Now it is quite certain that this Richard fitz Truyte (or Troyte) and his son Richard were the opponents of Robert and Udard (respectively grandson and great grandson of Hildred "of Carlisle") for possession of Gamelesby, etc.. The question is: can we identify the two Hildreds whose grandsons were thus at strife? By the existing roll, the right reading is "Hildreda," the mother, not "Hyldredus," the father. The latter, however, is more probably correct. It may fairly be urged that the three daughters are not spoken of in the record as *co-heiresses*, and that the "rectum" alleged by Richard fitz Truyte may have represented a claim to the forfeited inheritance of his cousin—a kind of right of pre-emption. In that case the two Hildreds would be actually identical.

A further wrongful identification, I take it, is that of 'Odard' the (alleged) grantee of Wigton with Odard, son of Hildred of Carlisle. In Denton's MSS. (Hutchinson's *Cumberland* II., 467), the former is styled "Odard de Logis," and the succession of the Odards and Adams, who were lords of Wigton, can be traced pretty clearly from the entries in the Pipe Rolls, and (later) from documents in Mr. Bain's Calendar. Here again, the mistake of Mr. Hinde and of the Editors of the Cumberland *Pipe-Rolls* appears to have originated from a hasty confusion between the different men bearing the name of Odard.

J. H. ROUND.

THE GENUINE TEWKESBURY CHARTER.

On resuming this controversy, I have at the outset taken the liberty of altering the unwarrantable title given to it by Mr. Round. He began by condemning an early inspeximus without even looking at it, and carries on the debate with the same recklessness, entirely avoiding the real question, which is this—whether King Edward I. and his Chancellor were liable or likely to have been imposed upon by a supposed "most skilful forger," who gammoned them into confirming "a spurious charter," as Mr. Round alleges.

King Edward states, for the information of posterity, that he inspected the original charter of his predecessor, Henry I, to Tewkesbury Abbey, and he quotes it in full. Now, 600 years afterwards, we are asked to believe that Mr. Round knows better, and that King Edward did not really see a charter of King Henry at all, but a mere forgery, a piece of miserable evidence, &c. Fortunate it is for the critic that he did not make this charge soon after the date of the confirmation charter, or he might have found himself within measurable distance of the lowest dungeon in the nearest royal keep.

Even at the present time the inspeximus is perfectly good evidence in a court of law, and if Mr. Round ventured to call it in question before one of the judges of the land, he would promptly be told that the court could not go behind the testimony of King Edward I. to the genuineness of a royal charter.

Although these considerations were put before Mr. Round (vii, 178), he takes no notice of them whatever; nor does he produce any recorded

instances of an early King having been imposed upon by a spurious charter, as he was challenged to do. Surely he can have no difficulty in doing this if, as he professes to believe, "the fact is or should be familiar." All he gives us is one or two doubtful instances of his own manufacture.

It would therefore be excusable if I declined to proceed any further till Mr. Round has produced some examples of successful imposition; but it will not be out of place to inquire as to the reliability of this class of records, which, as Mr. Round says, is a matter "of considerable importance."

An enrolled inspeximus has a great advantage over a single charter, in that the latter stands alone and unsupported, and rests on its own merits. A *charter* may to all appearance be genuine, but if there happen to be any grave discrepancy within its four corners, we are bound to regard it with suspicion. Thus I rejected several Durham charters (vii, 179), though only so far as they concerned my argument, and was supported by the fact that they seem never to have been submitted to any King for inspection. But if a discrepancy occurs within the limits of an *enrolment*, we are not at liberty to reject it. We could not do so without impugning the whole roll in which it occurs, and with it many other enrolments, all evidently made in the same year. This would be absurd, for no one ever dreamt of a forged Charter Roll or Patent Roll. We may possibly venture to allege misquotation, but can go no further.

Charters of inspeximus first came into use in the reign of Henry III. Previously each King of England had confirmed the gift of a predecessor by granting a charter almost if not entirely in the same words as the original charter, sometimes without referring to the previous donation. This often makes it difficult to decide whether any particular royal charter of that period is an original gift or a confirmation.

The origin of charters of inspeximus is thus described in Sir Thomas Hardy's Introduction to the printed Charter Rolls of King John:—

> The *Inspeximus Charter* in this country appears to have originated in the eleventh year of the reign of Henry the Third. . . . It was announced to all religious and other persons who wished to enjoy their liberties, that they must renew their charters under the King's new seal. . . . In the charters of confirmation which were granted upon that occasion the word *inspeximus*, followed by a recital ("from word to word, without addition, change, alteration, or any diminution,") of the preceding charter or charters, was first used.

Thus, at the starting point, we find the fullest recognition of the necessity for accuracy in these diplomas.[1] But it was not till the reign of Edward I. that inspections came into full vogue. In the Parliament held in Easter, 1285, "many persons of his kingdom," as well prelates and religious men and other ecclesiastical persons, as Earls and Barons and other secular persons or laymen, prayed the King to confirm the charters of his predecessors made to their predecessors or ancestors; and the King, by the advice of his Council, granted that such confirmations should be made under certain forms, beginning with the word *Inspeximus*. The same strict injunction was given as before:

[1] This hardly accords with Mr. Round's idea that "the sacredness of an original" was never recognised in those days.

Et carta confirmanda de verbo ad verbum, sine additione, mutatione, transmutatione, vel aliqua diminutione scribatur.[1]

While so much attention was given to ensure accuracy, it is inconceivable that no precaution was taken to ascertain the validity of every instrument produced for confirmation. At that period great importance was attached to seals, and a forger would have not only to draw up a plausible charter, but to imitate the Great Seal. That anyone ever succeeded in doing this remains to be proved.[2]

But no royal decree can override *humanum est errare*. When, as sometimes happens, we possess an original from which an inspeximus has been transcribed, we are enabled to judge how far similar documents may be trusted.[3] Usually they prove to be very accurate, but occasionally we meet with the errors common to copyists in all ages. The scribe may blunder over the King's titles at the beginning, and the more readily if he had several charters before him; he may misread uncommon names and words, especially if these are in Anglo-Saxon; he may omit or confuse the names of witnesses; besides falling into the ordinary sins of omission and repetition. But such errors are not fatal to the genuineness of an instrument: they do not entitle us to talk of "spurious charters."

For my part, I should be sorry to reject, in such a holus-bolus manner as Mr. Round does, even the smallest scrap of parchment which pretends to be a charter, and therefore I do not "propose to reject" the charters on which he based his papers touching the Earldom of Gloucester. But why does he say that they are *all* "of equal or even greater authority" than the despised inspeximus? The first of them he derives from a printed book; on two others he himself throws serious doubts; two more are in a private collection, and have not been referred to since the days of Madox; two are in the British Museum. One certainly seems to be of equal authority with the Charter Roll, and that is a Duchy of Lancaster charter. To all these, moreover, Mr. Round assigns dates of his own, differing in some cases from previous writers.

And why, on the other hand, does he say he was contented with "denouncing one charter"? His denunciation applies, not to one, but to hundreds; and he especially refers to the Bardney charter as doubtful, because it is known to us only from "a late Inspeximus."

Then again, his object being to prove that Robert Earl of Gloucester was created between April or May 1121 and June 1123, he takes it upon him to make a severe attack upon "Henry the First's great charter to Merton," dated at the latter end of 1121, the same Earl being one of the witnesses. It is enrolled on a roll of the *Cartæ Antiquæ* of

[1] Close Roll, 13 Edw. I, m. 7, in cedula. This is referred to, but not quoted, in the Introduction above mentioned.

[2] It will of course be understood that these remarks do not apply to mere "exemplifications" of private documents of later date, which were not usually enrolled. An Act was passed to remedy abuses in respect of these, in the reign of Elizabeth,

[3] It is also instructive to compare these instruments with cartularies. The copies of charters in inspeximuses are, as a rule, preferable to those in cartularies; but the later are so often proved by the former to be substantially correct, that it seems a pity no attempt is made to bring together the numerous royal charters and writs contained in them. The great gap in the public records between Domesday Book and the Charter Rolls might thus be filled, at least to a great extent; for the *Cartæ Antiquæ* contain only a very small proportion of the royal diplomas of that period.

Chancery, and may be considered equal to an inspeximus. On this he writes as follows (iv, 139):—

"It is true that the names given in the long list of witnesses are, apparently, consistent with the date, 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, and the mention of the year-date would alone rouse suspicion."

These are, in fact, three of the rules of thumb by which he proposes to test the authenticity of all early instruments, and are the real *fons et origo mali*. Let us take them in order.

1. He has laid it down that wherever we find this "turgid style," or "stilted moralizations," or "a pile of grandiloquence," &c., we are to suppose that an original charter has been "doctored" by monks of a later period, whose method represents "the results of a process resembling that of illumination" (iv, 132, 133, 134, 139). On the contrary, all these peculiarities are to be regarded as characteristic of early charters. Yet on this wonderful fancy he discourses *ad libitum*, "speaking not as an expert," however.

2. In original charters the names of witnesses are frequently written in columns, and the columns were not always distinctly marked; hence a copyist was prone to copy them out of order.[1]

3. Year-dates came into use but gradually, and we must not suspect any instrument merely because it happens to have such a date, while others of the same period have none. But perhaps Mr. Round can name the precise day and hour by Greenwich time when they came into use.

He is, besides, much exercised by the simple language of some early royal charters as compared with the inflated verbiage of others; but, as noted by Nicolas in his *Chronology*, some difference was made between charters granted to private individuals and those granted to churches. We may add to this the consideration that at this period there was coming into vogue an official style of composition, and even an official style of handwriting, known as the court-hand, which were destined eventually to supplant the ecclesiastical forms and handwriting found at earlier dates. The monastic style was being gradually discarded in favour of terse official and legal forms, which unfortunately did not always remain terse. That change did not take place all in a moment, and for a long time the two methods appear side by side.

Thus it is on very unstable grounds that Mr. Round proposes to play the highwayman with every inspected charter he comes across, if it stands in the way of his proving a point. "A fact (in my favour), or your life!" seems to be his *modus operandi*.

Still under protest that I am doing more than is required of me, I will now briefly notice the two cases manufactured by Mr. Round himself. The very fact that two dates, 1116 or 1121,[2] may be suggested for the Tewkesbury charter, shows that any notion of spuriousness must be regarded with suspicion. The former date at first sight looks preferable, and is in short the sore point, for if it be correct, all Mr. Round's calculations are upset. I proposed the latter date merely for the sake of supporting his general argument, as Robert is described therein as Earl

[1] See the Facsimiles of National Manuscripts; also Historical MSS. Reports, v, 452.
[2] The King was at Winchester, where the charter is dated, in both those years.

of Gloucester. But he is ungrateful, and says I was "perfectly ignorant" of the fact that "Robert Count of Meulan," another witness, died in 1118. No; I was perfectly well aware of it, and how he could make such a charge is truly surprising. His temerity may be judged from the fact that I actually quoted from the following remarks of Mr. Eyton on this very point:—

"This deed is pro anima Matildæ Reginæ, and of several others who were dead. Queen Matilda could not be dead. Robert, Earl of Mellent, died June 5, 1118, and the King was in England previously, not later than April, 1116, previous to which this deed therefore passed."[1]

Mr. Eyton was, and Mr. Round is, of opinion that there was certainly no Earl bearing that description in the year 1121. But is this so certain? The first Earl left twin sons as his heirs, one being named *Robert*, the other Waleran. I thought Mr. Round would be able to make something of this, but he has failed to do so. Let me try.

The Earl's titles and possessions were divided between his sons, Robert succeeding him as Earl of Leicester in England, and Waleran as Count of Meulan in France; but the question is, when were their titles settled? Apparently not at once, for Mr. Round admits that Robert was not known as Earl of Leicester till some years later, and that the title of Earl of Mellent *is given to the holder of the English estates* described in the Lincoln Survey, *after* the first Earl's death.[2] Therefore the *second Robert* and his brother may both have used the title of Count of Meulan in common till the final settlement. *Both* brothers are indeed called Count of Meulan by Roger of Wendover. Ordericus Vitalis alludes to them as "imberbes," and styles Waleran "adolescens;" but the latter description is applicable to anyone up to the age of thirty. It will not do to suggest, as Mr. Round does, that they were "mere boys," and would not be known as Earls, for we have other evidence, not generally known, that the title was in use in the very next year after their succession.[4] As in the Lincoln Survey, so in a royal charter of the year 1119, and in another dated between 1119 and 1123, "the Earl of Mellent" appears, as a witness, without any christian name; while in a *later* charter, between 1124 and 1130, we meet with "Robert, Earl of Leicester."[5] Therefore there may well have been a "Robert Earl of Mellent" in 1121.

All this in Mr. Round's own interest. If it does not help him, then we must fall back upon the earlier date, 1116.[6] In such case,

[1] Addit. MS., 31943, f. 88.

[2] If this view be correct, the date of that Survey is reduced to the narrow limit, 1118-20. The reference is clearly not the first Earl, who was a famous man, and whose Christian name would have been given, as in all similar cases, if the reference had been to him.

[3] It would seem that the old Earl intended Waleran to have the Norman fees, as he made a charter relating to land in Normandy "with the consent of Galeran his son," evidently to bind the latter on his succession.

[4] In 1119 they both took the King's part against rebels in Normandy. Waleran rebelled against the King in 1123, and was taken prisioner in the following year. A charter of Robert, Earl of Leicester, "about 1127," mentions P. his Countess, his son Roger being a witness.

[5] These charters will be found in Mr. W. H. Hart and Mr. Lyons' edition of the Ramsey Cartulary, I. 244, 245.

[6] It is curious that the name of "Robert Earl of Gloucester" occurs at the end of a charter to the Abbey of Lessay, dated 1115; but it is in a confirmation clause, which may be of a later date.

his whole original paper is open to serious objection, and the other charters will have to be reconsidered.

The only other case referred to by Mr. Round is likewise a somewhat dubious one on his own showing. *This* may have been the real "sequence of events." The Lound charter was drawn up and witnessed by Ranulph the Chancellor early in 1123, and addressed to *Robert* Bishop of Lincoln, but the Chancellor's death occurred before it was delivered; and as Bishop Robert died immediately afterwards, the delivery was deferred, and the direction altered to "*Alexander* Bishop of Lincoln." At any rate, the circumstances are very peculiar, and Mr. Round is cutting it too fine when he relies on the fact that Ranulph died "actually in the lifetime of Bishop Robert." The narrow margin between the deaths of the two officials may account for everything.

The moral is clear. As one swallow does not make a summer, so one or two doubtful witnesses do not entitle us to disparage charters of inspeximus in general. In any case, instances of imposition must be so very rare that there is no likelihood of charters or letters patent of inspeximus ever being "at a discount." Should that awful day arrive, we may then, but not before, apply to Mr. Round for re-inspection of such charters as he will deign to pronounce genuine.

Since the foregoing reply was written, another article has appeared under a different title, but as it contains nothing of importance, it will save trouble if I notice it here. Mr. Round had already admitted that the Countess Lucy was not daughter of Earl Algar, and that she had three husbands; now he throws overboard the elaborate theories relating to the Earldom of Lincoln. A glance at the schedule of "hypotheses" which I gave at p. 81, will make it apparent that he has finally given up every one of them. Nor does he sustain the objections which he at first raised to my facts and deductions, or the unfounded charges of error made against me.

There is however one fresh objection. Emboldened by my having shown that Ranulph Meschin is not styled Earl of Lincoln in the Lincoln Survey, as generally supposed, he now ventures to assert that Meschin's son had nothing in that earldom, and so could not have conveyed it to another. This is not good enough. Will he kindly reconcile this assertion with the reference to the Earl of Lincoln in Domesday; with the fact that Meschin's widow was Countess of Bolingbroke, a title identical with that of Countess of Lincoln;[1] and with the statements of King Henry III that Ranulph Blundvill's ancestors, the Earls of Chester, had received "the third penny" of the county of Lincoln as Earls of Lincoln, of whom there was a succession, and from whom Blundvill inherited? It is useless to say that in the chronicles Meschin is not called by the double title. At that

[1] She is positively called "Countess of Lincoln" in a monumental inscription, and in the *Valor Ecclesiasticus*. Dugdale appears to have seen the same title in "some ancient evidences at North Kyme," as noticed by Stapleton; *Norman Exchequer Rolls*, II, cliii. See vol. v. of this series, pp. 167-70; and vi., 134.

period, as I have pointed out, Earls usually took their titles from the castles where they resided, and not from the county or counties with which they were connected; and this is all that the title of "Earl of Chester" implies.

A sense of due proportion is not a distinguishing feature of Mr. Round's criticisms. He refers to these principal matters in a haphazard sort of way, and devotes the larger portion of his remarks to a gratuitous re-statement of an outside matter, which, he allows, had already been "carefully distinguished" in the index to a work to which I referred him.

Having no case, he does what lawyers are supposed to do in such a strait. On the strength of an obvious blunder—one which does not affect a single step in these complicated descents—he resorts to one of his customary and disgraceful inuendoes of general incompetency.[1] But even here he is singularly unfortunate, for I myself made the index in question for Mr. Hart many years ago! He came to blame, but he remains to praise. It is evident that on this subject I had forgotten, for the moment, more than he ever knew, seeing that he was quite unaware of all the facts when he gave the uncertain information which appears under the head of "Clare" in the *Complete Peerage*. Readers have only to omit what little relates to the title of "the Viscountess," with the words "mother of Walter (the Constable) of Gloucester;" the rest of my footnote on p. 86 may stand.

If I am expected to acknowledge a misunderstanding of this retail character, it is surely high time for Mr. Round to confess to a considerable amount of wholesale blundering and unjust accusation.

It is denied that I have produced any fresh evidence. I was under the impression that I spent a great deal of time in examining unprinted rolls, charters, cartularies, and Duchy records, and that I found many entries which had never been used before; besides refurbishing sundry texts which had been misunderstood. If the denial were true, it would follow that some one must have sadly failed to comprehend the existing evidence. Even if a fact has appeared in type, as is alleged in respect of Rohese de Clare, the person who first points out its value is surely entitled to talk of a discovery. But so much information still remains in the ancient manuscript, that it is presumptuous for those who are "not experts" to pretend to an omniscience which, in the nature of things, they cannot possess.

R. E. G. KIRK.

Notes on the Foreign Coats in Planche's Roll of Arms.

(*Concluded from Vol. VII., N.S., p.* 155).

496. LI SIRES DE GENEVILE.—John Sire de Joinville (abt. 1234—1319), Seneschal of Champagne, the biographer of Louis IX. He *m.* 1, Adelaide dau. of Henry V. Count of Grandpré; 2, Alice dau.

[1] The origin of the mistake was very simple; I mis-read the cross-reference which is given under "Adeliza" in the index to the Gloucester Cartulary. A few misprints may also be noticed. On p. 82, l. 10, "twelve" should be "thirteen"; on p. 90, l. 5, "1127" should be "1129"; and at the end of p. 91, Margaret should be shown to be the wife of Henry de Lacy, and the line connecting the latter with the Earl of Salisbury erased.