THE SPURIOUS TEWKESBURY CHARTER.

The value of an *Inspeximus* as evidence (which Mr. Kirk insists is conclusive) being a point of considerable importance, I propose briefly to discuss the charter to Tewkesbury Abbey, which is known to us only from an *Inspeximus*, and which I have throughout pronounced "spurious" (*Genealogist*, N.S. iv, 130). Mr. Kirk having come forward to uphold the trustworthiness of this charter, I readily accept the issue, and will fight it out on the ground he has himself chosen.

After blithely ridiculing my "fallacious tests," &c., Mr. Kirk proceeds:—

> Mr. Round has not, however, really proved the charter in question to be spurious. His chief objection is to the date, 1116, which has been assigned to it; but as it seems to show that Queen Matilda was dead, it may have been of later date, say 1121, when the King was at Winchester, though Mr. Eyton opined that she 'could not be dead' at the time. Till this point is settled, why talk of forgery? (*Genealogist*, N.S., vii, 178.)

As I might have expected, Mr. Kirk gives himself away. He betrays his perfect ignorance of the fact that Robert, Count of Meulan, who witnessed the charter, and who was one of the greatest men of the day on both sides of the sea, died in 1118, and that *this* is the reason why, as everyone admits, the charter if genuine, cannot be assigned to a later date than Easter, 1116 (when the King left England for four years). Perhaps Mr. Kirk will kindly explain how Count Robert can have witnessed a charter three years after his death. Till he has done so, he had better refrain from speaking of my "fallacious tests," and indeed from writing on subjects which he clearly does not understand.

As the charter, we see, must have been granted not later than Easter 1116, the only question to be considered is whether its contents are compatible with that date. I do not insist on the point about the Queen, nor on the King's peculiar style (though that, as I originally observed, would rouse suspicion of itself). I do not even take my stand on the presence, as witness, of Brian fitz Count, whose attestations belong to a later period.[1] I base my objection, as I based it from the first, on the fact that Robert, Earl of Gloucester, cannot have witnessed, by that style, a charter of 1116, because a long array of charters (*Genealogist*, iv, 131-138), proves incontestably that even in 1121 he was not yet an Earl. If the *Inspeximus* charter is genuine, the whole of these charters must be rejected as forgeries. Will Mr. Kirk, who objects so strongly to my denouncing one charter, kindly inform us on what principle he proposes to reject some half a dozen of equal or even greater authority?

I repeat without hesitation my original words:—

> "Mr. Kirk is very wroth at an *Inspeximus* being thus dismissed, but as the charter is certainly corrupt, the *Inspeximus*, however distasteful to him, is certainly worthless" (*Genealogist*, N.S. vii, 62).

[1] Three of the witnesses, Bishop Roger of Salisbury, the Earl of Gloucester, and Brian fitz Count are found attesting another charter at Winchester (30th Report D.K., p. 198), but the names of Geoffrey the Chancellor and Bishop Henry of Winchester prove that it belongs to the close of the reign.

Leaving now Mr Kirk's criticisms, as based on imperfect knowledge, let me turn to the date of the "Lindsey Survey," the *fons et origo mali*. The alleged demonstration of its date ("1114-1116") by Mr. Waters, rested on two legs: (1) it was later than 1114, because it speaks of Stephen as Count of Mortaine, which title he did not possess in 1114; (2) it was previous to Easter 1116, because it does not speak of Robert *filius Regis* as Earl of Gloucester, which title he certainly possessed at Easter 1116. Taking the latter date first, I have shewn that it rests on a spurious charter, and that so far as this test is concerned the Survey might be as late as 1121. But its mention of the Count of Meulan as a tenant certainly seems, at first sight, to prove that it was taken previous to his death in 1118, for these estates passed, as Mr. Waters observes, to his son Robert, Earl of Leicester. But he failed to remember that Robert was a boy at his father's death, and neither is, nor would be spoken of as Earl of Leicester till a later date. Consequently the compilers of the survey *might* have entered these estates as those of the Count of Meulan even for some time after his death, just as (Mr. Waters holds) the Archbishop of York is entered "when the See of York was vacant" (p. 3).

Turning to the other date, 1114, we find it based, as I have already shown, on a spurious chronicle, just as 1116 is based on a spurious charter But as Mr. Waters asserts that "Stephen is never spoken of as Count of Moreton before November 1118" (p. 3), it is worth while pointing out that he was present, under that title, with Henry I. at the dedication of St. Alban's, 28 Dec. 1115.[1]

Lastly, I will now give the charter to which I referred at the close of my first paper.[2] This is found in the Register of St. Osmund (Rolls Series) I. 382, where it is absurdly assigned to *circiter* 1109. The occurrence of Robert, Earl of Leicester as a witness proves that it must be subsequent to his father's death in 1118, and consequently (as the charter is tested at Westminster) to the King's return in 1120. Again, as Bishop Robert of Lincoln, witnesses the charter, it must be previous to his death, 10 Jan. 1123. But as the King had not been at Westminster for sometime before that, it cannot be placed later than 1122. Now we have seen that in April-May 1121, Robert was not yet Earl of Gloucester; consequently this charter must belong to the period between that date and the close of 1122. It is, therefore, the earliest mention, as yet known to me, of Robert as Earl of Gloucester.

P.S.—Although it is needless to occupy space with superfluous illustration of a fact which is, or should be familiar, I may as well give, for Mr. Kirk's benefit, a fresh instance of a spurious charter known to us merely by *inspeximus*, which I have recently noted, as it is in many ways a striking case.

The foundation of Laund Priory is dated by Nichols in his *Leicestershire*, and by the Editors of the *Monasticon*, as "about 1125." As this date raised a difficulty in an investigation on which I was engaged, I examined the text of the foundation charter on which it is based. This document is addressed to William, Archbishop of Canterbury, and Alexander, Bishop of Lincoln, and must therefore be subsequent

[1] M. Paris, *Chronica Majora* II. 142-3, VI. 36. Dr. Stubbs considers that "Stephen received Mortain..... in A.D. 1119" (*Const. Hist.* I. 318.)

[2] *Genealogist* N. S. IV. 213.

to Alexander's promotion in the spring of 1123 (if not to his consecration on June 22). This is admitted by Foss (*Judges of England* I, 131), who accepts the charter without question.

There is nothing indeed in the form of the document to excite suspicion, nor do I impugn it without reluctance. But the awkward fact remains that it is witnessed by Ranulf the Chancellor, who undoubtedly died at the begining of January 1123, and actually in the lifetime of Bishop Robert, Alexander's predecessor at Lincoln. There can be no question of an erroneous date; for the sequence of events is inexorable. Henry of Huntingdon (Ed. Arnold pp. 244-5), tells us that (1) the King spent Christmas (1122) at Dunstable, that (2) he went thence to Berkhampstead where Ranulf the Chancellor was accidentally killed, that (3) he then visited Woodstock where Robert, Bishop of Lincoln met with an equally sudden death, that (4) at the Purification (2 Feb. 1123),[1] he gave the See of Canterbury to William of Corbeuil, that (5) he gave (at Worcester) the See of Lincoln to Alexander, at Easter (15 April). Florence of Worcester adds that the Primate was consecrated February 16, and Alexander July 22 (1123). The King himself went over sea about the beginning of June.

Perhaps Mr. Kirk can tell us how Ranulf, like Count Robert of Meulan, contrived to witness a charter after he was dead. The information would be most welcome to the members of the Psychical Society. Till he has done this, *inspeximus* will be rather at a discount.

It is singular that the members of the foundation had two strings to their bow, another foundation charter of Henry I being adduced. The witnesses of this second charter imply a later date, nor do their names present any chronological difficulty.

J. H. ROUND.

ESKDALE AND THE SCOTTS OF BUCCLEUCH.

By JOSEPH BAIN, F.S.A. Scot.

There is a stirring tale in the "Lay of the Last Minstrel," relating how a Lord Maxwell, whose Eskdale vassals the Beattisons had risen against him when making a feudal claim, sold Eskdale to the Laird of Buccleuch, "for a cast of hawks and a purse of gold," whereon Buccleuch raised his clan and cut off all the Beattisons, with one exception, dividing their lands among the Scotts, who still hold them. The story, Sir Walter Scott says, is preserved by tradition, but no date is given for its occurrence. One thing assists in giving a clue to the possible date,—that Lord Maxwell is called "Earl Morton" in the tradition. The only Lord Maxwell who ever bore this title, was John the 7th lord, whose mother was Beatrix, second of the three co-heiresses of James Douglas, last earl of Morton of the direct male line. Her elder and younger sisters were the wives respectively of the Regent Chatelherault, and James Douglas of the Angus family. This last was styled Master of Morton in his father-in-law's life, succeeded him in 1553, as Earl, and became the famous Regent Morton. On his forfeiture and execution in 1581, John Lord Maxwell, his wife's nephew,

[1] Florence of Worcester confirms this date and adds that the King was at Glouceste