Dating Undated Medieval Charters

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THE CHARTERS OF KING HENRY II:  
THE INTRODUCTION OF THE  
ROYAL INSPEXIMUS REVISITED

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It is hardly surprising that in his search for datable linguistic formulae in undated English charters, Michael Gervers, like Sir Frank Stenton before him, has drawn attention to the all-pervasive influence of the royal chancery.¹ This is not to say that every innovation in the wording of charters was first devised by the king or his officials. Nonetheless, since the terminology of private charters marched a step behind, but always in dogged attendance upon the terminology and processes of the law, and since, by the late twelfth century, it was royal law that dominated most forms of property transaction, it was the king and his courts who did most both to inspire and to police the evolution of new forms in the phrasing of private charters. To this extent, an understanding of the forms and phraseology of the King’s own charters is fundamental to any search for the evolution of forms and phrases outside the royal chancery. In the present paper, I hope to show, with reference to the charters of King Henry II (1154–89), how the study of one particular turn of phrase, later to develop into the instrument known as the royal inspeximus, might assist us in understanding quite how perilous it may be to rely upon phraseology as a criterion for dating. My discussion here will be founded very firmly upon the work of two previous scholars: the Frenchman Leopold Delisle and the Englishman Vivian Galbraith. Between them, Delisle and Galbraith set a standard for the precise study of the language of twelfth-century charters that has seldom been bettered. There is still much to be learned about the linguistic developments of Henry II’s chancery. Nonetheless, as an indication of the lines for future enquiry, and as an introduction to the perils and pitfalls of editing royal charters, I hope that the present enquiry may be of some use, even to those whose work lies far distant from twelfth-century England or the Plantagenet court.

As always with the charters of Henry II, our starting point must be the massive enterprise of Léopold Delisle. From his days as an aspiring chartiste in the 1840s, through to the year of his death in 1910, in advanced old age, Delisle sought to assemble a complete collection of those of King Henry II’s charters that concerned the King’s dominion in France. The results of this enquiry began to appear only shortly before Delisle’s death, but by 1910 he had published half-a-dozen articles on the subject and the first introductory volume of what he intended to be

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a complete edition of texts, together with an *Atlas* of photographic facsimiles of originals. The edition itself was completed posthumously, in a further three volumes edited by Delisle’s pupil, Elie Berger. In all, Delisle and Berger published more than 800 texts of Henry II. Their edition, and in particular Delisle’s *Introduction*, remains fundamental to our understanding of the Plantagenet chancery. For the purposes of the present discussion, the most dramatic and rightly famous of Delisle’s discoveries concerned the use of the formula *Dei gratia* in the King’s title, *Henricus Dei gratia rex Anglorum*. Previously regarded as a haphazard element of chancery phrasing, the *Dei gratia* formula was shown by Delisle to have been introduced at a fairly specific point, midway in the King’s reign, at some time in 1172 or 1173. Until Delisle’s enquiry many charters of Henry II had proved impossible to date save within the very broadest of parameters. Delisle’s discovery changed all this, suggesting that the presence or absence of *Dei gratia* could be used to determine whether a charter dated from the first or the second half of Henry’s reign, from 1154 to 1173, or from 1172 to 1189.

Delisle’s claims did not go unchallenged, especially since, to begin with, taken aback by the brilliance of his own discovery, he himself was tempted to exaggerate its infallibility. John Horace Round, whose attitude to the Ecole des Chartes and to all things French had soured considerably as a result of his own researches in the Norman archives, poured scorn upon Delisle’s new theory. With his customary mixture of precision and brutality, Round pointed to a number of flaws in Delisle’s initial report, and in particular, questioned whether charters that survived only in cartulary or later copies, as opposed to originals, could be dated according to their inclusion or omission of *Dei gratia*. All too frequently, as Round showed in example after cruel example, a later copyist might introduce the *Dei gratia* formula, imposing the most recent practices of the English royal chancery upon documents which in their original state clearly belonged to the years before 1172–73. The criticism here was a serious one, and Delisle was forced to take account of it in the more detailed treatment of *Dei gratia* which he contributed to his *Introduction* of 1909.

Nonetheless, and despite various later challenges and qualifications, in particular with respect to cartulary copies and to originals produced


by beneficiaries outside the royal chancery, the rule that Delisle devised remains a classic, arguably the classic, example of the use of linguistic formulae in the dating of otherwise poorly dated medieval charters.

The chief flaw in Delisle's edition lay not with diplomatic, of which he was master sans-pareil, but in his failure to extend his search for the charters of Henry II much beyond the archives of northern France. Delisle did assemble lists of original charters of the King in the British Museum and the Public Record Office, and, by correspondence with H. E. Salter at Oxford, and Canon Foster at Lincoln, came to appreciate at least something of the riches that still awaited discovery in the English archives. However, just as Round's work on the Calendar of Documents Preserved in France appears to have bred in Round a raging francophobia, in the same way, Delisle's experiences in England, and in particular his fight to secure the return of French manuscripts looted by the thief and bibliophile Libri, and thence sold to the utterly insufferable Lord Ashburnham, may have blunted the Frenchman's enthusiasm for the entente-cordiale. As a result, Delisle and Berger, in publishing their 800 texts for French beneficiaries or issued in France, merely scratched the surface of the vast mountain of Henry II's charters that awaited discovery in England.

With this English material a start had been made, half a century earlier, by the Rev. R. W. Eyton, who in his Court, Household and Itinerary of King Henry II had attempted to reconstruct the King's movements by reference to the chronicles, the Exchequer records, and to the place of issue with which Henry II's charters end: Testibus X apud Z. "Facts, simple facts", declared Eyton, "These are the primary and most essential elements of pure history", a sentiment with which some but by no means all latter-day medievalists might agree. Eyton's Itinerary was


10. Perhaps most remarkable was Delisle's failure to consult the so-called Norman Rolls in the Public Record Office at London (henceforth PRO), class C64, which are a treasure-trove of early Norman charters, but which Delisle knew only imperfectly and at second hand, from the transcripts in Paris and elsewhere by Bréquigny, Lenoir, and others. The limitations of Delisle's work in England did not prevent at least one reviewer, Charles Bémont (who should really have known better), from criticising the Recueil for its publication of too many English texts: Bibliothèque de l'Ecole des Chartes 77 (1916): pp. 341–42. The date of this review helps to explain Bémont's particular concern for the glory and honour of France.


widely used by Delisle and Berger: on occasion with unfortunate results. As had
been remarked, again by the ubiquitous Round, Eyton's attempt "to assign to each
charter its probable date [could prove] a very dangerous and misleading prac-
tice",13 tempting those who came after him to assume that a charter issued, say, at
Canterbury, must be assigned to one of the King's dozen or so recorded visits to
that city, despite the fact that for weeks, indeed for months on end, the King's
movements were entirely unrecorded in chronicles or Pipe Rolls, and that, as a
result, there were many hundreds of days when the court could have been resident
at Canterbury or at any other of the locations where charters were issued. Eyton's
dating of charters was itself heavily dependent upon conjectures, many of which
have wilted in the light of later discoveries, most notably Delisle's exposure of the
date at which Dei gratia became common form. Furthermore, although Eyton did
his best from the cartularies and editions published by 1878, to assemble all ref-
erences to the King's charters, he knew of only a small fraction of the total that
has since come to light, and only a fraction of Eyton's fraction, being directly rel-
levant to France, was used by Delisle and Berger.

As a result, and despite the remarkable labours of Eyton, Delisle, and Berger,
historians of the Plantagenet court continued to seek a more comprehensive edi-
tion of Henry II's charters: an edition that would span both sides of the Channel,
and assemble materials from both the French and the English archives. Within a
decade of Delisle's death, Vivian Galbraith had clearly begun to toy with the idea
of such an edition, in the process making several important discoveries. As we
shall see, it was Galbraith who first investigated the introduction of the inspeximus
form to Henry's chancery. In addition, Galbraith drew attention to the work of one
particular chancery scribe, Stephen of Fougeres, whose activities could be clearly
traced from the peculiarity of his script, allowing for the dating by palaeographi-
cal criteria of numerous original charters of Henry II.14 Galbraith's lead here was
taken up by T. A. M. Bishop, who began by collecting further examples of the
work of Stephen of Fougeres, in the process demonstrating that the phrase
omnibus hominibus in the address to royal charters served as something of a lin-
guistic signature, allowing many charters containing this formula to be assigned
to the period before Stephen's promotion as bishop of Rennes in 1168.15 From
this, Bishop went on to examine the work of other chancery scribes, tracing as
many as possible of the surviving originals issued in the names of kings Henry I,
Stephen, and Henry II. Having meticulously listed these documents and supplied
photographic facsimiles in his Scriptores Regis of 1961, Bishop sought both to
reveal the inner workings of the chancery and to provide dating criteria for origi-
nal charters based upon the career-dates of their scribes, and in some cases upon
linguistic 'signatures' similar to that revealed in the work of Stephen of

14. V. H. Galbraith, 'Seven Charters of Henry II at Lincoln Cathedral', The Antiquaries Journal 12
Fougères. As with Eyton’s *Itinerary*, this proved a useful but on occasion a hazardous enterprise, depending as it does upon identifications of scripts and their authors that in many cases remain speculative or unproved. Many dozens of originals, it transpired, could not be assigned to the work of any particular royal scribe, suggesting both that many of these ‘originals’ are forgeries, and that the beneficiaries of individual charters, rather than the king’s writing office, continued to produce a large number of the documents to which the royal seal was applied, at least during the earlier part of Henry II’s reign. Moreover, like Galbraith before him, Bishop balked at the prospect of a complete edition of Henry II’s charters, French and English, originals as well as cartulary or later copies.

Working at much the same time as Bishop, Professor van Caenegem in 1959 produced a groundbreaking edition of one particular type of royal document, the writ, traced from its origins through to the reign of Henry II. However, it was not until the 1970s that a scheme for a definitive edition of all of Henry II’s charters was seriously entertained. Its proposer, J. C. — now Professor Sir James — Holt, obtained funding for a research assistant from the British Academy, and over the next twenty-five years built up an impressive archive in the History Faculty at Cambridge, assembling photographs and xeroxes of all known manuscript copies of Henry II’s charters, which could then be filed and assigned a particular reference number, organised by beneficiary in alphabetical order, charter by charter. By 1994, Holt and his researchers, most notably Richard Mortimer, had assembled files on nearly 2,000 texts of Henry II, collected chiefly from the British Library and the Public Record Office in London, but including all of the items published by Delisle and Berger from France. In addition, and in order that the work might be carried beyond the reign of Henry II, they extended their search to include the chanceries of King Richard I, Queen Eleanor, and of John prior to his accession as King, thereby laying the basis for what was conceived of as an edition of all surviving Plantagenet royal charters from 1154 to 1199. From 1199, as all English and at least some continental historians are aware, the English royal chancery began to make enrolments of its outgoing charters and letters, through the various series of Cartae Antiquae, Charter, Patent, Close and other Rolls, still


17. On this see the remarks of Richard Mortimer, ‘The Charters of Henry II: What Are the Criteria for Authenticity?’, *Anglo-Norman Studies* 12 (1990): pp. 119–34. For a valuable comparison with the chancery of the French King Philip Augustus, see J. Dufour, ‘Peut-on parler d’une organisation de la chancellerie de Philippe Auguste?’, *Archiv für Diplomatik* 41 (1995): pp. 249–61, suggesting that a large number of the documents issued in the name of the King of France, as late as the 1220s, continued to be written outside the embryonic royal chancery.


preserved in the Public Record Office in London and by now published, at least as far as the sixteenth century, either in extenso or in calendar form. In 1986, Holt and Mortimer produced a provisional Handlist of original charters of Henry II and Richard I surviving in archives in the United Kingdom. Beyond this, the existence of their archive in Cambridge encouraged the writing of further articles, including a particularly valuable study of forgery in the charters of Henry II, published by Richard Mortimer in 1990.

I myself first became involved with the project in 1994, working initially in France as Professor Holt's research assistant funded by the Leverhulme Trust, and since 1996 as his successor as Director. Professor Holt now serves as the project's Chairman and chief mentor, supervising the funds contributed by the British Academy and by Trinity College Cambridge and providing sage counsel to the project's endeavours. From France, and after a comprehensive search of the English archives, involving visits in person to more than 300 libraries and archives, I and my own research assistants, first Michael Staunton and more recently Kate Dailinger, have managed since 1994 to assemble references to a further 1,000 charters of Henry II, bringing the total close to 3,000, and including nearly 100 charters for beneficiaries in France that were unknown to Delisle and Berger. In 1997, I began the process of putting all of this material onto computer, and thereafter have proceeded, letter by letter, through the collection as a whole, editing all the texts that are on file, and supplying historical apparatus, identifying placenames and the dates of individual documents. All 3,000 texts of Henry II are now machine-readable, and the final editorial process has reached letter 'L', covering the first half of the collection. The edition itself is under contract for publication in four volumes of more than a million words, to appear from the Oxford University Press in 2003.


23. For the additions from France, see Acta of Henry II and Richard I Part Two: A Supplementary Handlist of Documents Surviving in the Original in Repositories in the United Kingdom, France, Ireland, Belgium and the USA, ed. N. Vincent, List and Index Society Special Series xxvii (1996); N. Vincent, 'Les Actes de Henri II Plantagenet concernant la Normandie inconnues à Léopold Delisle', Cahiers Léopold Delisle (forthcoming). Taken together, the two Handlists of 1986 and 1996 cite 54 original charters of Henry II entirely unknown to Bishop. A further 20 originals have come to light since 1996, bringing the total of additional originals unknown to Bishop to 65, and the grand total of Henry II originals to c.520. For some remarks on the implications of this, see Vincent, Handlist (1996), pp. 25–26.
We have thus progressed far beyond the point reached by Eyton, Delisle, or Berger, and with the aid of modern technology, at last have access to all, or nearly all, of Henry II's 3,000 surviving charters, searchable at the touch of a computer keyboard in a way unimaginable in the days of Delisle, Galbraith, or Bishop. What, however, can be learned from such a search? Here it is that we return to the chief matter of this enquiry: the question of the inspeximus.

In a brief but seminal article published in 1937, V. H. Galbraith advanced a number of theories about the introduction of the inspeximus form to English royal charters.24 In accordance with the standard authorities on continental diplomatic — Bresslau and Giry — Galbraith proposed that the inspeximus (or vidimus as it is known in France), originated with the practice of episcopal chanceries, in response to the growth of papal jurisdiction.25 From around the year 1100, continental bishops in receipt of papal mandates would occasionally rehearse the text of such mandates, with the application of the bishop's seal and the insertion of brief introductory and corroborative clauses, in order to broadcast such letters to the diocese at large. From this, it was but a relatively simple step towards the rehearsal in similar terms of other, non-papal, letters, including earlier episcopal or private charters, should a bishop seek to renew the privileges of a monastery or other religious corporation. Beginning in this way as an episcopal innovation, inspired by the new authority of the post-Gregorian popes, the form slowly took root in English episcopal chanceries, and at much the same time in the chancery of the English Kings. In the episcopal chanceries of England, the verb inspeximus makes its first recorded appearance in such a context in the 1120s, and it was not until the 1170s that the English bishops began to issue full recitals of earlier awards.26 As for the royal chancery, well into the reign of King Stephen

26. For detailed discussion of the episcopal inspeximus, see C. R. Cheney, English Bishops' Chanceries 1100–1250, Manchester, 1950, pp. 90–96. However, many of the earliest examples adduced by Cheney come from the archives of Rochester and Gloucester, where there is evidence of such widespread forgery that any use of the inspeximus must be treated with grave suspicion. In a more recent analysis, English Episcopal Acta II: Canterbury 1162–1190, ed. C. R. Cheney and B. E. A. Jones, Oxford, 1986, pp. lxvi–viii, Cheney accepted a date after c.1170 for the adoption of the full-blown inspeximus form, tracing the earliest genuine examples to the diocese of Worcester. The form, he suggests, remained rare, even amongst episcopal chanceries, until c.1200. For what may be the earliest use of the verb inspeximus in the episcopal confirmation of earlier episcopal and royal charters (by bishop Everard of Norwich, 1121/22), and for what may be the earliest full-blown inspeximus charter reciting an earlier award word for word (by bishop Roger of Worcester, 1164 X 1179), see English Episcopal Acta VI: Norwich 1070–1214, ed. C. Harper-Bill, Oxford, 1990, no. 45; M. G. Cheney, Roger Bishop of Worcester 1164–1179, Oxford, 1980, pp. 112, 306, no.75; The Cartulary of Worcester Cathedral Priory, ed. R. R. Darlington, Pipe Roll Society n.s. xxxviii (1968), p. 34 no. 55. In the decade to 1180, the full recital of earlier awards appears for the first time in the dioceses of Bath, London, and York. At Canterbury, it first appears 1181 X 1184 (cont. on next page).
Dating Undated Medieval Charters (1135–54), although it was customary for the King to renew the privileges of his ancestors, or on occasion to confirm gifts recorded in private charters, such confirmations tended merely to paraphrase the earlier award to be confirmed, sometimes by direct copying from an earlier charter down to precise details of field-names and word order, sometimes in more general terms by stating simply that the new King confirmed all the gifts of his ancestors or of private individuals, whatever they might be, without entering into specific detail: *sicut cartedonatorum (or antecessorum meorum) testantur*. From Stephen's reign, however, and in tandem with the development of similar formulae by the English bishops, the King or his chancery officials might from time to time dictate a clause to the effect that the King himself had seen with his own eyes the charters which he hereby confirmed. It is just such phrases that occur in a handful of the early charters of Henry II.

Galbraith knew of at least two examples of this formula, both of them the work of the chancery scribe Stephen of Fougeres: a charter to Eynsham Abbey, issued between December 1159 and May 1162, confirming an earlier award by King Henry I, *quam vidi oculis meis*; and a charter to Lincoln cathedral, 1163 X October 1164, confirming an earlier charter of King William I, *quam vidi*. To these we can now add a writ for Burton Abbey, 1155 X 1158, confirming a charter of Henry I, *quam oculis mei(s) vidi*; a charter to Bury St Edmunds, c. May 1157, confirming a charter granted by Edward the Confessor, *quam vidi*, and a charter confirming the foundation of the leper house at La Flèche, 1156 X 1159, renewing charters of the King’s father, Geoffrey Plantagenet, and of Geoffrey de Claris his steward, *quas oculis meis vidi*. Only the last of these, with its address to *omnibus hominibus et amicis et fidelibus*, can tentatively be assigned to the work of Stephen of Fougeres. The Burton writ is supported by a further letter of Queen Eleanor of Aquitaine, issued before 1167, referring to Henry II’s confirmation as the *cartam domini mei que testatur quod ipse oculis sui vidit cartam H(enrici) regis sui*. In this way, the new clause remained something of a


27. For examples, see Delisle, *Introduction*, pp. 185–93.


29. Galbraith, "Seven Charters", pp. 271–73, nos. 1, 7. Here, and in what follows, the dates given for individual documents are based upon standard criteria, most notably the King’s itinerary and the witness lists, all of which will be fully explained in my edition of Henry II.


32. Delisle and Berger, *Recueil*, no. 106.

33. BL ms. Loans 30 (Burton Cartulary) fo.6r, whence 'Burton Chartulary', p. 12.
rarity, used only sparingly during the first decade of the reign, and not at all thereafter.

Even before 1154, a charter supposedly issued by Henry II as Duke of Normandy, witnessed by Richard de Bohun as chancellor— which would place it in the period September X December 1151— claims to confirm earlier charters awarded by the ancestors of Jordan Taisson and Duke Henry himself to the monks of Fontenay, referring specifically to the charta fundatoris . . . que incipit Quisquis Deo, and the charta confirmationis quam predicti abbas et monachi habent a Willelmuno tunc duce Normanniae . . . que incipit In Nomine Sancte et Indiviudae Trinitatis, que charte crucibus sunt signate secundum antiquam consuetudinem, stating that these charters had been recognised by Jordan before the Duke and his barons at Rouen, and confirmed by Duke Henry ‘word for word’ (de verbo ad verbum). The editors of Henry’s ducal charters accepted this award as genuine, presumably on the basis of its, admittedly plausible, witness list. However, the terminology of the charter, with its address to omnibus tam presenta− tibus quam futuris, and its distinctly episcopal-sounding corroboration quod ut statum (?ratum) sit et stabile in perpetuum presenti scripto et sigilli mei munimine confirmauit, combined with the charter’s reference to the earlier privileges by their incipits— reminiscent of much later practice— all argue strongly against authenticity. Almost certainly, the Fontenay charter is a forgery.

Standing slightly apart from the development of the inspeximus charter, we should note that already by the 1160s it was accepted that the King might add his authority and confirmation to non-royal charters simply by the application of the royal seal. In this way, Pierre Chaplais has identified a copy of the canons of the Council of Lillebonne of 1080 as an exemplification submitted to King Henry II for sealing, probably in February 1162, with a final clause inserted in the hand of one of Henry II’s known chancery scribes, noting merely that the Council’s rulings had been devised by the bishops and the King. Such a use of the royal seal, to authenticate an instrument not in the King’s name, can be found again in May/June 1169, when the King’s seal was appended to a cyrograph drawn up in the names of the abbess of Fontevraud and the abbot of Bourgueil, and at some time between 1177 and 1179 when the King, together with the archbishop of Canterbury, sealed a cyrograph drawn up between the Canterbury monks and Reginald of Cornhill.

34. Delisle and Berger, Recueil, no. 42*; Regesta III, no. 325, from much later copies at Caen and Rouen, also printed in Gallia Christiana, 16 vols, Paris 1715−1865, XI, instr. col. 82.
36. Delisle and Berger, Recueil, no. 283, with original exemplars now Angers, Archives départementales de Maine-et-Loire 173H2, no. 27; Poitiers, Archives départementales de la Vienne Carton 12 dossier 1 no. 1, only the first of these being noticed by Delisle and Berger. For the Canterbury cyrograph, see W Urry, Canterbury under the Angevin Kings, London, 1967, pp. 409−10, nos. 29−30, from Canterbury Cathedral Library Chartae Antiquae C846, C849, the royal seals now missing. The Canterbury settlement was thereafter confirmed in a full royal charter, paraphrasing the original cyrograph: Urry, Canterbury, pp. 410−11, nos. 31−32.
For the next development affecting the *inspeximus* proper, Galbraith referred to a well-known story in the *Battle Chronicle*, a narrative source composed at Battle Abbey in Sussex: attributed by its most recent editor to the last decade of Henry II's reign, but perhaps more correctly dated to the 1190s, given its reference at one point to the "time of King Henry", as if the King were already dead when the chronicler was writing. The general consensus on the Chronicle is that, although making use of eleventh- and early-twelfth-century charters that are undoubtedly forged, the chronicler himself provides a reliable account of the process by which these forged charters were employed after 1154 by the Battle monks, eventually obtaining confirmation from King Henry II. Here, as part of an extended account of the election of abbot Odo of Battle in 1175, the chronicler reports Odo's attempt to have his earlier charters of liberty and exemption confirmed by the King. The abbot, who had been blessed by the archbishop of Canterbury at Malling on 28 September 1175, travelled thereafter to the royal court carrying with him a charter of King William I, Battle's founder, "which had decayed with age". The King was unwilling to confirm this charter without judgement of his court, but was won round after a speech in council from his justiciar, Richard de Lucy, brother of the previous abbot of Battle, Walter de Lucy (d.1171). Calling for Master Walter of Coutances, who the chronicler describes as chancellor, but who in fact at this time was discharging a subsidiary office in chancery:

The King ordered that a new charter be made in the royal name and sealed with his own seal, following the form of the old charter, and specifying that in the new charter it be stated that he had confirmed it for the love of God and at the petition of abbot Odo, wishing the name and merit of the abbot to be recorded. Now, whereas in the charters and muniments given by various persons at different times concerning the same matter, it is the custom that the later documents mention the earlier ones, so that the latter seem to require the evidence of the former, for example in such words as *sicut carta illa, vel illius N.*, *testatur*, the King would put in no such phrase, but himself dictated another phrase, never before employed (*antea insesitatam*), bearing witness in his own person concerning what he had seen in these words: *quia quoniam inspexi cartam Willelmi proaui mei, in qua prescrite libertates et quietancie et libere consuetudines ab eo prefate ecclesie concesse continebantur.*

37. *The Chronicle of Battle Abbey*, ed. E. Searle, Oxford, 1980, and see the detailed review by Martin Brett in *Medium Aevum* I (1981): pp. 319-22. In her introduction (p. 9), the editor suggests that the chronicler himself died between 1184 and 1189. However the chronicle (pp. 228-29), in recounting litigation over the church of Mildenhall, suggests that after the late 1150s the canons of Leeds Priory withdrew their claim against Battle 'for the time of King Henry [d.1189] and abbot Walter [d.1171]' (*ad tempus quieuerunt a lite, domino scilicet rege Henrico et abbate Walerio supersitibus*). Litigation over Mildenhall was revived in the time of Pope Celestine III (1191–98), and continued, with interventions by the monks of Bury St Edmunds, until at least 1206: *English Episcopal Acta VI*, no. 332n. The chronicler's remarks here can leave little doubt that he was aware of the dispute's revival after 1191.

The chronicler then goes on to report the King’s explanation for this new formula, inserted so that the new charter might stand independently of its archetype, removing the necessity for both the earlier charter of William I and its confirmation by Henry II to be produced in evidence. The King is furthermore said to have ordered that the new charter be written out and sealed with the royal seal in three separate exemplars, so that the monks would always have a copy at hand, even if one or two of the exemplars were in use elsewhere, presumably so that the charter might be produced simultaneously before different sessions of the King’s courts, meeting in eyre in other counties or in other places where the monks claimed lands or liberties.39

As Galbraith pointed out, the chronicler’s account here is of fundamental significance to our understanding of the evolution of the instrument later to be known as the royal *inspeximus*, suggesting that the term *inspexi* was first introduced to the charters of Henry II in 1175 or shortly thereafter, for very practical reasons. Some previous writers who had known of the Battle chronicler’s remarks had dismissed them as mere fiction.40 Such a dismissal had come to seem all the more justified once it became clear to modern historians that, from at least the mid-twelfth century onwards, the monks of Battle were engaged in widespread forgery, attempting to invent for themselves an exemption from the local diocesan authority of the bishops of Chichester on the basis of spurious charters of King William I. The charter confirmed by Henry II in 1175 may well have been just such a forgery, supposedly issued by King William before 1089, but in fact composed some seventy years later.41 It was Galbraith’s achievement not only to refocus attention upon the chronicler’s account of the new clause introduced in 1175, but to bring to light one of the three authentic exemplars which, as the chronicler claims, the King ordered to be written and sealed in favour of the Battle monks. This document, now British Library Additional Charter 70981, unlike so many other twelfth-century charters from Battle, is of undisputed authenticity, written in the hand of a chancery scribe identified by Bishop as scribe XL, active from at least 1163 until 1187, dated at Winchester, and witnessed by Geoffrey bishop of Ely and eight other courtiers. Since, in accordance with the chronicler’s remarks, this surviving charter refers to abbot Odo, and since it is witnessed by Richard de Lucy, who retired from court in April 1179 and died that August, it can be dated without doubt to the period between September 1175 and April 1179, probably to

39. *Chronicle of Battle*, pp. 308-313, the translation above being adapted from that by Searle.
40. Thus Sir Thomas Hardy, in *Rotuli Chartarum*, London, 1837, p. v, dismissing the earlier notice afforded the chronicler’s remarks by Lord Coke and Sir Francis Palgrave. Delisle (*Introduction*, pp. 184-85) was less sceptical.
early in that period, shortly after abbot Odo's consecration. Its identity with the charter described in the chronicle is supported by its contemporaneous endorsement triplex, suggesting that it was indeed produced in triplicate as the chronicler claims. Most significantly of all, its corroborative clause is more or less identical to that described by the chronicler: *quia inspexi cartam regis Wille/miproaui mei in qua prescripte libertates et quietancie et libere consuetudines ab eo prefate ecclesie concesse continebantur*. Nor does the proof end here. Unknown to Galbraith, a duplicate exemplar of the same original survives in the East Sussex Record Office at Lewes, in more or less identical terms, save for the omission of the last two witnesses, and written in yet another recognisable chancery hand, identified by Bishop as that of scribe XLV, whose career spanned the service of both Henry II and Richard I, from c.1175–1189.

From his discovery of the first of these original charters, Galbraith drew a number of conclusions. To begin with, he suggested that the appearance of the *inspexi* clause in the Battle charter, although genuine, was unique and that it was never again employed during Henry's reign. When King Richard came, in 1198, to devise an instrument by which he could recite and renew charters issued earlier in his reign word for word, as a means of making large sums of money for the renewal under his second great seal of charters issued under an earlier seal temporarily lost on Crusade, he adopted a formula which made no use of *inspexi* or *inspeximus*, but instead spoke of the "renewal" (*innovatio*) of previous awards. The *inspeximus* form did not gain general currency in the royal chancery until 1227, when King Henry III, once again from financial motives, began to issue large numbers of *inspeximus* charters, renewing the charters of his ancestors in return for payments from the beneficiaries who wished them confirmed, and thereby setting a trend that was to survive for several centuries to come. In 1227, however, Henry III and his officials took their lead not from the embryonic *inspeximus* clause invented by Henry II, but quite independently, in emulation of a model provided by the English bishops. Finally, by proving the authenticity of

42. BL ms. Additional Charter 70981, as printed by Galbraith, 'New Charter', p. 73. For the scribe, see Bishop, *Scriptores Regis*, p. 52, no. 328 and plate xxxiv(a). The charter had earlier been printed in the *Proceedings of the Society of Antiquaries*, 2nd series iii (1867), pp. 408–11; see also B. Scofield, 'The Lane Bequest', *British Museum Quarterly* 11 (1937): pp. 73–76.

43. Lewes, East Sussex Record Office ms. BAT7, noticed by Holt and Mortimer, *Handlist*, p. 30, no. 10, and for the scribe see Bishop, *Scriptores Regis*, p. 37, no. 26 and plate xxxvii(b). Later, cartulary and chancery copies, for the most part from the BL version of the original, are to be found as PRO C66/431 (Patent Roll 10 Henry VI part 1) m.21; PRO C52/7 (Cartae Antiquae Roll G) no. 5; PRO C56/12 (Confirmation Roll 2 Henry VII part 3) m.1 no. 5; San Marino, Huntington Library ms. BA29 (Battle Cartulary) fos.36v–37r; London, Lincoln's Inn Library ms. Hale 87 (Battle Cartulary) fo.17v; BL ms. Cotton Vitellius D ix (Cartulary of St Nicholas' Exeter) fos.25v–26r; Oxford, Bodleian Library ms. Tanner 342 fo.170r, noticed from the lost cartulary of Brecon Priory. Brecon and St Nicholas' Exeter were both dependancies of Battle Abbey.


45. Galbraith, 'New Charter', pp. 70–71, 73: 'There can be little doubt that, when in 1227 the royal chancery adopted the charter of *inspeximus* and *confirmamus*, the *formulae* were directly borrowed from the ecclesiastical chantries. For there is no trace in royal charters, if we except the unique Battle confirmation, of any such intermediate form as that illustrated above . . . nor did the chancery clerks revert, as we might have expected, to the *formulae* of Richard I's innovations.'
the Battle chronicler’s story of the *inspeximus* clause, Galbraith appeared to lend verisimilitude to others of the chronicler’s remarks, not only on the events of 1175, but in respect to the chronicle’s account of other charters and confirmations supposedly issued by King Henry II.

By uncovering the surviving original of Henry II’s *inspeximus* charter, Galbraith rendered a major service to the history of diplomatic. However, in most of the conclusions that he drew from this discovery, he may well have been in error. Let us begin with the supposed uniqueness of the Battle charter with its use of the clause *inspexi*. With the help of our 3,000 machine-readable texts, we do not need to look very far to find almost exactly the same formula as that of the Battle charter employed in a charter of Henry II in favour of bishop John of Chichester, confirming the bishop’s rights of free warren as inspected in the charters of the King’s predecessors: *sicut carta regis Willelmii et carta regis Henrici auui mei quas ego inspexi et carte mee testantur*.46 This Chichester charter, unknown to Galbraith, was issued at Portsea in Hampshire, and must date after the consecration of John of Greenford as bishop, in October 1174, and before his death c.April 1180. Although it survives only in copies, the earliest of them from the thirteenth century, there is no reason to doubt its basic authenticity. Since the King was in France from October 1174 until May 1175, and since the charter is witnessed by Geoffrey count of Brittany, who made no recorded visit to England after Easter 1179, we can probably narrow its dating perimeters to the period between May 1175 and April 1179, or to very much the same period in which the *inspeximus* for Battle was issued. Now, this is most remarkable. To find two charters of Henry II employing the new formula is in itself no more than intriguing, until we bear in mind that the beneficiaries of our two charters, the monks of Battle and the bishops of Chichester, were the very bitterest of rivals. The chief motive behind the writing of the *Battle Chronicle* lay in its attempt to account for and to describe, in terms entirely favourable to Battle, a dispute between monks and bishops that was to last from the 1150s until at least the 1230s, and which involved an attempt by the monks to prove their exemption from the episcopal authority of Chichester on the basis of forged charters which they claimed to have received from King William I. To find both Battle and Chichester in receipt of *inspeximus* charters in the period 1175–79 is surely no mere coincidence. Rather, it suggests that as part of their longstanding rivalry one or other of the parties reacted to the award of the first *inspeximus* charter by demanding a similar charter for itself. The formula of the Chichester charter is less fully developed than the formula used at Battle, suggesting that it may even have been the Chichester charter that was the first to be issued. During the period in question, the King definitely visited Portsmouth, close by Portsea, in May 1175, and again in July and August 1177, travelling to or from France. In theory, the Chichester charter issued at Portsea could date from some six months before the earliest possible date for the *inspeximus* charter granted to Battle.47 To accept that the Chichester charter was


47. For the King’s movements, see Eyton, *Itinerary*, pp. 190, 216–18, bearing in mind the limitations of our knowledge of the King’s movements already remarked upon.
the first to be issued, we would have to discount the claim of the Battle chronicler that, in granting his charter for Battle, the King was improvising something "previously unattempted" (antea inusitatam).

Beyond the Battle and Chichester texts, and discounting very obvious forgeries, I have found only three further uses of the verb inspexi in Henry II's charters, all of them known to, but dismissed as spurious by Galbraith. Two occur in charters for the monks of Fécamp in Normandy, surviving as purported originals at Rouen and in the Musée de la Bénédictine at Fécamp. Both of these Fécamp originals are problematic. Neither is written by a scribe attached to the royal chancery. One of them is prepared for sealing in a way that would be most peculiar for a chancery production. The other is perished at the foot, so that it is impossible to prove that it was even prepared for sealing. Both might be genuine acts of the King, written by the beneficiary's scribe and merely submitted to the King for the application of the great seal. This would seem to be the interpretation placed upon them by Berger, and more reluctantly by Delisle. However, there are other aspects to these charters that suggest forgery. In particular, although from their identical witness lists and place of issue, at Westminster, they can both be assigned to the period before the death of Warin fitz Gerald, and hence before the King's crossing to Normandy in August 1158, they both adopt the Dei gratia clause. As such they join a small group of original charters of Henry II supposedly issued before 1172 with the Dei gratia clause. Leaving aside two charters which Bishop identified as "chancery renovations" renewing earlier grants of Henry II under the forms current after 1172–73, and which present particular problems of their own, this group comprises three charters for Fécamp, three charters from the archive of the Fitz Hardings at Berkeley, and a further charter for Battle, all of them, for one reason or another, deeply suspect. The language

48. Galbraith, 'Seven Charters', p. 272, n. 3. For other, undoubted forgeries, see Delisle, Introduction, pp. 182–84, whence Delisle and Berger, Recueil, nos. 137, 467, 714. To these can be added a purported inspeximus charter of Henry II to Combermere Abbey reciting in full the text of a charter of Robert de Baskerville, with impossible date, written throughout in the first person plural, first fully recorded in 1400 but perhaps already forged by 1253; Calendar of Charter Rolls 1341–1417, pp. 395–96, and cf. Calendar of Charter Rolls 1226–57, pp. 427–28. Equally spurious is the purported inspeximus of Henry II to Kingswood Abbey in Gloucestershire, again reciting in full a charter of King Henry I, with mixed first person singular and plural, and improbable liberties: London, Lincoln's Inn Library ms. Hale 30 pp. 701–702, reciting the charter of Henry I printed as Regesta II, no. 1496.

49. Rouen, Archives départementales 7HI2 pièce non coté, as printed in facsimile in Les Archives de Normandie et de la Seine-Inférieure, ed. P. Chevreux and J.-J. Vernier, Rouen, 1911, plate 17; Delisle and Berger, Recueil, no. 58; Bishop, Scriptores Regis, p. 69, no. 672; Vincent, Handlist, p. 69, no. 54, sealed sur double queue on a parchment tag through a single slit, seal impression missing. Chancery practice tended to favour three slits for the tag.

50. Fécamp, Musée de la Bénédictine, charte no.18 (formerly no.16), printed, with facsimile by Delisle and Berger, Recueil, no. 57 and Delisle, Atlas, plate 5; Bishop, Scriptores Regis, p. 47, no.221; Vincent, Handlist, pp. 67–68, no. 52.

51. Delisle, Introduction, pp. 18, 286; Delisle and Berger, Recueil, nos. 57–58.

52. Bishop, Scriptores Regis, 19n., pp. 34–35. Of the originals there cited, only Bishop nos. 288 and 724, for Bordesley and Mont-St-Michel, both in identifiable chancery hands, fit the category of pre-1172 awards recopied as originals under the Dei gratia formula after 1172.

of the Fécamp charters is itself most peculiar. The first of the two charters claims to confirm to Henry abbot of Fécamp all the lands in England and Normandy granted by Duke Richard of Normandy and King William I, free from all subjection, absque omni subiectione et dominatione baronum vel principum et omnium aliorum et absque omni inquietatione cuiuslibet iudicariate potestatis vel inminuitione dignitatis sicuti res ad fiscum dominicum pertinentes, forbidding pleas save before the King or his chief justiciar quia diligenter inspexi cartas Ricardi ducis Normannorum et Willemi regis Anglorum. The second confirms abbot Henry in possession of all the lands in England granted by King William I, namely Steyning and Bury in Sussex, together with the liberties contained in the first charter, described in near identical terms, forbidding pleas save before the King or his capital justice quia inspexi diligenter cartas regis Willemi et aliorum predecessorum meorum. The clauses on exemption here are borrowed from a privilege of questionable authenticity but undoubtedly of the eleventh century, supposedly issued to Fécamp by Duke Richard II of Normandy in 1025.

More damaging to the case of the two Fécamp originals is the fact that the second of them, concerning Steyning, is modelled upon and perhaps written in the same hand as a forged charter of King William I, whose forgery Pierre Chaplais has dated nearer to the end than the middle of the twelfth century, and which, Chaplais speculates, was forged so that Fécamp’s Norman liberties might be extended across the Channel to the abbey’s lands in England. The likelihood that the Steyning original of Henry II is a forgery is increased by our knowledge that the monks of Fécamp undoubtedly possessed one other forgery of Henry II relating to their lands at Steyning, now known only from an early thirteenth-century copy in the Cartae Antiquae Rolls. The witnesses to this charter are anomalous, including both Warin fitz Gerald, who died before 1161, and Gilbert Foliot bishop of London, consecrated only in 1163; its terminology, and especially its corroborative clauses, are clearly not the work of the royal chancery, and like several others of the Fécamp charters of Henry II, supposedly issued in the 1150s, it carries the tell-tale Dei gratia clause that we would expect only after 1172.

54. Delisle and Berger, Recueil, no. 57.
55. Delisle and Berger, Recueil, no. 58.
56. Recueil des Actes des Ducs de Normandie de 911 à 1066, ed. M. Fauroux, Caen, 1961, p. 130, no. 34; also in C. H. Haskins, Norman Institutions, New York, 1918, appendix B pp. 250–51, where the eleventh-century clause reads Hec omnia ... concedo ... ut habeant, teneant et possideant absque ulla inquietudine cuiuslibet secularis vel iudicarie potestatis sicuti res ad fiscum dominicum pertinentes. The Fécamp exemptions have been intensively analysed by J.-F. Lemarignier, Étude sur les privilèges d’exemption et de juridiction ecclésiastique des abbayes Normandes depuis les origines jusqu’en 1140, Paris, 1937, esp. pp. 50–63, 192–204, 220–27, 247–54; and cf. D. C. Douglas, ‘The First Ducal Charter for Fécamp, in L’Abbaye Bénédictine de Fécamp: ouvrage scientifique du Xlle centenaire, Fécamp, 1959, I, pp. 45–56, who suggests that the abbey’s exemption may have been more ancient than the date of 1006 proposed by Lemarignier, but that the supposed charter of 1025 was actually drawn up, at the earliest, after 1031.
57. P. Chaplais, ‘Une charte originale de Guillaume le Conquérant pour l’abbaye de Fécamp; la donation de Steyning et de Bury (1085)’, in L’Abbaye Bénédictine de Fécamp, I, pp. 93–104, with detailed commentary at p. 100, reprinted with additional material in Chaplais, Essays in Medieval Diplomacy, ch. 16, whence the commentary in Bates, Regesta, pp. 469–71, no. 141.
58. PRO C52/18 (Cartae Antiquae Roll S) m.2 no. 6, whence Cartae Antiquae Rolls, ed. L. Landon and J. Conway Davies, 2 vols, Pipe Roll Society n.s. xvii, xxxii (1939–60), II, no. 546.
this charter and the original relating to Steyning both fail the test of authenticity, then we must also condemn two other closely related charters: the more general privilege extending Fécamp’s Norman liberties to England, employing the clause *inspexi* considered above;⁵⁹ and another charter, which survives as an original at Rouen, with the same witness list and place-date as the charters of *inspeximus* but without use of the *inspeximus* clause.⁶⁰ With this last charter, from Rouen, we may at last obtain some insight into the true nature of the Fécamp forgeries, since the Rouen original is written in a hand, clearly not a chancery hand, found elsewhere in a pair of duplicate originals of a charter granted by Henry II, before August 1158, to the men of London. Like the Fécamp charters, the London city charter is dated at Westminster, suggesting to T. A. M. Bishop that the scribe who wrote it may have been employed in the Westminster Abbey scriptorium.⁶¹ Westminster Abbey, it hardly needs emphasising, was a prolific source of forgery throughout the 1150s and 1160s.⁶² On this basis, we might conclude that the original charter of Henry II for Fécamp now at Rouen was written at Westminster by a scribe who combined work for the royal chancery with freelance forgery, and that this Westminster production in turn provided the model for the two originals containing the *inspeximus* clause preserved at Rouen and in the Musée de la Bénédictine, themselves both forgeries, probably of the late twelfth century. By thus disposing of three of the supposed originals issued in King Henry’s name before 1172 under the *Dei gratia* clause, we further call into question the authenticity of all other originals employing *Dei gratia* before 1172, comprising the three charters from the Berkeley archive and a further original for Battle, all of which I would condemn on historical as well as palaeographical grounds.⁶³  

⁵⁹. Delisle and Berger, *Recueil*, no. 57, also preserved in the same enrolment as the forged charter on Steyning: PRO C52/18 no.2, whence *Cartae Antiquae Rolls*, II, no. 542.  


⁶¹. London, Guildhall Library ms. City Charters nos. 2-2a; Bishop, *Scriptores Regis*, p. 55, nos. 394–95, and cf. p. 10 ("the hand is probably that of a casually employed local scribe"), p. 34, n. 3 ("probably written by a Westminster scribe"). The award to London itself is accepted as an authentic act of Henry II by C. W. Hollister, "London's First Charter of Liberties: Is It Genuine?", in Hollister, *Monarchy, Magnates and Institutions in the Anglo-Norman World*, London, 1986, pp. 206–207. However, if genuine, its final clause, allowing for the confirmation of *omnes alias libertates et liberas consuetudines quas habuerunt tempore regis H(enrici) sui maiori et meliores vel libiores habuerunt*, does not sit well with Hollister's suggestion that Henry II deliberately failed to renew the Londoners' privilege to elect their own mayor and to pay a reduced farm to the King, as allowed by their supposed charter of Henry I.  


For the moment, having disposed of the Fécamp charters, we are left with only one other charter of Henry II, besides the Chichester and Battle inspeximuses of 1175–79, in which the verb inspexi makes an appearance. The charter in question, settling a dispute over knight’s fees at Dogmersfield and Dinder in favour of bishop Reginald of Bath, is dated at Geddington, and can be assigned by its witnesses to the opening weeks of 1177. In two separate places it refers to a charter of King Henry I quam ego coram baronibus meis vidi et inspexi.64 Galbraith, who knew of it only from an inferior chancery copy, suspected that it was forged.65 Certainly it is peculiar in its terminology, and in particular employs a phrase, cum placitum esset in curia mea, otherwise unique in the entire corpus of Henry II’s charters. However, its extremely long list of twenty-nine witnesses contains no obvious anomalies; it is referred to in detail in a papal confirmation of April 1179,66 its text was fully recited, within a decade, in an apparently genuine inspeximus charter of Archbishop Richard of Canterbury to be dated 1181 X 1184,67 and it ends with the clause per manum Walteri Constant’ archid(iaconi) Oxenef’ tunc sigillar(ii), similar to a clause found elsewhere in a royal charter of August 1177 X April 1178, lending circumstantial support to the authenticity of the Bath inspeximus, and suggesting a direct connection to the earlier inspeximus for Battle, which the King is said to have ordered from the hands of the same Master Walter of Coutances.68 If we accept the Bath charter as authentic, then we may add it to the Chichester charter as yet a third genuine example of the royal inspeximus form which Galbraith believed was unique to Battle.

We thus have two or possibly three genuine examples of the use of the clause inspexi, rather than the unique example posited by Galbraith. Equally significant, and again contrary to Galbraith’s conclusions, there is evidence that this, or a very similar clause, continued in use, in the royal chancery and in the subsidiary

(cont. from previous page) to argue that the charters are genuine, the work of a contemporary Bristol scribe submitted for sealing by the King. My own reasons for doubting their authenticity, partly set out in N. Vincent, ‘Nine New Charters of Henry Plantagenet Duke of Normandy (1150–1154)’, Historical Research (forthcoming 2000), must await a proper airing elsewhere.

64. Best preserved in PRO E159/97 (Memoranda Roll 17 Edward II) m.185d; E159/94 (ibid.) m.37. Printed from a corrupt copy in Calendar of Charter Rolls 1300–26, pp. 471–72. To be dated after the consecration of Bishop Reginald of Bath, and hence after the restoration of Hugh earl of Chester, deprived of his earldom from 1174 until the Northampton council of January 1177 at which another of the witnesses, Wido dean of Waltham, resigned from office.

65. Galbraith, ‘Seven Charters’, p. 272, n. 3.


67. English Episcopal Acta II, no. 51, where the charter of Henry II is misdated to February 1176 on the basis of Eyton, Itinerary, p. 200. Cheney (English Episcopal Acta II, p. lxvii) identifies this as the first genuine example of the use of the inspeximus form at Canterbury.

68. For the charter of 1177–78 in favour of Chartres Cathedral, data per manum magistri Walteri de Constantii apud Turon, see Paris, Bibliothèque Nationale ms. nouv.acq. Latin 2231 no.2, printed with facsimile by Delisie and Berger, Recueil, no. 563, and Delisie, Atlas, plate 21; Bishop, Scriptores Regis, p. 68, no. 654, with discussion and somewhat reluctant acceptance of its authenticity at p. 10; Vincent, Handlist, p. 57, no. 35. For Master Walter, in 1177 described as sigillarius regis, being commanded to issue a royal writ, see P. Grosjean, ‘Vies et miracles de S. Petroc’, Analecta Bollandiana 74 (1956): p. 181.
chanceries of the King’s immediate family, until at least the early years of King John. Here we need to take account of two charters of King Richard I, the first of them issued at Canterbury on 26 November 1189, reciting in full eight earlier royal charters to the bishops of Bath: a privilege of King William Rufus, four of Henry I, and a further three of Henry II, including the charter of 1177 over Dogmersfield and Dinder considered above.69 Richard’s charter, it is true, does not make use of the verb form inspexi or inspexitus, but instead speaks of the earlier charters as those quas de verbo ad verbum fecimus annotari . . . sicut in prescriptis cartarum rescriptis continetur: a formula that is nonetheless entirely distinct from the formula of renovation that was to govern royal charters reissued under the King’s second seal after May 1198, and which at the very least suggests that by 1189 the King’s chancery had accepted the basic principle that the charters of the King’s ancestors might not merely be paraphrased as part of a general confirmation, but recited word for word as part of an instrument in many respects analogous to the inspexitus charter as developed after 1227.

A second charter of King Richard, supposedly issued at Jaffa on 26 August 1192, is equally remarkable.70 Written in a hand that is clearly not English, it recites in full an award made by Snelman of Ospringe in Kent in the crusader army at Acre, confirming a tenement held from Gervase of Ospringe to Snelman’s nephew John, witnessed by various courtiers, including Roger of Préaux, Stephen of Thurnham, and Stephen de Marçay, the King’s seneschal, as well as by a group of lesser men.71 Snelman’s original charter survives elsewhere in the same archive, written in the same professional hand as the King’s confirmation.72 The confirmation, perhaps assenting to a deathbed grant by one of the King’s fellow crusaders, once again avoids any use of the inspeximus formula, but instead speaks of the King’s confirmation and assent to Snelman’s charter sicut carta ipsius testatur sub his verbis, ending Nos igitur hanc donationem et concessi- nonem iuxta prescriptum tenorem factam approbantes et prorsus habentes, eam ut indissolubilis et in perpetuum firma permaneat, presenti scripto et sigilli nostri appensione sancimus. That this is a distinctly ecclesiastical turn of phrase is.

69. The charter is most easily approached in the version printed as Calendar of Charter Rolls 1300–26, pp. 470–73, with further cartulary copies in BL ms. Egerton 3316 (Bath cartulary) fos.82r–84r; Wells Cathedral Library ms. Liber Albus I fos.15v–17r.

70. Cambridge, St John’s College muniments D8/121, described with full witness lists in Vincent, Handlist, pp. 168–69, no. 220.


72. Cambridge, St John’s College muniments D8/200, sealed sur double queue, parchment tag, seal impression missing.
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substantiated by the dating clause, *per manum Phi/ippi tunc regis sigillarii*, supplying the date according to the year of the incarnation and the Roman calendar, rather than the customary royal formula of day, month, and regnal year. I suspect that what we have here is not a forgery but a diplomatic oddity, produced by a foreign, possibly Italian scribe, more accustomed to ecclesiastical than royal practice.73 The list of crusader witnesses it provides is of considerable interest, as is its reference to the King’s seal, temporarily lost in a shipwreck off Cyprus in April 1191, but recovered thereafter. Once again, it suggests that as early as 1192, albeit in exceptional circumstances, the King was experimenting with the full recital, not merely of earlier royal charters, but of the charters of such obscure private individuals as Snelman of Ospringe.

Elsewhere, from much the same period, we have clear evidence that a prototype of the *inspeiximus* clause was in use in the chanceries both of Queen Eleanor, and of the brother of Richard I, John count of Mortain, the future King John. Thus in a charter to Hugh bishop of Coventry, 1189 X 1198, Count John speaks of charters of his father and brother, Henry II and Richard I, which *propriis oculis inspexi et inspeeta approbavi*.74 A confirmation by John to the monks of Canterbury Cathedral opens with a reference to an earlier charter of Richard I, witnessed by John himself, *Sciatis me vidisse cartam domini et fratris mei regis Ricardi... et quod ego in eadem carta testis sum*,75 whilst a confirmation to Fécamp, apparently unrelated to the earlier, suspect charters of Henry II considered above, once again employs the verb *inspexi*: *Sciatis quod inspexi cartas comitis Richardi et aliorum dominorum de Normannia*.76 A similar use of *inspexi* may well have been made in John’s charter to Tewkesbury Abbey, today known only from an abstract in the Tewkesbury cartulary.77 Most remarkably of all, a charter issued by John to Geoffrey de Marsh and dated at Nottingham on 29 August 1193 appears to anticipate by more than thirty years much the same formula that was to be officially


75. Canterbury Cathedral Library mss. Register A fos.82v–83r, 148v (158v); Register E fo.21v; Register I fo.76v.

76. Rouen, Archives départementales Seine-Maritime 7H20 pièce non coté, in a copy of 1721 taken from a lost original, also in Rouen, Bibliothèque Municipale ms. 1210 (Fécamp cartulary) no. 24; Paris, Bibliothèque Nationale ms. nouv.acq. Latû 2412, p. 24.

adopted by the chancery of Henry III after 1227: *Sciatis me cartam venerabilis patris Iohannis Dublensis archiepiscopi inspexisse in hec verba*, followed by a full recital of the archbishop's charter, and closing *Ego autem hanc eius donationem ratam habens et firmam eam presenti scripso confirmo et sigilli mei appositione communo*. Being almost too good to be true, this last formula must arouse the suspicion that it has been reworked or forged in imitation of the thirteenth-century royal *inspeximus: Inspeximus cartam X in hec verba ... Nos igitur hanc concessionem ... confirmamus*. Nonetheless, even after becoming King in 1199, although many of the experimental devices used by John as count seem to have disappeared from his chancery practice, there is at least one instrument entered on the official chancery rolls that deserves to be regarded as in some respects analogous to the later *inspeximus*: a charter issued in April 1200, granting Henry de Bohun the third penny of the county of Hereford, in return for Bohun's agreement that, should King John have a legitimate heir, there could be no further claim to the lands and liberties contained in a charter of Henry II, first issued in 1155, which is recited in full in King John's award: *cartam H(enrici) regis patris nostri quam ipse habuit in hac forma*. This charter had been deposited in Winchester Cathedral Priory, to be "broken and destroyed" should King John have legitimate issue: *frangenda et destruenda si heredem de uxore nobis deponsata habuimus*. Since the charter of Henry II was recited here in order that it might be annulled, rather than inspected and confirmed, John's charter deserves to be regarded as perhaps the first example of what would later be described as the royal exemplification, distinct from but clearly related to the charter of *inspeximus*. An exemplification merely recites the terms of an earlier award, without claiming to confirm them: an *inspeximus*, by contrast, not only recites but confirms. As yet another prototype for the *inspeximus* form, we should note a charter of Queen Eleanor, John's mother, issued in July 1199, confirming the privileges of Duke William of Aquitaine and Richard I to the abbey of Ste-Croix at Bordeaux, including the phrase *inspeximus priuilegia quibus pater noster et predictus filius noster rex Ricardus*, confirming, although not reciting these earlier charters, which presentis scripti testimonio et sigilli nostri authoritate confirmamus.


79. For various examples of this formula from the reign of Henry III, see *Rotuli Chartarum*, p. vi ff.

80. *Rotuli Chartarum*, p. 53, from PRO C53/1 (Charter Roll I John), and cf. p. 61b for Bohun's reciprocal charter on this agreement, once again reciting the earlier award by Henry II.

In light of all this, it is clear that Galbraith's conclusions on the date and circumstances in which the *inspeximus* clause came into being are in need of revision. Galbraith was correct to suppose that the *inspeximus* clause proper did not become a regular feature of chancery practice until Henry III's coming of age in 1226–27. However, long before that, the royal chancery had experimented with several very similar instruments. Beginning with the two or three surviving uses of the *inspexi* clause by Henry II in the mid 1170s, and continuing thereafter under King Richard I and his mother and brother with the occasional use of the verb *inspexi* or *inspeximus*, by 1199 we already find the royal chancery and its satellites making a full recital of earlier charters and privileges, including those not only of kings, but of bishops and of relatively minor private individuals. In England, the royal *inspeximus* developed in tandem with, or even in advance of the episcopal *inspeximus*, which itself emerged several decades later than some scholars have supposed. Since the *inspeximus* was the forger's charter *par excellence* — used to lend spurious authenticity to what purported to be much earlier awards — forgeries abound amongst the earliest examples of the form. In the chancery of the kings of France, for example, where the full-blown *inspeximus* developed after c.1210, some twenty or thirty years later than in England, both of the earliest examples of the form have been rejected by Michel Nortier as thirteenth-century forgeries or as deeply suspect.\(^{82}\) We have seen already that various of the charters employing the verb *inspexi*, supposedly issued by Henry II, are probably forged. At Rochester, as late as the 1260s, the monks were concocting what purported to be *inspeximuses*, and even *inspeximuses* of *inspeximuses*, supposedly issued by the twelfth-century archbishops of Canterbury, as a means of authenticating Rochester's remarkable collection of twelfth-century forgeries.\(^{83}\) In these circumstances, every *inspeximus* charter purporting to date from before 1200 needs to be very closely examined. After examination, only a few such charters — including those of Henry II and Richard I for Battle, Chichester, Bath, and possibly Ospringe examined here — can be accepted as genuine, the rest being subject to a greater or lesser suspicion of forgery. Even the genuine examples, such as the Battle *inspeximus* first studied by Galbraith, now put in context alongside the charter of a similar date for Chichester, suggest that the Battle chronicler's account of the emergence of the *inspeximus* is less than entirely accurate. To quite what extent the chronicler can be believed in other respects is a story that I intend to tell elsewhere.\(^{84}\) Meanwhile, I hope to have shown that even so common a linguistic formula as the *inspeximus* clause requires careful handling, and the

\(^{82}\) M. Nortier, 'Les actes faussement attribues à la chancellerie de Philippe Auguste', *Comptes Rendus des séances de l'Académie des Inscriptions et Belles-Lettres* (1981): pp. 661, 668, rejecting entirely the supposed *inspeximus* of 1180, and casting considerable doubt upon what would thereafter be the earliest full recital of an earlier royal charter, supposedly issued in 1209.


application of all manner of tests – palaeographical, diplomatic, and historical – before it can itself be used as a benchmark for the dating of otherwise undated twelfth-century charters. The flowering of the royal inspeximus in the 1220s was one whose roots and tendrils stretched back through the reigns of Henry III’s father and uncle to first germination in the reign of King Henry II. To trace its origins we must proceed with caution and, as Michael Gervers himself has warned, without any crude assumption that computers alone will tell us all that we need to know.

Bibliography


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