loco eius substituendi, quem de congregacõe sua pars eoꝝ maior ꝛ sanior canonice elegit, ꝛ qđ cura ꝛ custodia ꝑdči ordinis, tam domoꝝ qᵃm grangiaꝝ atq; eccliaꝝ siue substanciaꝝ in custodia ꝛ regimine . . Prioꝝ sit; quousq; sūmus Prior illoꝝ eligatʳ ꝛ substituatʳ. Concessit eciam qđ ꝑdči . . Priores Canonici Sčimoniales ꝛ Frēs sint quieti de oīnibꝫ consuetudinibꝫ ꝛ exaccõibꝫ ꝛ occasionibꝫ, que sunt vel esse possunt, geñaliť de oīnibꝫ rebꝫ in oīnibꝫ modis que ad ip̄m Regem . H . vel ħedes ꝛ successores suos ꝑtinent vel ꝑtinere possunt, excepta sola iusticia mortis ꝛ membroꝝ.

Et annotatʳ in eadem carta; qđ ꝑmissa ꝛ quasdam alias liƀtates ibidem contentas; idem Rex . H . concessit ꝑfatis . . Priori, Canonicis, Sčimonialibꝫ ꝛ Frībꝫ cum oīnibꝫ liƀtatibꝫ ꝛ liƀis consuetudinibꝫ; quas regia potestas liƀiores alicui eccłie conferre potest.

Aliud vero sup contentis in bŕi ꝑdčo; non compimꝰ ꝑ scrutiniū rotuloꝝ, libroꝝ ꝛ memorandoꝝ ꝑdčoꝝ, set vtrum ꝑdčus . . Prior de Sempyngh'm teneat aliqua alia ṫras, teñ, seu feoda in ẗnico, ꝟuicio, elemosina seu reūsione ꝑ baroniam vel alio modo, necne; noƀ constare nō potest ꝑ scrutiniū ꝑdčm.

HENRY FITZ COUNT.

Henry Fitz Count ("filius Comitis"), bastard son of Reginald (de Dunstanville), Earl of Cornwall, is treated by Courthope (who miscalls him Richard), and in the "Complete Peerage" as having undoubtedly enjoyed that title. G. E. C. quotes from the grant of Henry III in the Patent Rolls, under date 7 Feb. 1216/7, giving him the County of Cornwall to hold "sicut Reginaldus Comes Cornubiæ pater suus illum tenuit," and adds, "whereby he became Earl of Cornwall." I venture to think that this is at least doubtful, and certainly it is a stronger statement than older writers on the Peerage have felt justified in making. Brooke does not mention his acquisition of the Earldom, nor does Mills in his "Catalogue of Honour." Dugdale is of opinion that nothing passed to him by this grant beyond the barony or revenue of the county, and Planché in an article in the Journal of the British Archæological Association, vol. xxxiii, though he speaks of him in one place as Earl of Cornwall, remarks later that it is "a nice point" how far Henry III's grant conferred the Earldom. In support of Dugdale's view I would point out that though Henry's name occurs several times in the Patent Rolls, and once or twice in the Close Rolls, between 1217 and 1220, he is never described otherwise than as "Filius Comitis" or "Filius Regnaldi," and the two passages which I will now quote, do not suggest that he was ever created or even formally recognised by the Crown as Earl. "Intimatum est consilio nostro quod H. filius Comitis assisam

quandam de morte antecessoris capi fecit in Comitatu Cornubie sine præcepto nostro et sine justiciariis ad hoc constitutis ex parte nostra, unde mandavimus ei ut a talibus desistat" [Patent Rolls, 17 Sep. 1219]. "Sciatis quod commisimus Roberto de Cardinan comitatum nostrum Cornubie et ideo vobis mandamus quod eidem Roberto tamquam bailivo et vicecomiti nostro sitis respondentes nec in aliquo decetero respondeatis Henrico filio Comitis, de hiis que ad nos pertinent in Comitatu illo" [Patent Rolls, 10 July 1220]. On the other side Henry is called Earl in a charter to the Priory of S. Nicholas, Exeter (of which I do not know the date), and Vincent undoubtedly regarded him as having been Earl, but even he speaks with some diffidence, calling him "Earl of Cornwall as I conceive," and adding, "For whosoever hath seen the Patent Roll, I imagine will not think otherwise than I do." Then he quotes Henry III's grant, and concludes, "Whether by these words in the Patent he was Earl of Cornwall I leave to other men to judge, to whose correction, with respect, I submit myself."

Vincent then gives the following passage from the Patent Roll, 4 Henry III (1219-20), directed to the people of Cornwall, "Sciatis quod Henricus filius Comitis nuper veniens in curiam nostram, sine licentia nostra inde recessit, nolens præceptis nostris obtemperare, sicut ei fuerat injunctum. Et ideo vobis mandamus firmiter præcipientes quatinus eidem Henrico in nullo de cetero intendentes scitis vel respondentes." This gives a fresh reason, beyond that given above, for Fitz Count having fallen into disfavour, and also professes to take from him all rights which he had in the county. "Whereupon," says Vincent "(as it should seem) he stood in contestation with the King for the Earldom, but in the end"—"reddidit libere et absolute domino Hen: Reg: Ang: seisinam castri de Lauzauenton et Comitatus Cornubiæ cum homagiis serviciis et pertinentiis suis sicut dominus Johannes Rex ea habuerit . . . Salvo eidem Henrico filio Comitis jure et clameo quod clamat habere in prædicto Comitatu ita quod Dominus Hen. Rex. Angl. justiciam ei inde exhibebit pro loco et tempore cum ad ætatem pervenerit."

It appears to me clear that from 1217 to 1220 he enjoyed the fruits of the Earldom, and may, very possibly, have regarded himself as Earl; indeed, had he retained the favour of the Crown, he would doubtless have gradually been so recognised, and summoned as such to Parliament (as I conceive was the case with William de Valence, Earl of Pembroke, some forty years later). I think, however, that in the Crown's view he only held his position "during pleasure," and that there is no evidence that he was ever officially recognised, much less created, Earl of Cornwall.

VICARY GIBBS.