

THE CHRONOLOGY OF HENRY II.'s CHARTERS.

By J. H. ROUND, M.A., LL.D.

That famous veteran scholar, M. Léopold Delisle, the late head of the *Bibliothèque Nationale* of France, recently read before the "Académie des inscriptions et belles-lettres" a very notable paper, entitled "Mémoire sur la chronologie des chartes de Henri II., roi d'Angleterre et duc de Normandie."¹

The difficulty of dating the charters of Henry II. is one which has long been felt in practice by those who have had to deal with them. The skilled officers of our Public Record Office and of the MSS. Department in the British Museum are often called upon to assign a date to a charter of that long reign, which may belong to any one of a wide limit of years.² Individual scholars are confronted with the same difficulty; Mr. Eyton, indeed, rashly attempted, in his *Court and Itinerary of Henry II.*, to assign to each charter its probable date, a very dangerous and misleading practice. In my *Calendar of documents in France* (pp. xviii-xix), I expressly rejected this attempt, and did not venture to give more than the limit of dates, often a wide one, within which the charter must have been granted. That limit, of course, is determined (1) by the witnesses' names, (2) by the subject of the charter, (3) by the place at which it was granted. In very few cases is the actual place decisive, but the question whether it was in England or in Normandy frequently affects the date.

Such being the recognised method of assigning dates to these charters, a method which entails (or ought to entail) special research for each of them, M. Delisle has now come forward to supply us with a new and independent test, warranted to prove infallibly whether

¹ Published in the *Bibliothèque de l'Ecole des chartes*, lxvii, 361-401.

² See, for instance, the *Calendar of Charter Rolls*, now being published by

the Public Record Office, Vol. I, p. ix, and Vol. II, p. viii-ix. In several cases the entire length of the reign (1154-1189) is assigned as a date limit.

the document belongs to the first or the second half of Henry's reign.

For sixty years (a truly amazing period) we learn that he has been forming his collection of Henry II.'s charters, but although he already knew most of them even in 1852, he has only recently been led to make his discovery.¹ This discovery is based on the fact that the words *Dei gratia* are included in the King's style in some of the charters, but not in the rest. So far back as 1837 Sir Thomas Hardy, as he reminds us, had observed that the King, towards the end of his reign (*sur la fin de son règne*) added these words to his style, and Sir Harris Nicolas echoed the statement in his *Chronology of History* (1838). The words, indeed, have been generally recognised as pointing to a late period in the reign.² Nevertheless, the standard work of a French expert in "diplomatic," Giry's *Manuel de Diplomatie*, describes their occurrence as accidental,³ M. Delisle reminds us. Enjoying the unique advantage of possessing his great collection of the King's charters, with their texts *in extenso*, M. Delisle has arrived at a conclusion as novel as it is important, namely, that

- (1) The instruments of Henry II. which begin with the words *Henricus Rex Anglorum* belong to the first eighteen years of his reign (1155-1172).
- (2) The instruments of which the opening words are *Henricus Dei gratia Rex Anglorum* were drawn up during the last seventeen years of the reign (1173-1189).
- (3) The change of style took place after the month of May, 1172, or (*ou*) at the beginning of the year 1173.⁴

Here we are somewhat puzzled by the disjunctive *ou*, for if a change took place "*au commencement de l'année 1173*," that date would be included in the previous "*après le mois de mai 1172*." Later on, however, we

¹ "C'est seulement dans ces derniers temps que j'ai été amené à rechercher la cause de cette singularité."

² For instance, Canon Prescott, in his *Register of Wetherhall Priory* (1897), observes: "This formula is generally a mark of the later charters of Henry II." (p. 20). And in my *Ancient Charters*

(Pipe Roll Soc., 1888), all the charters of Henry II. which have not the formula are dated by me before 1170.

³ "La formule *Dei gratia* se rencontre déjà, mais accidentellement, sous Henri II. et ses prédécesseurs."

⁴ I have translated these "propositions" as literally as possible.

discover that the change took place "between May 1172 and May 1173" (p. 382). This, it will be seen, scarcely justifies the rigid division alleged on p. 377—"1155-1172" and "1173-1189," which involves assigning the change definitely to the beginning of the year 1173.

The eventual date-limit is, we learn, determined by comparing two charters, of which one, which is still without the formula, cannot be earlier than May, 1172, while the other, in which *Dei gratia* already appears in the style, cannot be later than May, 1173 (pp. 382-388).

The former of these two charters is of special importance for the enquiry, because it is the only one known to M. Delisle, after the King's crossing to Normandy in May, 1172, which retains the earlier style (*i.e.*, without *Dei gratia*). It is a confirmation by Henry II., granted at Caen, of a charter of Richard, Bishop of Coutances, concerning the Priory of Bohun,¹ which is elaborately dated as of the 10th March previous. As M. Delisle attaches to the dates of this charter and of its confirmation the importance of which I have spoken,² it is strange that his treatment of them is somewhat inexact. Of the charter he says that it determines the respective rights as to the church of Camprond, of "Enguerrand de Camprond, Enjurer de la Chapelle (*sic*), et le prieur de Bohon." This obscures the interest of the transaction as a Bohun family affair, for Enjurer was not surnamed "de la Chapelle" but de Bohun. He so occurs in the charter and in the confirmation thereof, and he so made his return of Knights in the year to which this charter is assigned (1172). When it is remembered that the bishop who grants it was himself a Bohun, that the first witness to its confirmation was Jocelin (de Bohun), Bishop of Salisbury, and that the third was his son, Reginald, Archdeacon of Salisbury, it will be seen how important it is that Enjurer should have his right name. A somewhat similar slip occurs on p. 400, where M. Delisle speaks of Henri de Beaumont, Bishop of Bayeux, as

¹ Now Bohon.

² Of the first, "cette charte, qui tiendra désormais une place importante dans les études de diplomatique

anglo-normande" (p. 384). Of the second, "la pièce qui nous sert aujourd'hui à résoudre un intéressant problème de chronologie" (p. 385).

"Henri d'Harcourt,"¹ confusing his name, apparently, with that of his predecessor, Philippe d'Harcourt.

Again, on p. 386, when clinching his argument as to Henry's confirmation of Bishop Richard's charter in 1172, the writer observes :

Il est donc certain que la formule *Henricus rex Anglorum* était encore en usage a une date comprise entre le 10 mars (*sic*) 1172 et le mois de mai 1173.

Here he confuses the date of the charter with that of its subsequent confirmation, thus obscuring his own argument; that argument is that the said formula was still in use, as late as *May* (1172), which is the earliest date at which the King could have been present at Caen, where he confirmed the charter. Instead, therefore, of "le 10 mars," he should have written "le commencement du mois de mai."

Again, a good deal turns on the dates at which the two well-known archdeacons, Geoffrey Ridel and Richard of Ilchester, were elected and consecrated bishops, respectively, of Ely and of Winchester. These dates are frequently used, as they are in this *mémoire*, for fixing dates of charters in which their names appear. Well, we read, accordingly, of a charter on p. 398 :

L'un des témoins de cette charte étant Richard, élu de Winchester, elle a été faite entre l'élection de ce prelat, 1^{er} mai 1173, et son sacre, le 6 octobre 1174. Voir plus haut, p. 387.

We refer to the page mentioned, but only to find that Richard was elected not on the 1st, but on the 17th of May ("sexto decimo kalendas Junii"), and was consecrated not on the 6th, but on the 13th of October ("13 Octobre").

If I have ventured to mention these singular slips, it is because they may be held to justify our approaching with a caution which, otherwise, might seem uncalled for and impertinent, the conclusions of so great a scholar in a field peculiarly his own. They entitle us, I think, to reserve judgment until the texts of all the King's charters contained in the writer's collection are before us. Should it be denied that they do so, it will hardly, at

¹ "Henri d'Harcourt, qui avait débute dans la vie ecclésiastique comme doyen

de la cathédrale de Salisbury, fut sacré évêque de Bayeux en 1165."

least, be questioned that the far more startling error which I shall adduce below affords such justification.

Assuming, however, for argument's sake, that M. Delisle can prove his case, what historical importance and what practical value ought we to assign to his discovery? He claims that the change of style "*est à coup sûr un événement mémorable, et nous sommes en droit de nous étonner qu'aucun historien du temps, ni aucun historien moderne, n'ait cru devoir le signaler*" (p. 382). Why should it be matter for astonishment that no historian of the time felt called upon to mention the fact? For the writer himself hastens to add that the really astonishing thing is that the *Dei gratia* style should not have appeared from the first in the charters of Henry II., considering that it was engraved on all his great seals.¹ As the seal was of more authority than the parchment to which it was affixed, a change which brought the style on the latter into harmony with that on the former would not have been deemed of great, if of any, importance. It seems superfluous, therefore, to seek for some change in the King's position of which it was made the witness,² nor do I see why the change of chancellor should not have been responsible for this chancery alteration.³

But when we turn to the practical value of M. Delisle's discovery, scholars will gladly recognise that he does not in the least exaggerate the use of a new and infallible test that would enable us at once to assign a charter to "1155-1172" or "1173-1189." But, to be of practical use, the test must be infallible; and this, he emphatically asserts, it is.

Un résultat dont personne, je l'espère, ne pourra contester l'exactitude (p. 337).

Désormais, il suffira de jeter les yeux sur la première ligne d'une charte de ce roi pour reconnaître si elle est antérieure ou postérieure à l'année 1173 (p. 393).

Je ne saurais trop recommander l'application de la règle que j'ai cru pouvoir tirer de la différence des suscriptions. Elle épargnera de longs ta-

¹ It had also, as M. Giry observes, been occasionally employed by his predecessors.

² See M. Delisle's suggestion on p. 393.

³ M. Delisle writes: "Je ne crois pas

qu'on puisse tirer un argument quelconque du fait qu'au moment même où le nouveau protocole fut adopté la direction de la chancellerie fut confiée à un nouveau titulaire" (p. 393).

tonnements, puis qu'elle permet de reconnaître au premier coup d'œil si la pièce qu'on étudie est antérieure ou postérieure à l'année 1173 (p. 397).

This last quotation is immediately followed by an illustration taken from the cartulary of Gloucester Abbey, as an example of the application of the new rule to cartularies.¹

This brings us face to face with the main question that we have to solve, the problem to which I desire more especially to address myself. Of the charters of Henry II. the great majority by far are known to us only through secondary sources—cartularies, charter rolls, patent rolls, *Cartæ Antiquæ* rolls, miscellaneous transcripts, and so forth. M. Delisle himself tells that, out of his collection of some 570 documents, relating to the French side of Henry's activities, there are not more than 130 originals, if so many. I should imagine the proportion of originals in the documents relating to this side of the Channel to be even smaller. Can we, then, inexorably apply the new rule of thumb no less confidently to secondary sources than to original documents? M. Delisle, we have seen above, tells us that we ought to do so, and we shall see below that he does so himself in practice.

Well, we will apply his test to what he terms his "first group," namely, "111 charters which belong incontestably to the first eight years of the reign" (p. 378). This group he has formed by noting those in which occur the names of one or more out of four (he writes "*trois*" in error) eminent persons about the court at that period, Archbishop Theobald, Becket the Chancellor, Robert of Neubourg, Seneschal of Normandy, and Philip (d'Harcourt), Bishop of Bayeux. To our amazement he has to admit that no fewer than 13 out of the 111 contain (even at this early period) the *Dei gratia* formula. In England, doubtless, we could find similar instances; for instance, Henry's writ in favour of the canons of Merton, which is known to us by *Cart. Antiq. EE.5.*, is witnessed by two of the above officials, the Chancellor and Robert of Neubourg, and yet contains the words

¹ "Cette règle sera surtout très utile pour la critique des actes dont le texte nous a été transmis par des cartulaires

où les copistes ont systématiquement supprimé les noms des témoins."

Dei gratia. Another secondary source of high official character and of early date is afforded by our charter rolls of the thirteenth century. These have lately been calendared by the Public Record Office, and what do we find in the published volumes? Out of the small number of charters belonging to M. Delisle's period, the first eight years of the reign, no fewer than seven belong to the group he has formed, and contain the formula *Dei gratia*! Becket the Chancellor is a witness to five out of the seven, and Archbishop Theobald to two.

What, then, is M. Delisle's explanation of these exceptions to what he asks us to accept as an absolute rule? Eight of his thirteen exceptions he dismisses as "more or less modern copies" by scribes who inserted the words *Dei gratia* from force of habit.¹ This explanation seems hardly applicable to our own charter rolls, which are not only transcripts of great antiquity, but were written by scribes who *omitted* the words in numerous transcripts of the charters of Henry I. and Henry II.

The other five exceptions he accepts as authentic, but rejects them as irregularly executed in the absence of the proper Chancery officials.² These exceptions, I gather, he will deal with separately, later; at present it is hardly clear to us what we are to deem exceptional circumstances. M. Delisle, however, contends that they do not affect his contention.³

That, however, is not the question which I am now considering. I desire to keep before my readers the point, namely, the practical application of M. Delisle's theory. He urges us, we have seen, to apply it to such secondary sources as cartularies, especially to those cartularies which, like that of St. Peter's, Gloucester, do not give the witnesses. But such a cartulary, we must remember, may contain both his classes of exceptions, (1) those due to copyists, (2) those due to original irregu-

¹ "Des copies plus ou moins modernes, dans lesquelles les mots *Dei gratia* ont bien pu s'intercaler indument sous la plume de scribes entraînées par l'habitude de les faire toujours précéder le mot Rex" (p. 378).

² "Je n'en conteste pas ici l'authenticité, mais elles . . . ont été

redigées et expédiées exceptionnellement, en dehors des bureaux de la chancellerie," etc., etc. (p. 379).

³ "Elles ne m'empêcheront pas d'avancer que l'unanimité (*sic*) des chartes de mon recueil suffit pour prouver," etc., etc.

larity in the absence of Chancery officials (for, as the witnesses are not named, we cannot tell if any were among them). It follows, therefore, that in such a cartulary twelve per cent. of the charters, even on his own showing, may be exceptions to his rule. If so, what is the use of the rule? For we cannot tell, when dealing with any one of the charters, whether it is among the exceptions or not.

Hitherto I have dealt with the question generally: I now come to grips. A single example, says M. Delisle, will suffice to show the value of his rule;¹ it is that of my own *Calendar of documents preserved in France*. Out of some 140 charters of Henry II. which, he reckons (p. 370), it contains, he claims to have corrected the date of nine and narrowed the date of thirty-four. And this he claims to have done by *merely* looking at the King's style.²

Lest it should be thought that I am moved by any personal feeling, I hasten to substitute for my own *Calendar* the Public Record Office *Calendar of Charter Rolls* now in course of publication. And I will apply to the work of its editors precisely the same simple test as M. Delisle applies to my own, the presence or absence of the words *Dei gratia* in the style. They have had to deal, in the two volumes, with 102 charters of Henry II.³ The new rule, leaving aside mere narrowing of the date limit, convicts them of actually wrong dates to no fewer than fifteen.⁴ Well, as I am unconnected with the work, I can examine the dates from an impersonal standpoint. Of the charters which M. Delisle's test classes at once as "Post. à 1173," three were granted at Pembroke and are, therefore, dated by the editors 1171; one at Dublin, and is therefore dated 1171-2; seven, we have

¹ "Un seul exemple suffira pour montrer combien de services peut rendre l'application de la règle qui vient d'être proposée" (394).

² "Dans le tableau . . . on trouvera la date telle qu'on la peut deduire *uniquement* de la suscription, même sans tenir compte des particularités qui permettent d'arriver à une plus grande précision" (*Ib.*). The italics are mine.

³ Vol. I, p. ix; Vol. II, pp. viii-ix.

⁴ Vol. I, pp. 25, 65, 109, 207, 258 (2), 351, 417; Vol. II, pp. 66, 305, 320, 342 (?), 351 (all containing "*Dei gratia*," and, therefore, "postérieur à 1173"). Vol. I, p. 100; Vol. II, p. 143 (both without that formula, and, therefore, "antérieur à 1173"). I have only queried one of these charters on account of possible questions as to its genuineness in its present form. These, however, would not affect the present issue.

seen, are witnessed by Becket as Chancellor or by Archbishop Theobald, so that, even by M. Delisle's own admission, their date is 1155-1164. Of the other two the witnesses show that one cannot be later than 1158, or the other than 1166. Turning to the two which the new test would class at once as "Ant. à 1173," one of them is witnessed by Geoffrey Bishop of Ely, and is, therefore, on M. Delisle's showing, not earlier than 1174, while the presence also, as a witness, of Bishop William of Hereford, proves that it is not earlier than 1186! The other is dated 1173-1175,¹ but should really have been dated in the summer of 1175, which removes it even further from the date the test would give us.

Thus in every one of the fifteen cases the editorial dating turns out to be right, and the test which M. Delisle so confidently applies would, instead of correcting it, have given us a wrong date in every single instance. The fact is that, in his eagerness to claim infallibility for his test, he appears to have forgotten that he himself had been obliged to admit two classes of exceptions, one consisting of original documents, and the other of copies.²

In dealing with the Charter Rolls Calendar I confine myself expressly to actual corrections of the dates, leaving aside those cases in which the test would narrow down the limit of date assigned. But to this latter operation of his test great importance also is attached by M. Delisle.³

Let us, then, take as an example a charter of cardinal importance, one of the two "legs," in fact, on which the whole proposition of M. Delisle rests. The earliest charter known to him in which *Dei gratia* appears is that which he prints and discusses on p. 387. In it Geoffrey Ridel is styled Archdeacon of Canterbury, a style which is always recognised as dating a charter 1163-1173. But as the words *Dei gratia* are found in the King's style, M. Delisle at once decides that it must at least be later than May, 1172, thus narrowing the date limit to twelve

¹ Vol. II, 143.

² See p. 69 above.

³ See his pp. 397-401, for the argument ending, "Il serait inutile de multiplier d'avantage les exemples qui montrent

quels resultats peuvent etre obtenus en etudiant simultanément les formules de suscription, les dates de lieu et d'autres particularites," etc.

months (p. 388). But, unfortunately for him, precisely the same combination is found in a Nottingham charter¹ which cannot be of that date. To that charter Geoffrey Ridel is a witness as Archdeacon of Canterbury, and in the King's style the words *Dei gratia* are found. But, as it was granted at Woodstock, it cannot belong to the above twelve months, during the whole of which the King was abroad. It is true that the text of this charter is known to us only, apparently, by the seventeenth century transcript of a careful and qualified man,² but that of M. Delisle's is derived from the *Cartæ antiquæ* only, and we have seen above that in the *Cartæ antiquæ* the words "*Dei gratia*" are found in a charter which cannot be later than 1159.³

It will be seen, therefore, that M. Delisle's "mathematical demonstration" that May, "1173"⁴ is one of the date limits for the change of style, rests solely on a charter of which the date cannot be proved.⁵ It is true that M. Delisle has another string to his bow, though not for the purpose of proving that the date limit is "May." Strangely enough, it is after he has proved to his own satisfaction this limit, that he adduces a Fontevrault charter, with "*Dei gratia*" in the style, which he dates "about the end of February" (1173).⁶ If so, this, and not the other, ought to be the governing charter,⁷ for it narrows down the date of the change to May, 1172—March, 1173. Yet even this is not, on M. Delisle's hypothesis, the earliest "*Dei gratia*" charter. Although my own *Calendar* was before him, he seems to have overlooked the fact that another Fontevrault charter (No. 1074) must be previous to his own, which includes it in a general confirmation. As he claims No. 1074 as "Post. à 1173" (by which inexact phrase he means that it is subsequent to the change of style), it follows that this, and not the one

¹ Stevenson's *Records of the Borough of Nottingham*, I, 4.

² But M. Delisle himself relies for the other "leg" of his demonstration on a seventeenth century transcript.

³ See p. 68. Robert of Neubourg died in 1159.

⁴ pp 382, 383.

⁵ My argument is that, in spite of the words "*Dei gratia*" the charter may be

earlier than May, 1172, in which case, of course, it becomes useless for his purpose.

⁶ "Du commencement de l'année 1173. . . . Il faut donc classer aux environs de la fin de février la date de la charte" (pp. 388-9).

⁷ It should be noted that this charter also is derived from a seventeenth century transcript (see note ² above).

which he prints (No. 1075), is the ultimate limit of his date.

But I have not nearly done with M. Delisle yet. Before I come to the notable charter which he has selected as the one on which I am most in error, I must prepare my readers for the shock in store by citing from my critic's argument this startling passage :

Or, de 1173 à 1176, Henry II. n'a résidé en France que de mai à juillet 1173 et d'août 1174 à mai 1175 (p. 398).

The years 1173 and 1174 are of unsurpassed importance ; they are those of the great rebellion against King Henry's power. In that critical period we cannot be too careful. What, then, will be said when I have to point out that in 1173 the King was abroad, not merely "from May to July," but actually for the whole year, except for a possible flying visit to England in the summer ;¹ and that in 1174 he was similarly abroad for the whole year, save for a month's visit to England.²

How my critic can have come to such signal grief in his facts it is not for me to say. Perhaps he transferred to May, 1173, Henry's landing in Normandy a year earlier (May, 1172) ; apparently he also transferred to 1173 Henry's departure from Normandy a year later (July, 1174), but such confusion as to facts speaks for itself.

And now at last I reach the charter which my critic himself selects as his *cheval de bataille*. With me he would break a lance. *Soit-il !*

Of all King Henry II.'s charters in my *Calendar of documents preserved in France*, the one he chooses for special discussion, the one on which he finds me most in error as to date, is that which confers on Odoïn de Malpalu the *panneterie* of Rouen (No. 1280). So far back as the year 1852 M. Delisle printed this document from its only known source, a royal confirmation in July,

¹ This visit, which is mentioned by no chronicler, was deduced by Mr. Eyton from two or three entries on the Pipe Roll of 1173, and is accepted by M. Delisle on another page (p. 389). The question is discussed by Miss Norgate (*Angevin Kings*, II, 143-4), who accepts the fact and suggests the

end of June for the visit, but holds that "Henry suddenly crossed the sea . . . and was back again at Rouen so quickly that neither friends nor foes seem ever to have discovered his absence."

² 8th July-8th August. This visit is well ascertained.

1323, entered in a Register, in his *Cartulaire Normand*.¹ On that occasion he assigned it the date of "vers 1170." When I came to deal with this charter, I found myself in a great difficulty. The King's style undoubtedly was that of Henry II., and the charter was accepted, we have seen, without question as his by no less great an authority than M. Delisle. On the other hand, the names of the witnesses, though apparently corrupt, pointed rather, in my opinion, to the latter days of Henry I., which would make the document of the same period as our *Constitutio domus regis*. *Que faire?* An official calendar is no place for individual speculations; all that I could do was to indicate the difficulties presented by the text. Accordingly, I placed a "(sic)" after Henry II. and appended a footnote that "the style is given in full in the Register and is that of Henry II." to show that I was bound by the text. But after stating that M. Delisle dated it "vers 1170," I referred the reader to my Preface. There I wrote :

In spite of the great and just reputation of French scholars in *Diplomatique*, and of the fact that the *Archivistes* are trained in the *Ecole des Chartes*, the editor has felt compelled to differ as to the dates of some documents, not only from these skilled officials but from some of the greatest authorities in France. . . . He has, however, in such cases been careful to record the dates which they have adopted. No. 1280, of interest for its bearing on our own *Constitutio domus regis*, presents great difficulties, as the witnesses' names are probably corrupt. The name of Robert de Curci proves that 1157 is the latest possible date, while if R[obert] de Ver were a witness, his name would be decisive proof that the charter was one of Henry I. about the close of his reign. It must therefore be concluded that he was not (p. 27).

Nevertheless, so sure did I feel that Robert de Ver *was* the witness, that I extended his Christian name, with a query, in square brackets, even though the King's style obliged me to date the charter "1156-1157." The result, no doubt, was inconsistent: a compromise was bound to be so.²

¹ He has since found another transcript, itself taken from a transcript.

² I similarly identified, within brackets, the Bishop of Lisieux, who heads the witnesses as John. M. Delisle rightly points out that as he died in 1141 he cannot have witnessed a charter of Henry II. But I believe that bishop John *was* the witness, for we find him

witnessing in conjunction with Robert de Courcy and Robert de Ver late charters of Henry I. He held an important official position at the time, and he and Robert de Curci are thus the first two witnesses to a Norman document of the period (*Analyse d'un ancien cartulaire de S. Etienne de Caen*, p. 44).

M. Delisle somewhat strangely seems to complain of my courteous allusion to what is surely a commonplace for students, French superiority in "Diplomatic." English scholars have long admitted it, and have even been sent to France to study at the *École des chartes*. My own knowledge is empiric only; I had never any training whatever in the subject. My critic, however, complains:

Ne pouvait-il pas se dispenser d'ajouter que la vérification était nécessaire "in spite of the great and just, etc."

But he finds himself in a difficult position; he has to discard his own date of "vers 1170," which he, oddly enough, nowhere speaks of as his own,¹ because by his new test, the charter (observe the phrase) "est assurément postérieure à 1173." All that he can plead is that "vers 1170" is a date less erroneous than "1156-1157" (p. 396).

Now, here the mischief of his method stands mercilessly revealed: his discovery becomes a fetish. A glance at the opening words of the document is all that is required. He has read my reasons for assigning an early date to the document; he has learnt that the witnesses' names create a great difficulty; and he casts such difficulty to the winds. And yet he tells us that the date of this charter is one that is important to determine,² and apologises for the stress he lays on it.³

What, then, are the names of the witnesses as they have reached us in the Register?

"Loxoviensi (*sic*) episcopo; Willelmo de H[el]ion; R. de Vier; R. de Corci; Johanne Martel (*sic*) Apud Monfort."

As the bishop's name is not given, he affords us no clue. John Martel is a man⁴ unknown as a witness. I appended a "(*sic*)" to his name and queried in the index the possibility of his being really John (the) Marshal. Three names remain, the names of known men. William

¹ It is vaguely spoken of as that of "l'éditeur normand," "le diplomate français."

² "L'antépénultième de ces chartes est particulièrement intéressante, et il importe d'en fixer la date, parce que c'est un des premiers textes qui nous soient

parvenus sur l'histoire industrielle de Rouen."

³ "J'ai peut-être trop insisté sur la chartre dont il s'agit."

⁴ See for the Martel family the Cartulary of St. John's, Colchester.

de Helion witnessed charters of the Empress¹ (including one in 1155), and an early one of Henry II;² his name, therefore, like that of R[obert] de Curci, is absolutely consistent with the date 1156-7. The name, as I explained in my preface, which is not consistent with that date, is that of R[obert] de Ver. It is on the conjunction of Robert de Ver and Robert de Courcy that I finally take my stand. The one was a constable, the other a *dapifer*, at the close of Henry I.'s reign, after which Robert de Ver eventually sided with Stephen, and was a frequent witness to his charters while Robert de Courcy espoused the Angevin cause and was similarly a frequent witness to charters of the Empress and her son.

Now, charters belonging to the close of Henry I.'s reign show us the two Roberts —

- (1) Witnessing in conjunction.
- (2) With the King in Normandy.
- (3) Entered with initials only, as they were well known men.
- (4) Robert de Ver entered normally before Robert de Courcy.

For instance, in the cartulary of Ramsey (I. 250) we find a charter of Henry I. granted at Falaise, with these witnesses :

Johanne episcopo Lisiacensi ; episcopo Carliolensi ; Roberto de Sigillo ; Rogero de Fiscampo ; Roberto comite Glocestrie ; Alberico de Ver, et R[oberto] de Ver, et R[oberto] de Curci, etc.

My *Calendar* itself is rich in examples. No. 374 is a Rouen charter of Henry I. in 1133, witnessed among others by "Roberto de Ver, et Roberto de Curci," and No. 375 is a Rouen charter of Henry I., in 1134, among the witnesses to which are "Roberto de Ver et R[oberto] de Curci;" and No. 959 is another Rouen charter, in 1133, witnessed among others by John bishop of Lisieux, "R[oberto] de Ver, R[oberto] de Curci et Unfrido de Bohon." Another Norman charter is No. 541, granted at Arganchy by Henry I. towards the close of his reign, to which the two last witnesses are "R[oberto] de Ver et

¹ See my *Calendar*, pp. 63, 72, 89, 208.

² *Ibid.*, p. 207.

R[oberto] de Curci." A Winchester charter (No. 610) in favour of a Falaise foundation has among its witnesses R[oberto] de Curci et Umfrido de Buhum et R[oberto] de Ver," and may be of the same date as the Winchester charters in the Bath Cartulary,¹ both of which are similarly witnessed by "G[aufrido] cancellario et R[oberto] de Sigillo," while one of them has among its witnesses "R[oberto] de Curci et R[oberto] de Ver," and the other "R[oberto] de Ver et R[oberto] de Curci." Lastly, in a charter of Stephen, in 1135, Warden Abbey, "R[oberto] de Ver et R[oberto] de Curci" occur as witnesses.² That this conjunction should be found in the charter I am now discussing is decisive, I assert, of its epoch.

But, it may be urged, the King's style is that of Henry II. No doubt, and if that fact be considered a fatal objection, we must date the charter as in my *Calendar*, 1156-7. But I do not admit that it is fatal. We are dealing not with an original document but with a transcript made so late as 1323, and one in which the names of the witnesses appear to be corrupt. The scribe need not have interpolated the words *Dei gratia* (as M. Delisle admits was sometimes done), but only the "Duke of the Aquitanians" formula. That scribes were peculiarly liable to confuse charters of Henry I. with those of Henry II. is a fact, surely, familiar to all students of our cartularies, but I can even produce a recent and startling instance. A charter, obviously of Henry I., and attested as it happens, by "R. de Curcy," is published in our *Calendar of Patent Rolls* as "A charter of Henry II. (circa 1157)."³

It is not the first time that I have had to challenge a style, as a critic who is guided by something more than mere "rule of thumb." In the preface to my *Calendar* I wrote :

As experts know, a frequent snare is set, in scribes' copies, by the trick of assigning, as above, to a king or noble a style he did not bear

¹ Somerset Record Society, pp. 54, 55.

² *Monasticon*, V, 372.

³ Vol. for 1377-1381, p. 111. The charters immediately preceding it show that the grantee was living under

Henry I., and one in the Vol. for 1399-1401 (p. 420)—a charter of Henry I. witnessed by "Roberto de Curcy"—confirms the fact.

till a date later than the charter. An interesting example of this is found in No. 113, which assigns to William I. his regal style. M. Delisle, who cites this document as a "Fausse chartre," writes:

"La faussete de cette chartre resulte de ce que Guillaume y prend le titre de roi d'Angleterre, et de ce qu'elle est souscrite par plusieurs personnes dont la mort arriva avant 1066."

The editor, however, ventures to hold that this is a charter of the critical years 1035-1037, and that the list of witnesses is wholly consistent with that date, allowing for the interpolation by a long subsequent scribe in accordance with a mischievous practice of an antedated style (pp. xxv-xxvi.)

The parallel, it will be seen, is close; in each case the problem must be solved by a method of criticism less primitive and, if I may say so, less crude than that of M. Léopold Delisle.

For what is the conclusion of the whole matter? Called upon to deal with a secondary source, such a *vidimus* as those in which the scribe was apt, he himself admits, to interpolate the words *Dei gratia*, he completely ignores his own admission, and informs us that a glance¹ determines the question, that their mere presence is proof positive that the charter must be later than 1173. And M. Delisle goes further: he even asserts that "la date est beaucoup plus voisine de la fin que du commencement du règne" (p. 397). For this assertion he gives us no ground whatever. I, on the other hand, have shown that of its three certain witnesses, two, who appear in conjunction, appear in similar conjunction in quite a number of charters about the close of the reign, not of Henry II. but of Henry I.

Here, then, we have M. Léopold Delisle selecting as his own battleground a charter with which he has long been familiar, a charter which to him, as a Norman antiquary, is of peculiar interest and importance. It is on this charter that he pronounces me most in error as to date. I reply that it is he himself who has erred so incredibly as to assign to the closing portion of the reign of Henry II. a charter which really belongs to the close of the reign of his grandfather some half a century before. If in this contention I am right, further

¹ "au premier coup d'œil."

discussion is needless. Our faith in the knowledge, in the critical judgment of M. Léopold Delisle, in what the French would term his *flair d'archéologue*, will have been so rudely shaken that his conclusions on the charters of Henry II. cannot possibly be accepted until his evidence has been all seen and submitted to a searching scrutiny.¹

¹ Mr. H. J. Ellis, of the Department of MSS., British Museum, has kindly examined for me the original charters of Henry II. in the Department, and he

informs me that there are among them indisputable exceptions to the rule which M. Delisle, we have seen, lays down as absolute.