THE EARLDOM OF MEULAN.

Once again Mr. Round has tried to shelve a controversy by making a quotation from a modern "authority." He seems to have taken out a patent for this summary method, though it has only once proved successful in a small way, when he quoted from something written by myself. Having now utterly failed to shake my conclusions on four principal subjects, one of which I took up as an "extra" to oblige him, he ought to be the last to use such outrageous expressions as he does towards me; but here also there are "exclusive rights."

In the present case Mr. Round quotes himself as the final authority, using a casual opinion expressed by Mr. Eyton as a support. But although I produced fresh evidence on the matter in question in April, 1892, he has since made two pretended replies[1] without even referring to it. At the same time it has compelled him to shift his ground entirely.

Not for a moment can it be admitted that the Abingdon Chronicle is of less credibility than Orderic Vital, on whom Mr. Round "uncritically" relies. We have however no need to choose between them, as it can be shown that they are in practical agreement, but to do this I suppose I must take up still another extra subject, and I trust it will be for the common benefit.

Now I had no time to investigate original or even printed materials in the case of this Earldom, in the same manner as I did in respect of the Earldom of Lincoln, but I soon discovered that Mr. Round had not taken everything into consideration. He must therefore excuse me if I do not feel at all disposed to admit that his article in the "Dictionary of National Biography" is in any way exhaustive, and the more especially as it dismisses the present question in a hasty and superficial manner. Confronted by the difficulty of reconciling two stories, he chose to reject one of them entirely. This is no doubt a short and easy method, but it does not evince a large amount of ingenuity. He is only a bad workman who is for ever quarrelling with his tools.

As I have said before, my object in referring to this matter was partly

[1] Vol. ix. pp. 55, 219.

to uphold Mr. Round's own contention that the Tewkesbury charter did not pass in 1116, as was supposed, though of course it is not my business to object to that date. The only other suitable date would be 1121; but, said Mr. Round, "Robert, Earl of Meulan," a witness thereto, was not then alive, and therefore the charter must be a forgery.[1]

To this, knowing the uncertainty of titles at that period, I made the obvious objection that the reference might possibly be to the son of the same christian name. After the customary denunciations, he rejoined as follows :—

> But he failed to remember that Robert was a boy at his father's death in 1118, and neither is, nor would be, spoken of as Earl of Leicester till a later date.

Naturally I took Mr. Round's contention to be that the second Robert was not known as Earl in 1121, the date really in question, and that therefore he could not have attested a royal charter in that year. Mr. Round clearly intended to suggest that Robert could not have been an Earl during his minority; and truly we may doubt whether he could have so attested during that period. But now, in obscurely attempting to correct my view of what he meant, he professes to explain (?) that while he supposes Robert to have been a boy of "fourteen" years in 1118, he does not insist that Robert was a boy in 1121; thus virtually admitting that the second Robert was an Earl in the latter year.

This is the very thing I was contending for, and so the question of age becomes immaterial to our dispute, though I shall discuss it fully further on. He however still clings to the notion that there was some period during which the brothers were not known as Earls, though he is compelled to whittle it down to the vanishing point.

But we are quite independent of Mr. Round's admission, to which indeed he was forced by the facts I brought forward. I need not here repeat what I have already written (viii. 208), but I must, for the sake of clearness, state that I have already proved two things of which he was not aware when he wrote his vaunted biographical sketch. One is, that the title of "Earl of Meulan" was in use immediately after the first Earl's death, and that consequently there was no such interval between that date and the accession of the twin-brothers as he assumes in the quotation above given. The other is, that the same title of "Earl of Meulan" was at first given to the second Robert, as well as to Waleran. Orderic, it may be added, begins to call the latter "Comes," as early as 1118; which shows that he knew nothing of the imaginary interval. Nor have I found any documentary evidence in favour of that notion.

That there was, on the other hand, some interval of time before the later titles were finally settled, is just what might have been expected, even if there were no proof whatever. In those early days, as I ascertained when inquiring about the Earldom of Lincoln, the all important thing was the *personal* title of Earl, and any further description was derived, as a rule, not from any *County* in which his lands lay, but from the *principal Castle* where he made his residence, which was significantly termed the *caput honoris*. Now, as the second Robert did not at

[1] There is a copy of this charter among the "Ancient Deeds," A. 942; temp. Edw. I.

first reside in England, it is easily intelligible that he would, for a time use his father's title jointly with his brother. The title of "Earl of Leicester" had never previously been in existence, as I shall have to show; and the double succession was a very uncommon event, which would cause some perplexity.

It may further be remembered that the first Earl had obtained the Leicester fiefs by artifice, keeping them in spite of his oath to restore them; and that he was strongly urged, on his death-bed, to surrender them to the rightful owner; but he referred it to his sons to make provision for his soul. Thus there may have been some hesitation in adopting the title, even on this ground. Henry of Huntingdon, however, speaks as if the heirs were at once able to act for themselves, for he says :—

> Eo autem defuncto, filii ejus magis injuste congregata injuste studuerunt augere, quam aliquid pro salute paterna distribuere.

Far from being "at home in the subject," Mr. Round is clearly very much at sea in respect of the early history of this earldom. As he in fact insists on two separate and independent earldoms, it is not to be wondered at that he is so ready to believe in an immediate partition between the heirs. There was, however, no independent "earldom of Leicester" till after the first Earl's death; so if they were minors, as he assumes, there would be all the more reason for some delay before the new title of "Earl of Leicester" was settled upon.

In order to clear the ground, I may remark that it is not the correct thing for English writers to speak of a *Comes* who had large possessions both in England and Normandy as a "Count" rather than an "Earl." The rule, I take it, is the other way; yet Mr. Round professes to correct me in opposition to it. Several honours in England were known for centuries as being parcels of "earldoms" bearing French names.

But here again I presume he relies upon "authority," in this case Dr. Stubbs, who is not too clear on the subject. The learned historian seems to have been puzzled to know why William I. was "sparing in giving Earldoms, and inclined to confine the title to those who were already Counts in Normandy or France." The explanation is that "Count" and "Earl" were considered to be identical, and that as the Conqueror brought over a sufficient supply he had no need to "create" many others. This is illustrated by Dr. Stubbs's own remarks :—

> The Count of Meulan had considerable rights in Warwickshire, recorded in Domesday, but the Earldom was created for Henry, his brother, and he himself obtained the Earldom of Leicester in 1103.

The Earl of Meulan was already an Earl, and did not need re-creation; whereas his brother was not previously an Earl, and the dignity had to be conferred on him. Dr. Stubbs is, therefore, inaccurate in saying that "Robert of Meulan [and others] were Counts simply of French counties." Robert would not have given way to his younger brother if he himself had not already been looked upon as an Earl in England, especially as he had large possessions in the very same county of Warwick, which formed part of his earldom.

After this, I am not surprised to find that in his article on Robert de Beaumont, "Count" of Meulan, Mr. Round states his belief in a separate

"creation" of the same person as "Earl of Leicester," without perceiving how absurd it was for the House of Lords' Committee, to whose Report he refers, to look for such a second creation. He even ventures to assert that the Earl of Meulan "is distinctly stated by Orderic to have been created Earl of Leicester." But this is an entire misunderstanding.

Being already a *Comes*, the first Robert, after taking possession of the town of Leicester, would take his place as president of the County Court without further ceremony. This view is in exact accordance with Orderic's own words:—

> Consul de Mellento . . . callide intravit [urbem Leicestriæ], et auxilio Regis, suaque calliditate totam sibi civitatem manicipavit, et *inde* consul in Anglia *factus*.

This may be understood in two ways: (1) "thereby," *i.e.* by this usurpation, "he became an Earl in England," which is objectionable; or rather (2) "he became Earl thereof,"[1] *i.e.* of the *town* of Leicester, the *county* not being mentioned. There is no hint of a fresh creation, nor was one necessary. "The King's aid" seems to have been confined to enabling him to subdue the city. The most that can be implied is that the Earl obtained a royal writ to the Sheriff to pay to him the third penny of the county.

This leads us to another point. Mr. Round suggests that there must have been a fresh "creation," because the Earl possessed "the third penny of the county." If this term meant, as might be supposed, a third part of the revenues of the county, no doubt a creation might have been presumed; but it can be shown that the proper interpretation is that the Earl received "the third penny" of the fines, amercements, and other perquisites or profits of the County Court, over which he presided, either really or nominally.[2] For this no grant may have been necessary. The payments to the Earl would follow as a matter of course. At most there would be a writ to the Sheriff to make such payments.

It may perhaps be asked how I get over the difficulty as to "the sword of the county." Now, as I have said before, I do not think it out of place in these pages to suggest a subject for discussion, and therefore I propound this query:—Ought we not rather to correct the above rendering of "gladius comitatus," and substitute for it "the sword of earldom?" I think Dr. Stubbs may help us here. He says:—

> The dignity of an earl was conferred by special investiture, the girding on of the sword of the county by the King himself, and may be regarded as a *personal* rather than a territorial office, *like knighthood itself*.

If we change "the county" to "earldom," we get rid of a jarring note, and the whole statement is acceptable. Therefore I contend that,

[1] *Inde* is equivalent to the French particle *en*, and may mean *thereof*, *thereby*, *therein*, *therefrom*, *therefor*, &c.

[2] See the two instructive writs referring to the Earl of Lincoln, enrolled on the Close Roll of 2 Henry III. (p. 355, a, b.) By the first, the Sheriff was ordered to pay him "the third penny of the moneys which shall arise from the pleas of the County [Court] of Lincoln." By the second, the Sheriff was ordered "to receive the clerk whom" the Earl "shall send to thee, to go with thee through the County of Lincoln, and to receive the third penny of the pleas of the County [Court], in the name of the Earl of Lincoln, to the use of the same Earl," &c. These writs would not have been necessary if the right had been maintained.

having been once girded with the sword of a Count in France, it was not necessary that Robert de Beaumont should be regirded with the sword of an Earl in England. The honor of Leicester was merely added to the Earldom of Meulan.

The fact is, the word *comitatus* had three meanings in early times: it variously signified (1) earldom, (2) county, (3) county-court. In the same manner *hundredum* and *wapentagium* frequently meant "hundred-court" and "wapentake-court." I have on a previous occasion shown how "the farm of a *county*" has been taken to mean that a certain "earldom" was at farm. As this kind of error seems to be spreading, it is as well to insist on its being such. A notable instance in point is the insertion of a brand-new earl, Henry Fitz-Earl, in the list of the Earls of Cornwall; the only authority being that he had "a grant of the *County* of Cornwall from King John *to farm*." This would merely make him Sheriff of the county, as, indeed, he is called.

With regard to the third meaning of *comitatus*, I do not find that it has been so explained by Dr. Stubbs. Had he fully grasped it, he might not have expressed the opinion that the first Norman earls had "great territorial jurisdictions" which were gradually reduced to "titular dignities"; a view quite at variance with the Reports on the Dignity of a Peer, and with Orderic's description of what took place at Leicester. Their influence was confined to the county court, and dwindled away as that tribunal became of less and less importance. Only the few earls palatine had territorial jurisdiction.

Though it is now a work of supererogation, it is worth while to inquire into the question of the age of the twin brothers. Their father fought at Hastings, and received vast estates in Warwickshire. He may not then have been very young, as *his* father was an aged man at the time. It seems strange, therefore, at the outset, that his marriage should be assigned to the year 1096, thirty years after his coming to England; but we must not take Orderic's dates too strictly.[1] His chronology is jerky and obscure, and he harks backwards and forwards without any warning. This must be conceded, whatever view we may take of the present case; and we have already seen that Mr. Round is not an immaculate authority in Orderic.[2]

Under the date of 1096, the chronicler writes as follows:—

> Eodem anno Hugo, Crispeii Comes, Radulpho et Henrico filiis suis terram suam commisit, et Ysabel filiam suam Rodberto de Mellento Comiti dedit, et peregre proficiscens, secum nobile agmen Francorum adduxit.

This Hugh, Count of Crépi, was brother to Philip I., King of France. Mr. Round rashly puts the date of the marriage in "1096-7," but the French editor of Orderic more cautiously says, "*about* (*vers*) 1096." A man may go on pilgrimage, and give his lands to his sons at the shortest notice, but it is not so easy to dispose of a daughter in marriage. We may therefore suspect that if Orderic had been a more polished writer,

[1] This was written in May, 1893. We have since been told that there may have been a previous marriage. (See p. 2, *ante*.) In that case the argument in the text relates to the second marriage.

[2] Dr. Stubbs notices that Orderic refers to Bishop Odo's appointment as Earl of Kent under 1067, 1087, and 1088; and impugns his chronology in respect of Ralph Flambard.

he would have said "having previously given his daughter." It was his practice to bring together unconnected events, without regard to the date under which he appears to be writing, using the same past tense for all of them. The point is, that the marriage may have taken place some time before the year in which it is thus baldly recorded.

This view is supported by another reference to the same marriage under the the year 1102, where Orderic further specifies the issue of it, namely, the twin-sons Waleran and Robert, a third son Hugh the Poor, and five daughters. He gives no particulars as to the dates of their births, but it might be inferred that they had already taken place. Certainly he does not distinguish those, if any, which occurred afterwards, showing a disregard for dates which seems to be habitual. It is true that he also refers to something else which, we know, took place at a later date, but of this he gives no inkling.

There is yet another passage in Orderic on which Mr. Round solely relies, without making the slightest allusion to what has gone before. It occurs, apparently, under the year 1103, and refers to the birth of the twins as having occurred "in the year following." To this the French editor is obliged to add a note of explanation. But it can be shown *aliunde* that there are good reasons for being suspicious of his conjectural date "1104"; at the very least we are bound to insist on corroboration, especially as Orderic had already mentioned the same birth under an earlier date.

While, therefore, we may generally accept Orderic's historical facts, we must be constantly on our guard as to his chronology; and, moreover, it is not to be expected that he would be able to speak with the same certainty of the births of children as he does of the notorious facts of their after lives. It has even been shown that he is sometimes inaccurate in genealogical details.

On these grounds there is good reason to doubt whether Waleran and Robert were such juveniles as Mr. Round apparently wishes us to believe, though it is hard to reconcile his own views. To contemporaries, of course, they would seem young and inexperienced in comparison with their old and grey-bearded sire, a man of much experience and eloquence. Orderic himself shows, in contradiction of Mr. Round's view, that they were called Earls as soon as 1118; that they favoured the King against the rebels in Normandy in 1119, when they might inferentially have joined the other side if they had been so minded; and that in 1122 Count Waleran and others rebelled against their Sovereign, when the Count gave three of his sisters in marriage to confederates; and I have shown that one of them—or could they have acted jointly?—attested a Royal charter in 1119. Now, according to Mr. Round, the twins would have been only fifteen in 1119, and the redoubtable rebel would have been only eighteen in 1122! Yet if he is right in leading us to infer that they could not have been Earls till they attained their majority, they must, as they at once succeeded their father, have been born before 1097![1]

Thus it is obvious that the story told in the Abingdon Chronicle

[1] Dr. Stubbs says that "the heir (of an Earl) did not acquire the formal rank until he was invested, although he might obtain possession of his lands and even his share of the profits of the earldom before he received the sword."

cannot possibly be rejected. It serves as a useful corrective to Orderic, not indeed to his facts, but to the questionable dates of marriage and birth. It is always more easy to reject a story than to make two stories agree, but I think I have shown good reasons for their amalgamation.

The Abingdon narrative professes to be based on legal documents or proceedings, and indeed the writ to Earl Robert, empowering him to act as the King's Justice, is recited in full. The exact words of his declaration are worth quoting:—

> Idem Comes plenum Henrici Regis tempore se testatus est vidisse mercatum; et, quod ulterius est, cum adhuc puer esset, et apud Abbendonam nutriretur Regis Willelmi tempore.

The obvious inference is, that Earl Robert had a distinct remembrance, as a man, of a market being held at Abingdon in the reign of Henry I., and that he even preserved a slight remembrance of it as a boy, or perhaps a child. The language appears to be wonderfully natural and and truthful on the face of it. He was probably taken "to see the market" when quite an infant; hence he does not put this early impression in the foreground of his allegation.

As "King William" is mentioned thus simply, the usual inference would be that William I. was intended, as the Editor of the Chronicle assumes. If it be necessary, we may stretch a point, and consider the reference to be to William II. Of this I was well aware, and actually made the suggestion in the first draft of my paper, but did not think it worth awhile to contradict the Editor; and moreover the matter at that time had ceased to occupy my attention, as Mr. Round had failed to reply to my remarks. Indeed, he seems to have hailed this further reference as a godsend.

It will be asked, how came the Earl to be so familiar with Abingdon? We may notice that Henry I., while Prince, had at least on one occasion resided in the abbey of Abingdon by command of his father. The abbey was a royal foundation, and it is likely that Earl Robert and his brother were educated in it. This helps to explain Orderic's statement that "the King had kindly brought up Waleran and Robert as if they were his own children," &c. As their father's married life was notoriously unhappy, it seems probable that the twin brothers were taken under the royal care long before his death, possibly by William II. in the first place.

On the whole, I think we are justified in placing the date of birth of the twin Earls at not later than 1097, the alternative date which Mr. Round himself unconsciously suggests. But it must be remembered that further light may still be thrown on the subject, as the manuscript materials are far from having been exhausted. Anyhow, the time has not yet arrived for "calling attention" to a "a strange blunder" in a trustworthy chronicle. To "point out error" is not the same thing as to prove it; of which truism some amusing illustrations may be seen under the bold heading, "Errors of Dugdale and the Genealogists," in the *Topographer and Geneaologist*.

This discussion may be very interesting, but it is the merest by-play; *ce n'est pas la guerre*. Suppose it could be shown conclusively that the date of the Tewkesbury charter was not 1121; we should then have to

inquire whether after all it might not be 1116; and even if this should fail, another explanation might be forthcoming. So far is Mr. Round from proving this supposed solitary instance to the discredit of early charters of inspeximus! Surely it is high time for him to leave these bye-paths and to proceed along the highways of our controversy, if he is able to do so, which I now have reason to doubt. At least he must admit that slap-dash criticism does not go far in settling matters such as these.

R. E. G. KIRK.

THE EARLDOM OF MEULAN.

It will be time enough for Mr. Round to reproach me for want of acquaintance with the Norman period when he is able to refute any of my propositions, the chief of which he silently ignores, and when he has acknowledged his own blunders and misrepresentations.

The proposition which he now vainly disputes is this—that Robert le Bossu was at first known as Earl of Meulan after his father's death, and therefore probably so in 1121. On this I have insisted from the beginning, and have never been "in a corner," as he is fond of repeating, for the simple reason that he can produce no evidence to the contrary; he has indeed admitted that Robert was not known as Earl of Leicester till long after he succeeded his father.[1]

What, then, was Robert called in the meantime? I have produced some evidence on the subject, and it is not sufficent for him to carp at it; he must produce some evidence on his own side. He knows very well that Mr. Watson's paper does not help him, as it has no bearing upon the point in question.

Besides producing evidence, I carefully weighed all the probabilities, and, I think, showed them to be in favour of my contention. In reply

[1] Vol. viii, p. 93. The actual words are:—"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."

to these he has not a single word to say, though the accuracy of his views was challenged.

We have his own admission that the Lincoln Survey was taken after the first Earl's death.[1] It describes certain fees as belonging to "the Earl of Meulan," then tenant of them, showing (1) that the title was still in use in England, and (2) that the title of Earl of Leicester was then unknown.

As to the Ramsey charters, Mr. Round relies merely on the local dates, which may or may not have been correctly transcribed; it is certainly curious that there should be *five* charters or writs for the same abbey, all dated at Burnham.[2] I prefer to rely on the fact that the Earl of Meulan is set down as a witness to two of those charters without any Christian name, just as in the Lincoln Survey, whereas the first Earl always designated himself by his name in attestations. And Roger of Wendover *does* call Robert as well as Waleran "Earl of Meulan," as he will see if he looks again.[3]

The question of age was given up by Mr. Round as being immaterial, and he repeats that he does not consider Robert to have been a boy in 1121, though he insists on William of Malmesbury having called him so only two years before, in a passage with which I was quite familiar. He leaves us to infer his admission that the young man was then known as Earl; but Earl of what, if not of Meulan? Robert had not yet taken up his residence at Leicester, and residence was the sole ground of title in those days.

The Abingdon account is not a mere "monkish story," but a record of legal proceedings, which we are only too glad to obtain for the purpose of checking the sometimes imaginative narratives of the chroniclers. In rejecting it Mr. Round blindly followed Mr. Eyton's lead, although someone—was it not himself?—once descanted on that learned antiquary's supposed want of "critical acumen."

I have shown that the term *adolescentes*, applied to the twin brothers, is commonly applicable to persons up to the age of thirty;[4] and does he really mean to suggest that *imberbes* was inappropriate to young men of twenty-two? It is not likely that they would be remarkable for beards at that age. Their father was no doubt a grey-bearded man, old enough to have been their grandfather, and it is no wonder that they were looked upon as mere "boys" in comparison.

I had no wish to deny that Orderic Vital dates the royal guardianship *after* the death of the first Earl; but I did wish to suggest reasons for supposing that it had an earlier origin. Surely it must be presumed that Robert was brought up in the royal foundation at Abingdon, and that he there acquired the learning which he exhibited before the Cardinals as early as 1119. Nor did I state that Orderic calls Robert an Earl in 1118; what I wrote was, that the chronicler gave that title to Waleran, and inferentially his brother must have then enjoyed the same rank. His words are:—

[1] Vol. viii, pp. 93, 208.

[2] Three of them are in the Cartulary, I. 245 *bis*, 249; and the same three with two others appear in the Chronicle of Ramsey, pp. 227, 228, 229, 231, 283.

[3] I have some recollection of seeing the brothers jointly described as "Comites de Mellento," but cannot now find the passage.

[4] Vol. viii, p. 208.

A.D. 1118. Rodbertus [de Novo Burgo] . . . contra Gualerannum, comite de Mellento, filium Rodberti comitis, . . . calumnias faciebat, sed virtute regia consobrinum suum protegente, conciocinari ad voluntatem suam non poterat.

The chronicler was evidently unaware of the supposed period during which, according to Mr. Round, the brothers would not be known as Earls.[1]

It will now, I think, be seen that his half-dozen final allegations are either inaccurate or irrelevant; and I claim that my proposition holds the entire field. I have, however, no desire to "bluster," much less to follow a bad example of "miscellaneous" detraction.

R. E. G. KIRK.