

Notes and Documents

The Dates of Henry II's Charters.

THE fact that the charters of the kings of England from the Norman Conquest to the accession of Richard I are normally devoid of any date of year is well known. The date of place, indeed, combined with the list of witnesses, may often fix the time of issue within probable and definite limits; but until we are in the possession of a full calendar of the documents of the period, such as Jaffé and Boehmer and their redactors have compiled for those of the popes and emperors, a large proportion of these important materials for history must remain in disorder. Robert William Eyton's *Court, Household, and Itinerary of King Henry II* (1878) was an admirable pioneer work, but, like all pioneer works, it is rather a model of what can be done and of the way of doing it than a final settlement of the facts. The most recent investigation into the chronology of Henry's charters is that of the illustrious scholar M. Léopold Delisle, to whom for more than half a century all students of manuscripts and most students of medieval history are under immeasurable obligations. The results of his inquiry have appeared in two articles published in the *Bibliothèque de l'Ecole des Chartes*,¹ in which he has attempted to establish a fixed division between two periods in the king's reign. This division he holds to be marked by the appearance of the formula *Dei gratia* in the royal title. The suggestion itself, M. Delisle admits, is not new. It has been agreed, at least in England, since the days of Sir Thomas Duffus Hardy and Sir Harris Nicolas, that the formula is indicative of the latter part of Henry's reign. What is new in M. Delisle's theory is that the formula was introduced at a definite date, between 1172 and 1178, and that consequently any document in which it is not found is earlier than that date, and any document in which it appears is later. The theory however is deprived of some of its practical value by two limitations which have to be carefully borne in mind. First, it is only on

¹ Vol. lxvi. pp. 351-401 (1900), lxviii. 272-314 (1907).

originals that we can rely in testing the date by the formula. Secondly, the rule does not always hold good in respect of charters drawn up by persons unconnected with the king's chancery. There are, therefore, three points to be considered—(1) the date of change, 1172–1173; (2) the restriction of the rule to originals drawn up in the chancery; and (3) the exceptions caused by certain documents having been produced elsewhere, what may be called irregular originals.

1. As to the date of the introduction of the grace, M. Delisle's theory has not been controverted on the basis of any original charter drawn up in the king's chancery. Mr. Round has indeed published a criticism of M. Delisle's first paper on the subject,² but he has been less concerned with the theory itself than with certain inconsistencies in M. Delisle's presentment of his evidence and especially with his application of the hypothesis to the dating of documents preserved only in transcripts. It may be admitted that M. Delisle weakened his case by quoting transcripts side by side with originals, and also that he fell into some errors in matters of detail which have not escaped Mr. Round's vigilance.³ Until however an original product of Henry II's chancery is brought to light, bearing the formula *Dei gratia*, which can be proved to be earlier than May 1172, M. Delisle's theory may be said to hold the field. The date before which the change of style cannot have been made is arrived at as follows: There is a document of Bishop Richard of Coutances, dated in full on the 6th of the Ides of March 1172, which was confirmed by Henry at Caen. In this confirmation the king uses no grace. Now he is known to have left England in May, and to have been at or near Caen on several days between the 17th and 22nd. On the other hand the charter must be earlier than 17 May 1173, on which day one of the witnesses, Richard, archdeacon of Poitiers, was elected bishop of Winchester.⁴ It may therefore be assigned with confidence to May 1172.⁵ The earliest charter which bears the formula of grace is a confirmation to the abbey of Fontevrault which was granted during Henry's stay at that place on 23 February 1173.⁶ M. Delisle

² *Archæological Journal*, no. 254 (1907).

³ I do not attach the importance that Mr. Round does to his criticism of M. Delisle's observations relative to the charter concerning the bakery of Rouen (*Calendar of Documents, France*, pp. 465 f., no. 1280), because, though I have no doubt that Mr. Round is now right in assigning it to the last years of the reign of Henry I, in his *Calendar* he expressed himself in terms which were susceptible of two contradictory interpretations.

⁴ *Bibl. lxxvii*, 536.

⁵ Henry was again in Normandy in the autumn, but there is no evidence connecting him with Caen at that time.

⁶ *Les Formules 'Rex Anglorum' et 'Dei gratia Rex Anglorum'; Lettres de M. J. Horace Round*, pp. 6 f. (Chantilly: privately printed, 1907).

therefore concludes that the formula was introduced at some time between May 1172 and February 1173. It may however be urged that here at the very opening of the argument he is breaking his first rule, for neither of the documents cited is preserved in the original. That is true, but the originals existed until the last years of the seventeenth century and were transcribed under the direction of Gaignières, whose fidelity is beyond dispute. A transcript of this sort stands on quite a different footing from copies made for business purposes by medieval scribes. However, these two limits, May 1172 to February 1173, form only the basis for a working hypothesis. If we assume it for a moment we may connect the adoption of the new formula either, as M. Delisle hints, with Henry's reconciliation with the church on 21 May 1172 or, according to Mr. Round's suggestion, with a change of chancellor, though this would not occur until after Geoffrey Ridel's election as bishop of Ely in May 1173.⁷

2. With regard to charters preserved only in medieval transcripts it may be laid down generally that it would not be safe to draw any argument from the presence or absence of the formula. So soon as the grace became established in the royal style the copyists of the charter rolls by force of habit inserted it in transcripts where it cannot be proved to have been in the original. Occasionally they omitted it in cases where we have good reason to believe that the original contained it. The same thing may be said of copies preserved in chartularies. I venture to think that these transcripts are best left out of account in dealing with the question of formulae.

3. Far more interesting is the problem raised by what I have called the irregular class of charters. In his second article M. Delisle deals with seventy-two originals⁸ preserved in the Public Record Office and in the British Museum. Among these he finds only four which do not conform to his rule, and three of them can be accounted for on the hypothesis that they were drawn up by some member of the religious houses to which the grants they contain were made.

(1) One is a letter of protection for the abbey of Westminster; assigned to 1155-1157,⁹ which bears the title *Henricus Dei gratia rex, &c.*, in elongated capitals. Now the use of capitals in the king's title is quite foreign to Henry's chancery. The only other instance known to M. Delisle occurs in a Foucarmont charter, written at Rouen not by a chancery official but

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⁷ In his second paper M. Delisle writes guardedly, 'au cours de l'année 1173, peut-être même à la fin de 1172, ou tout au commencement de 1174, probablement à l'arrivée d'un nouveau chancelier' (*Bibl. lxxviii. 272*).

⁸ He calendars 74, but two of these are not formal royal charters.

⁹ Probably January 1156; cf. Eyton, p. 15.

per manum Stephani de Fulgeris scriptoris.¹⁰ Secondly, the writing of the king's name in full, instead of *H.* or *H.*, appears in only one other of the seventy-two charters here described. That charters were sometimes drawn up, not merely by representatives of the religious houses concerned, but actually in those houses before the document was submitted for the king's approval, is shown by a charter of which M. Delisle gives a facsimile, and in which the text is written in a set book hand and the witnesses' names added in quite a different writing, presenting features of the chancery hand of the period.¹¹ It is a peculiarity of such documents that they sometimes, following the ecclesiastical pattern, include a precise date, such as, *Facta est autem ista mea confirmatio anno ab incarnatione Domini M^o C^o LXIX*.¹²

(2) A charter to Newhouse abbey, assigned to 1175, begins *H. rex Anglie*, instead of *Anglorum*, and omits the *gracia*.¹³ M. Delisle points out that, apart from a few changes in the terms of the grant, the document is textually copied from one placed between 1155 and 1164. Both charters, and indeed a third, also for Newhouse,¹⁴ bear marks of being written by the same hand: all have the irregular *Anglie*, and all have the unusual *Testibus* (instead of *T.*) before the list of witnesses. I may cite a parallel, which I owe to the kindness of my friend the Rev. H. E. Salter, in three charters confirming Takeley, in Essex, and other property to the monastery of St. Valéry, and now in the possession of the warden and fellows of New College, Oxford. Two of them are of Henry I, one early and the other late in the reign; the third was granted by Henry II between 1162 and 1164: except in the witnesses and in matters of orthography they appear to be identical.¹⁵ The documents begin respectively as follows:

Henricus Dei gratia Rex Anglie.

HENRICUS REX ANGLIE ARCHEPISCOPIS EPISCOPIS ABBATIBUS, &c.

Henricus Dei gratia Rex Anglie Dux Normannie et Aquitania, &c.

A comparison of the orthography leads to the conclusion that the third is a copy not of the second but of the first, and this fact explains the *Dei gratia*. The writing of *Henricus* in full and the use of *Anglie* in place of *Anglorum*, which are found in all three, are perhaps accounted for by the scribe's acquaintance with the usage of the kings of France. The capitals in the second document are unmistakably modelled upon the forms of a papal privilege. The comparison of the three shows how naturally a copyist deputed by his monastery might reproduce the text of what he had before

¹⁰ Round, *Calendar*, p. 84.

¹¹ *Les Formules*, postscript.

¹² No. 51, *Bibl. lxxviii*, 288.

¹³ Cf. *ibid.* pp. 7-9.

¹⁴ No. 25, *ibid.* p. 281.

¹⁵ Two of the three certainly bore a seal; in the third the photograph does not enable me to form any opinion.

him, only adding in the case of Henry II the extension of his territorial title.¹⁶ The reason for such grants simply repeating former grants M. Delisle sees in the need which the religious houses had for obtaining duplicate or multiple copies of their most important title-deeds in the days before the *vidimus* or *inseximus* or exemplification had come into existence.¹⁷

(3) A charter confirming the privileges of Rochester Cathedral, which belongs to a date subsequent to May 1173, presents various anomalies.¹⁸ The terms of the address are irregular and the greeting is unexampled. The document opens without any grace but in its course the king twice resumes his royal style, *ego H. Dei gratia rex Angl.*, contrary to all usage. If the charter is genuine it looks as though a local scribe had taken the *ego* from a French model. In any case no one will attribute it to the royal chancery.

(4) There is a charter to the abbey of Bordesley, issued between 1155 and 1158, and written in a bold court hand, which contains the formula *Dei gratia*.¹⁹ M. Delisle suggests that the scribe may by inadvertence have copied the grace from the seal, on which it is well known it always appeared. This is possible, but I think we must allow a margin of error even in the most strictly regulated chancery. If, as may well be the fact, the document belongs to January 1155, three months after Henry's coronation, we need not be surprised to find a foreign clerk introducing into it a feature with which he was familiar on the continent. Another charter which M. Delisle does not include among his irregular specimens is one granted at Winchester to Hugh Esturmi, which omits the grace and yet clearly belongs to some date not earlier than 1173, to which M. Delisle doubtfully assigns it.²⁰ But there is no evidence that the king was at Winchester in 1173, and Eyton placed the document so late as 1181,²¹ a date which is favoured by the appearance of Hugh of Morwich among the witnesses. But another witness is given in the form *Gaufrido Ridello Eliensi episcopo*, and this arouses suspicion of the genuineness of the charter, unless *electo* has accidentally slipped out. But a clerk who committed this mistake can hardly be trusted on a point of technical correctness.

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¹⁶ And in this he had to write *Normannie, Aquitanie*, &c., instead of *Normannorum*, &c., in order to suit the *Anglis* with which he started.

¹⁷ *Bibl. lrviii.* 304-7.

¹⁸ No. 58, *ibid.* pp. 299, 307 f.

¹⁹ No. 11, *ibid.* pp. 277, 298 f., and facsimile.

²⁰ No. 70, *ibid.* p. 296.

²¹ Eyton, p. 245.