

attestation to the Conqueror's charter is so elaborate that one cannot treat *presbyter* as a slip for *subdiaconus*.

I do not observe any other flaw, chronologically, in the charter, but the fact that it implies the presence of these cardinals at the Conqueror's court in 1068 clearly awaits explanation.

Engelric, whose gifts the charter confirms, was a man of some consequence. As Mr. Stevenson criticises at considerable length my view that Regenbald's foreign origin was not proven, and rejects Tanner's description of Engelric as a Saxon nobleman, it is rather odd that he does not allude to Mr. Freeman's conclusion that Engelric was of English origin.¹⁰ He looked on him as one of 'the three commissioners for redemption of lands.'

Lastly, as this charter is treated by Mr. Stevenson as bearing on the 'Anglo-Norman chancery' (p. 738), it may be of interest to add to his notice of it a fact of which he seems to be unaware. In the transcript of the St. Martin's cartulary in Lansdowne MS. 170 the charter is preceded by the following note (fo. 52):—

eius sigillo magno rotundo cera rubia [sic] pendente ut prima facie apparebat sigillat[a]. In cuius sigilli una parte quasi magno rege sedentes [sic] super cathedram tenetis [sic] in manu sua dextra gladium et in sinistra manu quoddam rotundum cum cruce infixam. Ex alia vero parte eiusdem sigilli quasi imago regis equitis cum lancea, vexillum habentis in manu dextra, et in sinistra loras froni equi et scutum¹¹ super brachium sinistrum. Hec sculpta¹¹ apparebant: circumferencias autem litterarum eiusdem sigilli non transcripsi ego notarius subscriptus, que propter eiusdem sigilli vetustatem, literis¹¹ circumscriptis intuentibus patenter minime apparebant.

J. H. Round.

Mr. Round's criticisms on this charter are of great value. The description of William's seal, derived by him from a transcript of St. Martin's cartulary, proves that the charter had a seal appended to it. As there is no note in the enrolments of the absence of a seal, I concluded that there was one, because the Plantagenet chancery scribes, when setting out an inspected charter, generally notice the absence of the seal, as in the case of O.E. charters. But Mr. Round's quotation establishes not only that there was a seal, but a seal that agreed in design with William's. Had the notary been able to read the inscriptions, which, he says, had become illegible from age, we might have had evidence that the original charter, bearing William's seal, was in existence when the cartulary was compiled.¹ As such a conclusion is supported by

¹⁰ 'That Engelric was an Englishman seems plain' (*Norm. Cong.* vol. iv. App. C.)

¹¹ These words, like others in this transcript, are incorrectly transcribed.

¹ From the mention of the notary, this cartulary must have been of late date, probably of the fifteenth century, certainly not earlier than the fourteenth.

the enrolments, the first of which was made little less than two and a half centuries after the date of the charter, and by the intrinsic evidence of the text, I think we may safely place this charter in the category of genuine documents preserved in later copies.

I am sorry that my abstention from remarks upon the witnesses² and the historical importance of the charter, which was dictated by the necessity of restricting the commentary within reasonable limits³ and by the fact that the Latin text had been in print for over two centuries, should have caused Mr. Round some unnecessary trouble. The passages from Mr. Freeman were known to me, but did not seem to call for any comment, as they were founded upon a late and inaccurate transcript, and they adduce no evidence for the conclusion that Ingelric or Engelric was an Englishman.⁴ The evidence so carefully collected by Mr. Round regarding Cardinal-Chancellor Peter was before me in the work one naturally turns to for information concerning the officers of the early papal chancery.⁵ In justice to Professor Napier, I ought to add that I did not cite his authority to prove that the witnesses were possible, but, as I expressly stated, to show that the English was that of about the period of the date of the charter.

With regard to Mr. Round's objections to the charter, it does not seem to me that the presence of Hugh, bishop of Lisieux, amongst the witnesses is enough in itself to condemn it. He was a kinsman of William's, and was therefore not unlikely to be present at his coronation.⁶ The absence of any other record of his visit need not trouble us. With regard to the second objection, I ought, perhaps, to have explained that the charter does not necessarily imply the presence of the two cardinals in England in 1068. It has been long known that it was not unusual on the continent for

² I am pleased to find that Mr. Round's examination of the witnesses' names confirms the result of mine. It is impossible that such a list can be an invention. The abbots' names alone must have betrayed the forger.

³ This necessity for compression is my excuse for ascribing to M. Giry views upon William's chancery that are largely derived from the authors of the *Nouveau Traité de Diplomatie*, who are singularly untrustworthy and uncritical when dealing with England. Nothing could well be weaker than their attempts to confute Hickes, a man of much greater critical power.

⁴ An Englishman would hardly dedicate his foundation to St. Martin. *Ingel-* was a favourite Frankish name-stem, and was not Saxon (E. Förstemann, *Altdeutsches Namenbuch*, Nordhausen, 1856, p. 89). Still less was it English, a fact which favours the derivation from *Angle* (*Angil-*)—that is, the people. Alcuin anglicises *Angilbert* into *Engelberhtus*, but this is no proof of the existence of an English name of that form. Ingelric's brother *Eirad*, line 69, miswritten *Eirardus*, line 18, bore a Frankish name corresponding to an unrecorded English *Egerad*, involving a Germanic name-stem *Agi-*, quite unknown in English.

⁵ H. Bresslau, *Handbuch der Urkundenlehre für Deutschland und Italien*, i. 198.

⁶ He frequently witnessed William's charters in Normandy. The editors of *Gallia Christiana*, xi. 768, record that he was present at the dedication of Jumièges abbey on 1 July 1067, and that he witnessed the charter to St. Martin's-le-Grand in 1068. They have no other notice of his actions in these years.

names to be added to the lists of witnesses of documents some time after the date borne by them.⁷ The patient researches of Professor Ficker⁸ have proved that the older diplomatists were frequently in error in condemning documents on the ground that particular witnesses were not present at the date or place mentioned therein, or did not bear at that time the offices ascribed to them. One example of this will suffice. A document dated 1095 was really written in 1097. Ficker⁹ holds that the former was the date of the transaction (*Handlung*), and that the date of the drawing up of the document (*Beurkundung*), which is not mentioned, was 1097. The confusion of the witnesses of these two processes (the *actum* and *datum*) accounts for many apparently impossible dates in continental deeds.¹⁰ But the apparently impossible date of the St. Martin's charter is not to be explained by any such confusion, but by another fruitful cause of confusion in the continental chanceries—the system of adding ratification (*nachträgliche Befestigung*) at a later date,¹¹ which is not always expressed. The relationship of the imperial, papal, and French chanceries was so close that the usages of one may be assumed to occur in another. But, without having recourse to surmise, we have evidence of this usage in France in the eleventh century,¹² and it seems to have existed in the papal chancery.¹³ William's chancery was an exceedingly erratic one: it used purely Old English or purely Frankish *formulae*, a mixture of the two, or (if I may use the term) informal *formulae*, apparently at the will of the chancellor or scribe. But it had undoubtedly a Frankish side, which is especially prominent in William's pre-Conquest charters relating to Normandy. Hence the use of supplementary confirmations in his chancery need not astonish us. We have one in this very charter, which was executed (*peracta*) on Christmas Day 1068 (*i.e.* 1067),¹⁴ but was afterwards

⁷ Mabillon, *De Re Diplomatica*, ii. c. 20; *Nouveau Traité*, v. 2 sqq.

⁸ Julius Ficker, *Beiträge zur Urkundenlehre*, Innsbruck, 1877, vol. i. *passim*. The results are summed up in Giry, pp. 582 sqq.

⁹ *Ibid.* i. 223.

¹⁰ *Ibid.* i. 60 sqq.

¹¹ *Ibid.* i. 128, 298, &c.; Giry, p. 616.

¹² Mabillon, ii. c. 20, § 11. The *Nouveau Traité*, v. 781, cites apparently a similar confirmation of a charter by William after the conquest of England.

¹³ *Nouveau Traité*, v. 772. The editors give a facsimile (pl. 97) of an undated confirmation by the pope of a French charter in 1028, but the writing is suspiciously like that of the charter.

¹⁴ Freeman, *Norman Conquest*, iv. 724, says that the date of the charter, Christmas 1068, evidently means 1067, the date of William's coronation; but its use of 1068, so far from being an objection to its authenticity, is a strong argument in its favour. The 25 Dec. in the second year of William's reign was in 1067 according to our reckoning. But the old system of reckoning the year *ab Incarnatione* began the year on 25 Dec. This was the Old English system (Bæda, *De Temporum Ratione*, c. 15), and this charter proves that William's chancery also commenced the year at the Nativity, not at the Annunciation, which came to be considered the *σφαιρικός* Oeta (Ideler, *Handbuch der Chronologia*, ii. 329; Bresslau, i. 840; Giry, 109).

confirmed, on the occasion of Matilda's coronation, at Whitsuntide 1068. If we had the original charter we should probably find that the clause relating to the Whitsuntide confirmation had been added, as in similar continental instances, on a blank space in the charter.¹⁵ Ingelric was, as we know from this grant, one of William's clerks,¹⁶ and he must have been a man of considerable influence to have obtained a diploma from a king who was so chary in the issuing of diplomata, and to have, moreover, obtained the execution of it at so important a ceremony as the king's coronation, and a confirmation of it at the queen's coronation. A man with such influence, and so eager to validate the king's grant, would be likely to jump at the chance of getting it further strengthened by the papal legates when they arrived in 1070. The position of the legates' attestations suggests that they were later additions to the diploma, and I think we may therefore safely conclude, despite Cardinal John's stereotyped *huic constitutioni interfui*, that these attestations were added in 1070, and were not in the original charter of 1067-8.

W. H. STEVENSON.

MUXETULA'S PROTEST. JULY 20, 1528.

PROBABLY the name of Muxetula had never appeared in print in England till the publication of the Catalogue of the Manuscripts in the Cottonian Library in 1802. Nor does any other notice of it appear for seventy years. In the appendix xxvii. of that volume is a document which is headed thus: '7. Io. Ant. Mussatellae, Caroli V oratoris apud Pontificem Maximum supplicatio contra divortium Regis Henrici VIII (transumptum) Viterbi 1528.' In 1872 Mr. Brewer drew attention to this protest, an epitome of which he printed, with its date, 20 July 1528, in the fourth volume of the

¹⁵ In the case of the council (or rather *placitum*) of 1072 concerning the subjection of York to Canterbury, which, like the charter under consideration, received a supplementary ratification, a second text was drawn up for the later action. The originals of both still exist. The first, dated at Winchester at Whitsuntide, is validated only by the crosses of William and his queen, the papal legate, both archbishops, and four bishops (*Palaographical Society*, i. pl. 170). The second, which is of great interest, as proving another irregularity in William's chancery, being sealed in Frankish fashion *en placard*, is dated at Windsor, also at Whitsuntide, and is attested by additional bishops and by numerous abbots (Wilkins, *Concilia*, i. 324; *Hist. MSS. Report Comm.*, V, Appendix p. 452). But as the present charter was *peracta* at Christmas 1067, and *confirmata* at Whitsuntide, it was most probably written at the former date. There are good grounds, therefore, for holding that the witnesses were the spectators of William's coronation, which gives the charter its greatest historical importance.

¹⁶ He signs next to Arlæst, the chancellor named in this charter, in William's Exeter charter of 1069 (see *E. H. R.* xi. 734, note 9). Was he a chancery clerk under Arlæst? Ingelric had, as we learn from this charter and from Domesday, acquired lands in Edward's time. If he was a chancery clerk, he may have continued the traditions of Edward's chancery. The insertion in this charter of the English version certainly looks like the outcome of his acquaintance with the procedure of Edward's time.