 6.

proved, was based only on his own failure to read a charter of this reign aright,[54] such an *exposé* as this will come as no surprise.

Having now shown that Robert fitz Roy was not yet Earl of Gloucester in April—May, 1121, I proceed to shew that he was Earl in June, 1123.

The charter by which I prove this is tested "apud Portesmudam in transfretatione meâ."[55] It is dated in the 31st Report of the Deputy-Keeper of the Records (in the Calendar of these Charters drawn up by the late Sir William Hardy) as "1115-1123." Its exact date can, however, be determined, and is, 3-10 June, 1123. This I prove thus. The parties addressed are Theowulf, Bishop of Worcester (who died 20 Oct., 1123), and Robert, Earl of Gloucester (who was not yet Earl in April-May, 1121). These being the limits of date, the only occasion within these limits on which the King "transfretavit" was in June, 1123. And we learn from the Anglo-Saxon Chronicle that the King, on that occasion, was at Portsmouth, waiting to cross, all Pentecost week (3-10 June). This is conclusive.

It is certain, therefore, that Robert fitz Roy received the Earldom of Gloucester between April-May, 1121, and June, 1123. As we increase our knowledge of the charters of this reign we shall doubtless be able to narrow further the limit I have thus ascertained.

There is, indeed, a charter which, if we could trust it, would greatly reduce the limit. This is Henry the First's great charter to Merton,[56] which is attested by Robert, as Earl of Gloucester, and which purports to have passed 5 August—31 December, 1121.[57] But it is quite certain that, in the form we have it, this charter is spurious. It is true that the names given in the long list of witnesses are, apparently, consistent with the date,[58] but all else is fatally bad. Both the charter itself, and the attestations thereto, are in the worst and most turgid style; the precedence of the witnesses is distinctly wrong,[59] and the mention of the year-date would alone rouse suspicion. Whether, and, if so, to what extent the charter is based on a genuine document, it is not easy to decide. A reference to the new *Monasticon* will shew that there is a difficulty, a conflict of testimony, about the facts of the foundation. This increases the doubt as to the authenticity of this charter, from the evidence of

[54] *Athenæum*, 19 Dec., 1885.
[55] Duchy of Lancaster Royal Charters, No. 5.
[56] *Cartæ Antiquæ*, R. 5.
[57] It is dated 1121, and in the 22nd year of the reign.
[58] That is, if Archbishop Thurstan was yet restored to favour.
[59] The Chancellor, for instance, instead of attesting after the Bishops and before the laity, actually follows immediately after the Archbishops, and precedes the whole "bench of Bishops." I have been amazed to find antiquaries who thought nothing of this matter of precedence.

which, if not confirmed, we are certainly not entitled to draw any authoritative conclusion as to the date of Robert's creation.

Adhering then, for the present, to the limits I have given above (1121-1123) I may point out that Robert's promotion may possibly have been due to his increased importance, consequent on the loss in the White Ship of the King's only legitimate son, and of his natural son Richard. Of Henry's three adult sons he now alone remained.[60] It is certain that he henceforth continued to improve his position and power till, as we know, he contested with his future rival, Stephen, the honour of being first among the magnates to swear allegiance to the Empress.

Before passing to the corollaries of the conclusion arrived at in this paper it may be well to glance at Robert's younger brother and namesake. This was a son of Henry by another mother, Edith, whose parentage, by the way, suggests a genealogical problem.[61] He was quite a nonentity in the history of the time as compared with the elder Robert; nor does his name, so far as I know, occur before 1130, when it is entered in the Pipe Roll for that year. He is found as a witness to one of his Royal father's charters, which is only known to us from the *Carte Antiquæ*, and which belongs to the end of the reign.[62] There is no possibility of confusion between his brother and himself, for his earliest attestations are, as we have seen, several years later than his brother's elevation to the Earldom, so that they cannot both have been attesting, at any one period, as "Robert, the King's son." It is, moreover, self-evident that such a style could only be used when there was but one person whom it could be held to denote.

(*To be continued.*)

---

[60] Robert and Richard are the two of Henry's natural sons, who are mentioned as with him in Normandy, and fighting beneath his standard at Brenneville (1119).

[61] If, as suggested by the narrative in the *Monasticon*, of the foundation of Oseney Abbey, her father's name was 'Forne,' one is tempted to ask if the bearer of so uncommon a name was identical with the Forn Ligulfson ("Forno filius Ligulfi"), who is mentioned by Simeon of Durham, in 1121, as one of the Magnates of Northumbria, and if so, whether the latter was son of the wealthy but ill-fated Ligulf, murdered near Durham in 1080. Should both these queries be answered in the affirmative, Edith would have been named after her grandmother 'Eadgyth,' the highly born wife of Ligulf. Writing at a distance from works of reference I cannot tell whether such a descent has been suggested before but it would certainly, could it be proved, be of quite exceptional interest. Edith, as is tolerably well known, was first the mistress of Henry, and then the wife of Robert D'Oilli. Thus her son by the former, Robert fitz Edith, was (half) brother to Henry D'Oilli, and is so described by the latter in one of his grants to Oseney (Dugdale's *Baronage* I, 460). It should be added that an "Ivo fil' Forn'" appears in the Pipe Roll of 1130 (p. 25). Was he brother to Edith?

[62] Charter to the church of Durham, printed in Rymer's *Fœdera* (Record Edition) I. 13, and assigned by Sir T. D. Hardy (*Syllabus*) to '1134.' It was, in any case, subsequent to Flambard's death (5 September, 1128).

THE CREATION OF THE EARLDOM OF GLOUCESTER.

(*Concluded from p.* 140.)

I shall now give two instances of the results consequent on ascertaining the date of this creation, as illustrating the value of such researches as these, and the importance of securing a "fixed point" as a help for other enquiries.

The first of these is that remarkable record among the muniments of St. Paul's, which the present Deputy-Keeper of the Public Records first made public;[3] and which has since been published *in extenso* and in facsimile by the Corporation of London in their valuable *History of the Guildhall*. The importance of this record lies in its mention of the wards of the City with their rulers at an exceptionally early date. What that date really was it is all important to learn. Mr. Loftie has rightly, in his later work,[4] made the greatest use of this list, which he describes (p. 93) as "the document I have so often quoted as containing a list of the lands of the Dean and Chapter before 1115." Indeed, he invariably treats this document as one "which must have been written before 1115," (p. 82). But the only reason to be found for his conclusion is, that—

[1] "Inter Thomam Walsyngham, Ciuem et Vinetarium London, et Margaretam uxorem eius quer'," in Plumstede —[Feet of Fines, Kent, 8 Hen. VI, No. 256].

"Inter Thomam Walsingham seniorem et Ricardum Bam quer'," in Cray beate Marie.—[Feet of Fines, Kent, 18 Hen. VI, No. 515.]

[2] "Alanus Walsyngham per annum xvij. li. xj. s."—[Lay Subsidy Rolls, London, Bundle 144, No. 20 (13 Hen. IV), Memb. 2].

[3] 9th Report Hist. MSS., App. i, p. 66.

[4] *Historic Towns: London.*

"Coleman Street appears in the St. Paul's list as 'Warda Reimundi,' and this is the more interesting as we know that Reimund, or Reinmund, was dead before 1115, which helps us to date the document. Azo, his son, succeeded him" (p. 89).[1]

This is a most astounding statement, considering that all "we know," from these documents, of Reimund or Reinmund is that both he and his son Azo were living in 1132 when they attested a charter![2] Turning from this careless blunder to the fact that the Earl of Gloucester is among those mentioned in this list, we learn at once that so far from being *earlier* than 1115, it is *later* than the Earl's creation in 1121-1123. And this conclusion accords well with the fact that other names which it contains, such as those of John fitz Ralf (fitz Everard), William Malet, etc., belong to the close of the reign.

The other instance that I propose to adduce is that of the Lindsey Survey. This record was edited almost simultaneously by Mr. James Greenstreet, who, in a handsome volume, reproduced it in admirable facsimile, and by Mr. R. Chester Waters, who unfortunately gave not the original, which, of course, is what scholars want, but an annotated translation of the text. Mr. Greenstreet thus expressed his conclusions as to the date:—

"It was drawn up after the year 1101, as is evident from proofs I shall adduce; and if not previously to the year 1109—which there is hardly any reason for doubting—it is certainly of earlier date than the year 1119."

This view, which was based on the statement in *The Historic Peerage* that Robert was created Earl of Gloucester in 1109, was adopted by the authorities of the British Museum (on the occasion of the Domesday commemoration), who exhibited this Survey as having been made "apparently between the years 1101 and 1109." Mr. Waters, on the contrary, produced the (apparently) novel date:—"between March, 1114, and April, 1116," and claimed to have "thus established within a year or two the date of the Roll."

Both dates turned, I must explain, on that of the creation of the Earldom of Gloucester, for as Robert is entered in the Survey as merely "filius Regis," it was held by both the above writers that the Roll must have been compiled before he was made an Earl—whenever that was.

[1] Mr. Loftie elsewhere tells us (p. 27) that Reinmund "was succeeded by his more eminent son Azo, the goldsmith, whom it would be interesting to identify with one of the Azors, of Domesday." How does Mr. Loftie know that Azo was "more eminent" than his father? Or that he was a "goldsmith?" On one point we can certainly agree with him. It *would* be most "interesting" to identify a Domesday tenant in a man whose father was living in 1132!

[2] 9th Report (*ut supra*), p. 67b. For similar instances of eccentric statements on the City Fathers in Mr. Loftie's book, see my Papers on "The Portreeves of London" (*Athenæum*, 5 Feb., 1887), and "The first Mayor of London" (*Antiquary*, March, 1887, p. 107). They throw, it will be found, a strange light on Mr. Elton's unfortunate remark that "Mr. Loftie makes good use of the documents discovered at St. Paul's" (*Academy*, 30 April, 1887, p. 301.)

Mr. Waters at first received credit for an original and important discovery. Mr. Elton thus admitted it:—

"The date of Stephen's visit to Oxford in 1114 and the ennobling of Robert fitz Roy in 1116 make it certain, by another train of reasoning, that the record was compiled between the years last mentioned." [1]

When so high an authority wrote thus, it is not to be wondered at that others should follow, and, for my part, I was induced at the time to believe that the question had been finally settled.

The appearance of Mr. Greenstreet's volume led to some curious discoveries. The first was that while he and Mr. Waters had both complained of Hearne's inaccurate edition of the text—Mr. Waters denouncing him as "one of those industrious but uncritical antiquaries, who had no conception of the duties of an editor, or of the importance of accuracy,"—Mr. Greenstreet had remedied this defect by placing an actual facsimile of the original record in our hands, whereas Mr. Waters, whose criticism of Hearne would lead his readers to suppose that his own text was perfect, cannot even have gone to the original record, for Mr. Greenstreet's facsimiles convict him, I believe, of some seventy errors in his version of the Roll. If there is even anything like this number, one is curious to know from what text he evolved a version which clearly proves him to be one of those "uncritical antiquaries" who have no conception of "the importance of accuracy." This question is the more serious because Mr. Waters, while rebuking Hearne, ostentatiously parades his own version as "from the Cotton MS. Claudius C. 5," though, on the appearance of Mr. Greenstreet's book, he had to confess that this version was taken, *not* from the original MS. (as his *brochure* distinctly implies), but from "Hearne's text," which he penitently promised to "discard" in his next edition (*Academy*, 16th May, 1885)! Yet, how can he have worked even from Hearne, when, as we shall find in more than one instance, that "uncritical" editor has actually given us a faithful version where his critic has done the reverse! As an example of this we may take Mr. Waters' editorial comment, that "Walter fitz William," an under tenant, was "brother of Simon, mentioned above," [2] [*i.e.*, "Simon fitz William (ancestor to the Lords Kyme)"] a statement which suggests stores of knowledge, but in which one's faith is somewhat shaken on learning that in the original record his name is "Walter fitz *Walter!*"[3] Even in Hearne's "uncritical" version that name is correctly given as "Walterus filius Walteri."

It is really ludicrous to be told by Mr. Waters that Hearne "had no conception of the importance of accuracy," and that, consequently, in his version, "the names of persons and places

[1] *Academy*, 29 Sept., 1883 (p. 207).
[2] *Survey of Lindsey*, p. 36.
[3] "Walt' fil' Walt'i."

are often misspelt almost beyond recognition," when he himself prints (p. 40) as "ROBERT DE BOXS" the name which Hearne correctly prints: "Rodbertus de *Brus*."

The next discovery concerned the date. Enquiry was made in the GENEALOGIST as to the ground on which Mr. Waters asserted that the Winchester Charter to Tewkesbury passed at "Easter, 1116. . . . . on the eve of the King's embarcation for Normandy." Whether this date were right or wrong, it was inadmissible to assert it as if a recorded fact, when it could only rest on inference. Further investigation brought to light the somewhat startling fact that this supposed discovery as to the date had been all anticipated by Mr. Eyton:—

MR. EYTON.	MR. WATERS.
"The date is between March 7, 1114, and April, 1116."[1]	"The Roll must be later than 7 March, 1114. . . . The extreme limits of the possible date of the Roll lie between March, 1114, and April, 1116."[2]

This singular coincidence was at once made public in the columns of the *Athenæum* (May 9th and June 27th, 1885), but no explanation there appeared from Mr. Waters in reply. Oddly enough, there had been contributed to *Notes and Queries*, some short time after Mr. Eyton's death, an account of his marvellous note-books (then in private custody), in which this date is found. By a still stranger coincidence this account specially dwelt on the paramount importance of "vol. vi." (as Mr. Eyton termed one of these note-books).[3]

For it is a singular fact that this very note-book ("vol. vi.") contained (fo. 51) Mr. Eyton's whole argument for fixing the date of this Survey,[4] and that it further contains (fo. 68b) his notes on the Winchester Charter to Tewkesbury "with a full statement of his reasons for fixing" its date.[5] Note here that this is the Charter which Mr. Chester Waters speaks of as being executed "Easter, 1116. . . . . on the eve of the King's embarcation for Normandy." But there is no allusion in the Charter to the King's "transfretatio,"[6] nor is there any ground for stating that the Charter (if it were genuine) passed on that

[1] Add. MSS. 31, 940, fo. 201 b.

[2] Survey of Lindsey, p. 3.

[3] "His MS. Vol. vi. is in itself a monument of patient industry, for he examines in it all the undated charters of the Anglo-Norman Kings, printed in the *Monasticon* and the *Chronicle* of Abingdon, and he assigns to each charter its true date with a full statement of his reasons for fixing such date. The value of this volume for genealogical purposes can scarcely be over-estimated, and this compilation explains his familiar knowledge," etc., etc. (*Notes and Queries*, 6th S., v. 83.)

[4] He thus refers to it:—"For date *vide* MS. vi., 51." (Add. MSS. 31,940 fo. 201b.)

[5] If the writer of this contribution, who appears to have been so well acquainted with "the value of this volume for genealogical purposes" can be discovered, the whole mystery may be cleared up.

[6] "In transfretatione mea" is the expression found in Charters.

occasion. It is true that anyone hastily copying Mr. Eyton's notes might so read his conclusion; but what he really wrote was that the Charter must be "*previous to*" Easter, 1116 (fo. 68b). For the purpose of his argument for fixing the date of the Lindsey Survey, he was only concerned with its *latest possible* date (Easter, 1116); for, as he recognized in this Charter "the earliest attestation of Robert, Earl of Gloucester," he argued from it that Robert must have been Earl of Gloucester, *at latest*, by Easter, 1116. Thus, even if the Charter were genuine, Mr. Waters could not prove that it "was executed at Winchester, *on the eve of the King's embarcation for Normandy*," 1116, (the point originally challenged in the GENEALOGIST).[1] But I have now myself shewn that the Charter is *not* genuine, and that the whole argument based upon it falls to the ground.

As yet, I may observe, I have only dealt with the later of the two limits of date (Easter, 1116), being that derived from the above charter. Let us now for a moment glance at the other, which, as we have seen, by a singular coincidence, Mr. Waters has fixed at the very day to which Mr. Eyton had assigned it How was this date arrived at? Here are Mr. Waters's words, italics and all—

> We know from the *Continuator of Peter of Blois* (p. 121) that Stephen and his elder brother Theobald were on a visit to Henry I. at Oxford, at some period between 7th March and 1st August, 1114, when Theobald is described as Count of Blois and Stephen as "*pulcherrimus adolescens dominus Stephanus postea rex Anglorum.*" It is manifest that at this date Stephen was not yet Count of Moreton, so that the Roll must be later than 7th March, 1114."[2]

How did Mr. Waters obtain this very exact date ("between 7th March and 1st August, 1114")? No dates are given for the "visit" in the authority from which he quotes. Well, with a little patience we may discover the origin of these dates, and as the story is as curious as instructive, I shall not hesitate to give it.

In the course of his examination of "all the undated charters of the Anglo-Norman kings printed in the *Monasticon*,"[3] Mr. Eyton noted on p. 120 of the 2nd volume [Ed. 1819] a charter of Henry I. to Crowland, purporting to be granted "Apud Oxeneford anno Dominicæ incarnationis millesimo centesimo quarto decimo, et regni regis quarto decimo." His critical faculty being, unfortunately, not so thorough as his unwearied industry, he failed to perceive that the introduction of the date, and, still more, of the regnal year, was fatal to the genuineness of the charter,—which, moreover, comes from a discredited source. As in the case of the Merton charter, he evidently argued that this

[1] I should, perhaps, mention *cavendi causâ* that I neither wrote nor inspired that challenge.

[2] *Survey of Lindsey*, p. 3.

[3] *Vide p.* 207, Note 3.

one must have passed in the 14th year of the King, and, therefore, before 5th August, 1114 (when the 15th year began). Again, he had noted on p. 100, that the new church at Crowland was stated to have been begun (on the authority of "Peter of Blois") 7th March ("SS. Perpetua & Felix") 1114.[1] This date (7th March) he had entered in his Itinerary, and on the opposite page he now wrote: "The King must have been at Oxford between Mch. 7 and Aug. 5 in this year.—*Mon.* II., 100 and 120."[2] Subsequently (as is shewn by the slightly changed character of the handwriting), when making additions to his Itinerary, he looked up the passage in "Peter of Blois" to which the *Monasticon* had referred him, and thus continued his note:—"In the court were his nephew, Theobald and Stephen, the former described as 'Comes Blesensis,' the latter as 'Pulcherrimus adolescens dominus Steph^{s} postea Rex &ca.'—*Pet. Bles.*"

I shall now print side by side the definite conclusion at which Mr. Eyton had arrived (giving, as usual, his authorities for that conclusion) and the subsequent discovery of Mr. Chester Waters:—

MR. EYTON.

"The King must have been at Oxford between Mch. 7 and Aug. 5 in this year [1114]—(*Mon*, II., 100 and 120). In the court were his nephews Theobald and Stephen, the former described as 'Comes Blesensis,' the latter as 'Pulcherrimus adolescens dominus Steph^{s} postea Rex &ca.'—*Pet. Bles.*"[2]

MR. WATERS.

"We know from the *Continuator of Peter of Blois* (p. 121) that Stephen and his elder brother Theobald were on a visit to Henry I. at Oxford at some period between 7th March and 1st August 1114, when Theobald is described as Count of Blois and Stephen as 'Pulcherrimus adolescens dominus Stephanus postea Rex Anglorum.'"

It is a singular circumstance that in "Peter of Blois" the words are "dominus *meus* Stephanus." Mr. Eyton omits the "meus": so does Mr. Waters.

But, it may be urged, Mr. Waters must possess some special knowledge which has at least enabled him to substitute the "1st" (*sic*) of August for the 5th. If so, let him produce it. Till he has done so, I am inclined to think that his "1st" is nothing but an error for Mr. Eyton's "5th."

We have now seen that all these dates (7 March, 1114, August 1114, and Easter 1116) are the result of an elaborate "train of reasoning" (to quote Mr. Elton's phrase), originally based on a single charter and a passage in a single chronicle. On the improbability of this peculiar and, indeed, idiosyncratic argument occuring, in precisely the same form, to two independent students it is needless for me to comment.

There is, however, another point to which I now invite attention.

[1] On which occasion the veracious "Peter" records the presence of distinguished visitors of more or less suspicious names—including an impossible Earl of Leicester (*vide infra*), who indulged in varied performances of a highly improbable character.

[2] Add. MSS. 31,937 fo. 130b.

Who was the "*Continuator* of Peter of Blois"? No such writer was ever heard of. The work to which Mr. Waters refers was the "Continuatio ad Historiam Ingulphi," which "Continuatio" of Ingulf is assigned to Peter of Blois.[1] The name which he gives it really leads one to doubt if he ever set eyes himself on the work from which he quotes. Indeed, it would be more charitable to believe that he never did, for had he done so he would surely have learned that this "Continuatio" is about as untrustworthy as that notorious forgery, the "Historia Ingulphi" itself. He would have seen that a year before it speaks of "*pulcherrimus adolescens dominus* [*meus*] *Stephanus*" (1114), it speaks of "*Comitis Leycestriæ Roberti tunc validissimi adolescentis*" (1113), though (as Mr. Waters well knows) his father, Robert, Count of Meulan did not die till 5th July, 1118, so that the existence of such an Earl Robert in 1113 is a simple impossibility. He would also have seen that the value of the term "pulcherrimus adolescens" here applied to Stephen may be inferred from the fact that the writer applies the same term (p. 111) to Henry the First at his accession. He would further have seen that this writer on whose accuracy his case is based speaks, in the same year in which he alludes to Stephen (1114), of Miles, Earl of Hereford, who was not so created till twenty-seven years later (and who did not even succeed his father till long after 1114); and of William de Roumare, Earl of Lincoln, who was not so created till the time of the Empress Maud.[2] Lastly, he would have discovered that this same precious writer makes Roger fitz Gerold (of course an "*illustris adolescens*") marry the famous Lucy, *widow* of Ivo Tailbois,[3] a tale which, in Mr. Freeman's words, "is still swallowed by novelists and local antiquaries," but which, as indeed we see in Mr. Waters's own pages,[4] has long been exposed, and scouted.

I need not continue this analysis: suffice it to suggest that Mr. Waters should turn to Dr. Stubbs' latest work, where he will learn that in the reign of Henry II.—

"Crowland was thinking of hiring Peter of Blois, or some pretended Peter who borrows an illustrious name, to fabricate for her an apocryphal chronicle."[5]

He has therefore not merely, here again, "carelessly repeated a statement which comes from a discredited authority" (*supra* p. 138), but has actually taken his cardinal date from what our supreme authority has described as "an apocryphal chronicle."

Mr. Waters is thus left impaled on the horns of a dilemma. In resting his case upon a work of absolutely no authority, he must have done so, either because he was unable to detect its gross blunders, and knew so little of it that he could not even

[1] Thus the "Continuator *of Ingulf*" would be the writer referred to by Mr. Waters.
[2] See the *Continuatio* (Ed. Gale) p. 125.
[3] *Ibid.*
[4] *Survey of Lindsey*, p. 12.
[5] *Lectures on Mediæval History*, p. 148.

give its right title; or because this information was acquired not from the work itself, but at second hand.[1]

The point, however, is this: very shortly after that description in *Notes and Queries* of "Vol. vi.," which note-book contained the (supposed) proof that the Lindsey Survey must be dated "between March 7, 1114, and April, 1116," Mr. Waters published his discovery that the date of this survey must be dated "between March [7], 1114, and April, 1116." The coincidence however accidental, was at least most unfortunate.

The peculiarity of Mr. Waters's edition of the Survey is, as I pointed out two years ago, that—

"Though Mr. Waters's introduction to the Survey is comprised within a few pages, we see by the allusions in every line, as well as by the notes to the text, that it must be the work of one whose acquaintance with early Lincolnshire genealogy can only be described as marvellous" [Academy, 18th April, 1885].

The editorial comments imply, as I expressed it, "vast stores of information." Had the *brochure* been issued by Mr. Eyton, this would have been most natural and indeed what we might expect, for his collections now in the British Museum prove that he had acquired these vast stores for a projected history of Lincolnshire, dealing, like his History of Shropshire, with the early period. The method adopted in the *brochure* is based on an elaborate collation of the Survey of "1114-16" with Domesday on the one hand, and the *Testa de Nevill* on the other. And this was precisely the method which, as his note-books show, was that adopted by Mr. Eyton.[2] In short, if this Treatise represented Mr. Eyton's notes, notes based on his long labours in Lincolnshire topography and genealogy in connection with this survey, it would be precisely what we should expect.[3] But we could expect it from no one else.

Other points may arouse comment. For instance, why should Mr. Waters state that "it is generally believed that Scrivelsby and the rest of the Honour of Dispenser came to the Marmions," etc., etc. (p. 14), when Mr. Stapleton had already shewn (1848) that this Survey was fatal to that belief. Mr. Waters should when he thus wrote, have been well aware that he had done so, for he not only quotes Stapleton's work a few pages before, but even the very page preceding this explanation.[4]

By the way, the survey does not prove that "Roger Marmion was the immediate heir of Robert Dispenser," as asserted by Mr. Waters, for I have evidence, of great interest to genealogists, to prove that he was not.

[1] It should be clearly understood that I am merely dealing with the authority of "Peter of Blois." As to whether Stephen was, or was not "Count of Mortain" at the time, I say nothing.

[2] See for instance, the wonderful tables in Mr. Eyton's great folio MS. 31,914 (fos. 106b-138b) where the entries in Domesday, the Lindsey Survey, and the returns of 1213 and of 1243 are collated in parallel columns.

[3] See for reference to his vast collections on this Survey, his "Digest of the Lincolnshire Survey" (Add. MS. 31,940, fo. 201b.)

[4] *Observations on the Norman Exchequer*, II, xcvi.

In further illustration of the parallel lines on which the comments of Mr. Eyton and Mr. Waters run, we may take such examples as these:

Mr. Eyton.	Mr. Waters.
"Radulfus homo Gilberti (of Domesday) appears to be represented at Croft, in 1114 by Roger de Gant." [1]	"Roger de Gant has 2 cars. 4 bovs. in Croft [which Ralph held under Gilbert de Gant in Dom(esday)]."—Survey, p. 33.
Mr. Eyton.	Mr. Waters.
"Mortimer, cadets of (in Lincolnshire)." "Here then [i.e., in this Survey] is a link in the descent of Mortimer of Attilberg, unsupplied by Dugdale." [2]	"This estate belonged in 1243 to William Mortimer of Attlebourgh, in Norfolk, which suggests that we have in Ralph of the Roll the ancestor hitherto undiscovered of the Mortimers of Norfolk."—(p. 15.)

The bearing of the survey on the Todeni-Albini succession is noticed in Mr. Eyton's comments; it is so also by Mr. Waters. Here again, I may mention, I have, myself, fresh evidence to produce on this "genealogical problem."

The very interesting descent of the Lords Willoughby from a Domesday "Roger," and of the Lords Welles from a Domesday "Ragemer" is thus suggested by Mr. Eyton:—

"There can be little doubt that in 1213 Rauemer and his sons were lineally represented by William de Welle, and "Roger" by William de Willoughby. Here, then, is a Domesday pedigree for two families." [3]

Mr. Waters announces both descents as facts, and tells us that the William de Willoughby of 1213 was the "descendant" of the Domesday "Roger" (p. 39). Again, Mr. Eyton specially studied and analysed the "Lincolnshire estates apparently or really omitted in the Domesday Survey," [4] and suggested that in some cases a "leaflet" of the original return might have been "lost" in transmission.[5] Mr. Waters similarly suggests that a "leaflet" may have been "lost in transmission" (p. 23,).

Of course we may be told that in those cases where Mr. Waters's statements can be traced in Mr. Eyton's note-books, this is due to their having been originally supplied by Mr. Waters to Mr. Eyton. This is a point of public interest, raising at once, as it does, the question whether Mr. Eyton's notes are, or are not, his own. No one can read them without perceiving that they most certainly are. His frequent use of the personal pronoun makes it, if possible, even more certain. For instance, when we read of the sons of 'Ragemer,' a tenant of Gilbert de Gant, that—

"The eldest of these sons was, I (*sic*) doubt not, progenitor of the House of Wells." [6]

we cannot doubt that we have here Mr. Eyton's own conclusion. Mr. Waters's note that Ragemer "was the ancestor of the

[1] Add. MS. 31,930 fo. 60b.
[2] *Ib.* fos. 109b, 110.
[3] *Ibid* fo. 21.
[4] Add. MS. 31,935 fo. 141.
[5] *Ibid*, fos. 141, 144 etc.
[6] Add. MSS. 31,930, fo. 66.

baronial house of Wells" (p. 44) will not lead us to imagine that the discovery was not Mr. Eyton's.

A still more distinct case is that of Mr. Eyton's elaborate *excursus* on "Osbern presbyter (of Domesday) identical with Osbern Vicecomes."[1] It is evident from his remarks that he was justly proud of having unravelled the thread of connection between this Domesday tenant and other members of his family, and of having proved that the William Torniant and Richard of Lincoln of this Survey "were brethren, both of them sons of Osbert Vicecomes of Lincolnshire." Here Mr. Eyton gives us in detail the steps which led him to this conclusion. Mr. Waters merely enunciates the fact without adducing any proof, so that I was led to doubt the statement, till I had seen Mr. Eyton's argument.

We are not left, however, to mere inference or belief. We have direct evidence that where Mr. Eyton did derive his information from others, he was careful to note the fact. I duly proved in the *Athenæum*[2] that he had made a subsequent addition to his MS. itinerary of Henry I., based on a supposed discovery by Mr. Chester Waters, and that in doing so he was careful to note "the source of his information."[3] And I further shewed that this supposed discovery was based on nothing but an amazing blunder, Mr. Waters having "mistaken the place where the Charter itself was tested for the locality of an event to which the Charter alludes."

In this case, therefore, Mr. Eyton was, certainly, led astray by Mr. Waters, but it proves my contention that in such cases he was careful to name his authority, and that where he makes no such reference, no one can be allowed to assert that his notes are not his own.

To my readers I submit that I have at least brought forward "undesigned coincidences" which would make it more satisfactory for genealogists if Mr. Waters would consent to give them the source of his mysterious text and of his suggestive comments thereon. Meanwhile we wait for that "further proof that the Survey was compiled in the year 1115," which he has had so long in his possession.[4]

J. H. ROUND.

P.S.—It may be remembered that I expressed a hope (*supra* p. 139), that extended knowledge might render it possible "to narrow further the limit" 1121-1123. I have since noted a charter attested by Robert, as Earl, which has been ludicrously misdated, and which must have passed before the close of 1122. This, therefore, narrows our limit by at least six months.

[1] Add. MSS. 31,930, fos. 61b-64.
[2] 19 Dec., 1885, p. 807.
[3] As this supposed discovery was made in the inspection of a Cartulary lent to Mr. Waters, Mr. Eyton, who had not seen it, had to take the fact from him.
[4] *Academy*, 16th May, 1885.