

1180 the father of Edmund le Rich of Abingdon, leaving wife and infants, entered the same monastery. We can also parallel his action in taking to a secular life after an education in a religious house. In the Cartulary of Oseney²¹ we have two agreements of the year 1187, by which Alured, chaplain of Norton, commits his two sons to the abbot of Oseney. The one was to receive food, clothing, and instruction, and when he was twenty-four years old was to decide whether he would become a canon or take to a secular life; the other was to have food and guardianship (*custodia*) for fourteen years, at the end of which period the monastery was to pay him 5*l.* when he went out into the world.

How William son of Elyas obtained the hand of such an heiress as Emma de Peri, who his father Elyas was, and where the family of Meisnilhermer resided remain to be discovered. William de Meisnilhermer is a witness to an early grant preserved at Durham,²² and the name occurs in two deeds in the *Guisborough Cartulary*.²³ The *Testa*²⁴ gives William de Meneherm as a holder of land in Northumberland.

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An Unnoticed Charter of Henry III, 1217.

In the manuscript known as the 'Liber Niger' of Christ Church, Dublin, ff. 162-81, there is a series of copies of statutes and kindred documents, ten in number, beginning with Magna Carta and ending with a Norman-French version of the 'Statutum de viris religiosus' of 1279. The manuscript was known to the Record commissioners, and they made some use of it in the first volume of the *Statutes of the Realm*, particularly in restoring the text of the Forest Charter of 1217.¹ But they do not appear to have observed that the second document of the series, following the Great Charter of John and preceding the Forest Charter of 1217, is a reissue of the Great Charter by Henry III; and, so far as I know, this document has not attracted the attention of any writer on the English charters of liberties. It is the purpose of the present article to give a short account of it.

In the 'Liber Niger' it is without title; but it is at once seen to be at least akin to the Second Charter of King Henry, printed in the *Statutes of the Realm—Charters*, p. 17. The preamble (f. 165) runs as follows:—

²¹ Cott. MS. Vitell. E. xv. fol. 183.

²² *Feodarium Prioratus Dunelmensis*, p. 134 (Surtees Soc.)

²³ Vol. ii. pp. 329, 335 (Surtees Soc.)

²⁴ *Testa*, p. 386.

¹ See the list of charters. In printing the 'Dictum de Kenilworth' (p. 12), the 'Statute of Westminster the First' (p. 26), and the 'Statutes of Jewry' (p. 221) the editors recorded some various readings from the 'Liber Niger.'

Henricus Dei gratia rex Anglie, dominus Hybernie, dux Normandie et Aquitanie, comes Andegaue archiepiscopis episcopis abbatibus prioribus comitibus baronibus iusticiariis forestariis vicecomitibus prepositis ministris et omnibus balliis et fidelibus suis presentem cartam inspecturis salutem. Sciatis quod intuitu Dei et pro salute anime nostre et animarum antecessorum et successorum nostrorum ad exaltacionem sancte ecclesie et emendacionem regni nostri spontanea et bona voluntate nostra concessimus et hac presenti carta nostra confirmauimus pro nobis et heredibus nostris in perpetuum de consilio venerabilis patris nostri Gwalonis tituli sancti Martini presbiteri cardinalis et apostolice sedis legati domini Walteri Eboracensis archiepiscopi et aliorum episcoporum Anglie et Willelmi Marescalli comitis Penbrokie rectoris nostri et regni nostri et aliorum fidelium comitum et baronum nostrorum Anglie has libertates subscriptas² in regno nostro Anglie tenendas in perpetuum.

Then follows the substance of the instrument, which need not be reproduced. It closely resembles the text of the Second Charter as printed. Variants are indeed pretty numerous, but most of them are of no account, consisting of transpositions of words, trifling omissions and insertions, and the like. The following however are of sufficient importance to deserve notice here: in art. 22 the words *et pueris*, omitted in the printed text, are found, as in Magna Carta and the Charter of 1225; art. 45 follows art. 46; and art. 47—consisting of two clauses, of which the first enjoins the destruction of adulterine castles, and the second states that the instrument is sealed with the seals of the legate and William Marshall—is wholly omitted. The charter concludes thus (f. 166v):—

Pro hac autem concessione et donatione libertatum istarum et aliarum contentarum in carta nostra de libertatibus foreste archiepiscopi episcopi abbates priores comites barones milites et libere tenentes et omnes de regno nostro dederunt nobis quintam decimam partem omnium bonorum suorum mobilium. Testibus prenomatis et multis aliis. Datum per manum venerabilis patris domini R. Dunholmensis episcopi cancellarii nostri apud sanctum Paulum Londoniis vi^o die Novembris anno regni nostri secundo.

The material differences between this instrument and the Second Charter of Henry III are not numerous, but they are of sufficient moment to preclude the belief that the two were issued on the same day. But it seems to be agreed that the Second Charter was 'put forth either on the occasion of the council at Merton on 23 September' 1217, as Blackstone supposed, 'or six weeks later at London, when the Charter of the Forest was granted,' i.e. on 6 November, as Mr. McKechnie maintains.³ Since our charter actually bears the date 6 November 1217 the suggestion

² Here the word *tenendas* is inserted, above the line.

³ Stubbs, *Select Charters*, 1895, p. 344; W. S. McKechnie, *Magna Carta*, 1905, p. 171.

is obvious that the Second Charter is an earlier document which was drawn up about Michaelmas. And this suggestion is confirmed by other considerations. In the first place, in the concluding article of our charter there is a definite reference to the Charter of the Forest. This might be expected if the latter was supplementary to the former and issued on the same day, the two together being equivalent to a republication of Magna Carta. The two charters of 1225, for example, refer each to the other. But any such allusion was impossible in a document set forth before 6 November 1217, the day on which the first Forest Charter was issued. And, in fact, in the Second Charter, as printed, no such allusion is found. And, again, it is worthy of remark that in several features the 'Liber Niger' Charter and the Forest Charter are in agreement, while the printed Second Charter differs from both. Such are the insertion of the words *iusticiariis, forestariis* in the preamble, and of *militibus* in art. 46; and such is the position of the saving clause (art. 46), before (as in both the charters of 1225) instead of after *Omnes autem* (art. 45). The 'Liber Niger' agrees exactly with the Forest Charter in the test clause; in the charters of 1225 it of necessity assumes a different form; in the Second Charter it does not appear at all. The Second Charter likewise has no dating clause; the 'Liber Niger' and the Forest Charter have such a clause and coincide with each other as to its form; the charters of 1225 differ from them by omitting the words *per manum (-us), &c.*

A word must be said about three striking peculiarities of our charter as compared with what we may now call the earlier charter of the same year. The first of these is the appearance of the words *spontanea et bona voluntate nostra* in the preamble. Hitherto it has been supposed that this phrase was first used in 1225, and there has been some discussion as to the purpose with which it was then substituted for the earlier *de consilio*. We now find it in 1217, and then not displacing *de consilio*, but standing beside it in the same instrument. Secondly, our charter has the clause, *Pro hac autem concessione*. It appears, therefore, that the charters of 1225 were not the first reissue of the Great Charter of Liberties purchased by a money grant. And, lastly, the injunction that the adulterine castles were to be abolished has disappeared. What is the significance of this fact? The true answer to the question may perhaps be suggested by the presence in the charter of the grant to which reference has just been made. It is not to be wondered at that the king's advisers should have demanded such a grant, though they had already raised money in other ways.⁴ For the expenses of government were at the time

⁴ Stubbs, *Const. Hist.* ii. 30; G. J. Turner, in the *Transactions of the Royal Historical Society*, N.S. xviii. (1904), 285.

very heavy. But it was natural that the grantors should insist on some concession in return. A reissue of the Charter was not sufficient, for that had taken place six weeks before, and no doubt the Forest Charter had been promised, or could be obtained without a grant. Is it possible that the withdrawal of the decree against adulterine castles was the price paid for the liberality of the nobles assembled at St. Paul's in November 1217?

But it must be admitted that in the way of this answer there lies a difficulty, which may even be regarded as an objection against the genuineness of the charter itself. For there can be no doubt that the charter which was sent to the sheriffs of the various counties of England in February 1218 did contain, as its final chapter, an instruction for the demolition of castles. The covering letter of the king directs special attention to it.⁵ If our charter is genuine the inference seems clear either that it was subsequently recalled or that the absence from it, in the 'Liber Niger' copy, of art. 47 is due to clerical error. In the latter case it is hard to explain why the charter was issued at all, or how its issue could have given occasion to a grant of a fifteenth.⁶

Are we, then, driven to the conclusion that our charter is, after all, a forgery? It is scarcely prudent for one who is not versed in such matters to attempt to discuss this question. In doing so obviously the first thing to be considered is whether, on the hypothesis that the document is not authentic, anything was to be gained by the fraud. But, leaving to others the task of suggesting motives for such a forgery, I content myself with mentioning, in conclusion, one or two facts which appear to me to tell against the supposition that we are dealing with a manufactured charter.

There is, of course, no question about the body of the charter, except in regard to the omission of art. 47. It is practically identical with the undoubtedly genuine printed charter. The work of the supposed forger must have consisted merely in introducing changes into the preamble and concluding paragraphs from some other source. Now, the phrase *spontanea et bona voluntate nostra* certainly occurs in the charters of 1225. But if that was the source from which it strayed into our charter why did not the forger go a little further? Why did he not bring the charter into yet closer resemblance to his model by striking out *de consilio*? Again, certain features of our charter might conceivably have been taken by a forger from the Forest Charter of 1217. The test clause is couched in the same terms in both. But then we must ask, if our test clause were really borrowed by a forger from the Forest

⁵ Rymer's *Foedera*, i. 150.

⁶ Mr. R. L. Poole has been good enough to point out to me that no writs for the levy of the fifteenth appear on the rolls, a fact which makes for the supposition that the charter was wit drawn.

Charter, why did he not copy from it the following clause as well? Instead of doing so he writes, *Datum per manum venerabilis patris R. Dunholmensis episcopi cancellarii nostri*, thus introducing a new name into the charter. And it must be remembered that Richard de Marisco, though he had been chancellor for some years, had been consecrated to the bishopric of Durham only four months before the supposed date of the charter.⁷ It is in favour of the genuineness of the document that he is correctly described. And, finally, if the 'Liber Niger' Charter was concocted by a forger who had before him the Forest Charter of 1217, it is at least strange that he should have omitted the clause, *Quia vero sigillum*, in which the absence of the great seal was explained. H. J. LAWLOR.

Notes on Athens under the Franks.

WITHIN the last three or four years a great deal of new material has been published on the subject of Frankish Athens. Professor Lámpros¹ has not only translated into Greek the *Geschichte der Stadt Athen im Mittelalter* of Gregorovius, but has added some most valuable notes, and more than a whole volume of documents, some of which had never seen the light before, while others were known only in the summaries or extracts of Hopf, Gregorovius, or Signor Predelli. He has also issued a review, the *Néos 'Ελληνομνήμων*, devoted to medieval Greek history, of which three volumes have appeared. The French have gone on printing the *Regesta* of the thirteenth-century popes, which contain occasional allusions to Greek affairs. Don Antonio Rubió y Lluch, the Catalan scholar, has issued a valuable pamphlet, *Catalunya a Grecia*,² besides contributing a mass of documents from the archives at Palermo to the collection of Professor Lámpros; and the essay on the 'Eastern Policy of Alfonso of Aragon,' published by Signor Cerone in the *Archivio Storico per le province Napoletane*,³ contains many hitherto unknown documents dealing with the last two decades of Greek history before the Turkish conquest. I propose in the present article to point out the most important additions to our knowledge of Athens under her western masters which have thus been obtained. Of the condition of the Parthenon—'Our Lady of Athens'—on the eve of the Frankish conquest we have some interesting evidence. We learn from an iambic poem of Michael

⁷ Stubbs, *Reg. Sac. Angl.* 1897, p. 55.

¹ *Ἱστορία τῆς Πόλεως Ἀθηνῶν κατὰ τοὺς μέσους αἰῶνας*. (Ἐν Ἀθήναις, Κ. Μπῆκ, 1904-6.)

² Barcelona, *L'Avenç*, 1906.

³ Vols. xxvii. 3-93, 380-456, 555-634, 771-852; xxviii. 154-212.