



EARLY CHARTERS
OF THE KNIGHTS HOSPITALLERS,
RELATING TO MUCH WOOLTON,
NEAR LIVERPOOL.

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SIX of the charters which form the subject of the present paper were discovered by the writer in the muniment room at Aston Hall, near Frodsham, in Cheshire.¹ The other charter is preserved at Arley Hall, also in Cheshire, and is now published for the first time.²

The editing of these documents has been a task of considerable difficulty, for, in the first place, there is no adequate history of Woolton,³ nor even

¹ I am indebted to Mr. John Hargreaves, a member of the Council of this Society, for drawing my attention to the fine charters at Aston Hall. There is a possibility that some of them will be acquired by the British Museum. The thanks of the Society are due to the proprietors of the charters for kindly permitting them to be published.

² Its existence was noted, in 1866, by W. Beamont in his catalogue of the Arley charters (4to, Newton, Lancs., p. 32), but he supposed it to refer to Woolston, near Warrington. It was also mentioned in Ormerod's *Cheshire* (see the account of Charter II below)

³ A very creditable paper on the history of Woolton (considering the sources within his reach) was read by the Rev. R. E. Roberts, curate there, before the Woolton Literary and Debating Society, and was printed in the *Garston Weekly News* for 21 December, 1895, and for 4 January and 11 January, 1896.

of the barony or lordship of Widnes,⁴ in which Woolton is situated. Secondly, on careful examination, all the printed lists of the Priors of the English Knights Hospitallers proved to be wholly unreliable, at all events as regards the Priors of the twelfth and thirteenth centuries.⁵ And, as the index to the great *Cartulaire général* of the Order⁶ is not yet published, that large work had to be searched page by page for evidence of the dates of the English Priors. In addition, the writer has been obliged to make prolonged searches at the British Museum and at the Public Record Office in London.

All these charters relate to Much Woolton, and not to Little Woolton. In proof of this it is necessary to state that Much Woolton was granted to the Hospitallers by John, Constable of Chester and Baron of Halton and Widnes,⁷ and that Little Woolton was granted to the Hospitallers by his son Roger in 1203 or 1204.⁸ The date of John's

⁴ Some account of the Barons of Halton and Widnes (but not very satisfactory as regards the earlier portion) will be found in W. Beamont's *Halton, &c.*, 4to, Warrington, 1873.

⁵ I have prepared a very complete chronological table of the Priors of the English Hospitallers, with facsimiles of their charters and seals, which I hope to publish before long. Almost all the lists in print are mere abstracts of Dr. Matthew Hutton's list, which is printed in Newcourt's *Repertorium* (i, 668, &c.), and which is based upon the thoroughly bad list on the last leaf of Cotton MS. (Brit. Mus.), Nero E. vi. See note 66 below.

⁶ By M. J. Delaville Le Roulx, 3 vols. and supplement, folio. Paris, 1894, &c. I am sorry to have to say that several of the charters of the Priors of the English Hospitallers are quite wrongly dated in this splendid work. I shall refer to it hereafter as "*Cart. gén.*" A paper by the same author, on the seals of the English Priors, with remarks on their chronology, was published in 1881 in the *Mélanges* of the French School at Rome, with a supplementary note in 1887. This paper is full of serious errors. Nevertheless, I have derived much useful information from both publications.

⁷ The charters themselves show this. Space will not permit me to discuss here the manner in which the Barons of Halton (near Runcorn) acquired the lordship of Widnes, a point on which some very contradictory opinions are in print

⁸ Roger's grant of Little Woolton is discussed below.

grant of Much Woolton is not known.⁹ but the grant must have occurred before 1185,¹⁰ and in all probability was made about 1178. in which year John founded Stanlaw Abbey.¹¹ Accordingly it would be fairly safe to say that the grant of Much Woolton was made between 1175 and 1185. John himself died in 1190,¹² and as five of the charters are anterior to that year, it is clear that none of them can relate to Little Woolton. As regards the two remaining charters, the indorsements on them state that they refer to Much Woolton; moreover, they were found tied to some of the earlier charters in an ancient wooden box labelled 'Magna Wollton.'

It is natural to suppose that John the Constable granted the *whole* of Much Woolton to the Hospitallers, though the charters themselves do not say so much.¹³ At all events in later times we find that

⁹ I searched for his grant in vain in the chartularies of the Hospitallers at the British Museum. Very probably it might be found among the records of Yeaveley in Derbyshire, to which (as we shall presently see) Woolton was once attached. Or it may be preserved among the manorial records of Woolton itself, which are said to be in the possession of the Marquis of Salisbury at Hatfield.

¹⁰ See Charter I below.

¹¹ *Whalley Coucher* (Chetham Soc.), p. 5.

¹² He certainly was alive on 3 September, 1189 (*Benedictus*, ii, 80), and died at Tyre, apparently in 1190 (see the list of deaths in *Benedictus*, ii, 148, not all of which, however, occurred in 1190, and compare *Hoveden*, iii, 88). His son Roger had apparently succeeded him by about the middle of 1191 (*Benedictus*, ii, 232-3). The date, 11 October, 1190, given for John's death by the *Dictionary of National Biography* (xxxii, 388) is apparently a compound of the impossible date, 11 October, 1183, given in the unreliable *Historia Lacciorum* (*Monasticon*, v, 534), and of the date given by *Benedictus* and *Hoveden*. The same work in opposition to the best authority—Whitaker's *Whalley*, 4th ed., i, 240, notes—gives John the surname *de Lacy*.

¹³ In the *Testa de Nevill* (p. 403) it is stated that the aforesaid John the Constable gave to the Hospitallers *two* carucates of land [at Much Woolton], whereas the true rating of Much Woolton was *three* carucates. This might lead one to imagine that John did not grant the whole of Much Woolton to the Hospitallers, were it not that in the next entry we find the rating [of Little Woolton] erroneously given as *three* carucates instead of *two*. The obvious explanation is that the scribe, by a slip of the pen, has attributed the rating of Much Woolton to Little Woolton, and *vice versa*.

the Hospitallers are sole lords of the manor, though of course with tenants holding under them. In June, 1292, the Hospitallers claimed full manorial rights at Woolton,¹⁴ at which time they were out of possession of Little Woolton.¹⁵ They claimed, among other things, the right of erecting gallows for the execution of criminals, though the jury found that as a matter of fact the Hospitallers had never exercised such a right in any part of Lancashire. Farther, in a list of lands held under the lordship of Widnes about 1320,¹⁶ we find that both Much and Little Woolton belonged completely to the Hospitallers. It would be tedious and indeed unnecessary to mention here the subsequent records declaring the same fact.

A few words regarding Little Woolton will not be out of place here, as in most of the later records Much and Little Woolton are mentioned together. As has been said, Little Woolton was granted to the Hospitallers by Roger,¹⁷ son of John the Constable of Chester. He granted it in 1203 or 1204, when his uncle Robert was Prior of the English Hospitallers.¹⁸ But almost immediately, it would

¹⁴ *Placita de quo Warranto*, pp. 375-6, where there is given a very interesting list of the Hospitallers' lands in Lancashire. Woolton heads the list.

¹⁵ See my remarks on Little Woolton below.

¹⁶ Leycester's *Cheshire*, p. 291, where, however, *Wolneton* is printed instead of *Woluton*. This misprint is repeated in Ormerod's *Cheshire*, 1st ed., i, 523; 2nd ed., i, 708.

¹⁷ He assumed the surname *de Lacy* (Whitaker's *Whalley*, 4th ed., i, 240, notes).

¹⁸ *Whalley Coucher* (Chetham Soc.), pp. 802 and 811. For farther evidence of their relationship (Robert was a brother of John the Constable) see Leycester's *Cheshire*, p. 237; Whitaker's *Whalley*, 3rd ed., p. 177, note; *Monasticon*, v, 534, col. 1; *ibid.*, vi, 315, col. 2 middle; *ibid.*, v, 647, cols. 1 and 2. As plain Brother Robert FitzRichard (*Frater Robertus filius Ricardi*) the uncle witnesses many charters of the Priors of the English Hospitallers from 1187 onwards. On 30 October, 1202, William de Vilers was Prior (*Lancs. and Chesh. Record Soc.*, xxxix, 17-18), but on 28 April, 1204 (*Rot. Chart. Johan.*, p. 134), Robert appears as Prior, under the name "Robertus Thesaurarius," having been already Prior probably for a year or so. As Prior I find him mentioned or granting charters at least twenty times, the latest being 1 January, 1214 (*Rot. Pat. Johan.*, p. 107). On 30 August, 1215, Henry de Arundel was Prior (*ibid.*, p. 153).

seem, a quarrel broke out between them, with the result that Roger turned the Hospitallers out of Little Woolton and gave it to Stanlaw Abbey.¹⁹ This sudden change must have taken place shortly before 11 April, 1205, when King John directed the sheriff of Lancashire to observe certain precautions in dealing with Stanlaw Abbey as tenant of Little Woolton.²⁰ For more than eighty-five years Stanlaw Abbey continued to hold Little Woolton, but in 1292 the Hospitallers thought it opportune to put forward their claims. Eventually, in June of that year, the Abbot of Stanlaw totally resigned Little Woolton in favour of the Hospitallers,²¹ who thenceforth continued to hold it until the final dissolution of the Order in England.

A highly important and interesting report upon all the Hospitallers' lands in England was compiled in 1338²² for the information of the Order, whose affairs in England at that time were by no means in a satisfactory condition.²³ The report is not so detailed as could be wished, the chief object of the compilers having been to give merely the sources of revenue and the amounts due from each. Consequently only the principal estates are mentioned, and nothing is said of the smaller holdings from which the profits were sent to the managers of the larger holdings, who in their turn transmitted their contributions to the treasury at Clerkenwell. The

¹⁹ *Whalley Coucher* (Chetham Soc.), pp. 801-3.

²⁰ *Rot. Pat. Johan.*, p. 52, col. 1, and *Whalley Coucher*, p. 804.

²¹ *Whalley Coucher*, pp. 809-11, and *Lancs. and Chesh. Record Soc.*, xxxix, 166-7.

²² *Camden Soc.*, vol. lxx. Nichols (*Leicestershire*, iii, part 1, p. 245), mentions another report on the Hospitallers' lands in England, which was made in 1371. This appears never to have been printed.

²³ The impoverishment of the Order was no doubt mainly due to their having in early times granted out most of their lands for perpetual fixed rents of a few shillings or pence, which, at the time when the grants were made, no doubt constituted a fair rent, but in course of time, owing to the gradual fall in the value of money, became scarcely worth collecting.

principal estates of the Hospitallers were divided into "preceptories" and *camerae*. At every preceptory a number of members of the Order always resided, their head being called "preceptor." The *camerae*²⁴ or "chambers" were estates where the Order had merely an agent, who was called "ballivus," "serviens," "custos," or "prepositus."²⁵ Woolton, or as it is spelled "Wolueton,"²⁶ is put down in the report of 1338 as a *camera*,²⁷ indeed it seems never to have been a preceptory, for long before the date of this report we find that Fuke was *serviens* of Woolton, and that Andrew was *prepositus* there - the latter being presumably in this case a species of sub-agent.²⁸

The report of 1338 proceeds to state²⁹ that at Woolton the Hospitallers' estates consisted of a dwelling-house with fifty acres of arable land and five acres of meadow, also of a water-mill and £8 a year from lands granted in perpetuity at fixed rents. The report concludes by saying that everything that the Hospitallers had at Woolton was let on a yearly lease for twenty marks, that is £13 6s. 8d.

²⁴ Bracton, fo. 79b, "Camera, sive tenementum de quo possit redditus pervenire."

²⁵ I have taken these names from the various *camerae* in the report of 1338. The first two names may certainly be rendered by the words "bailiff" and "serjeant" or "keeper," while perhaps "warden" and "reeve" may be offered as tolerable equivalents for the other two, though, personally, I should prefer "care-taker" and "steward" or "manager," as giving a less exalted idea of the office, and as being words more generally understood.

²⁶ No doubt pronounced *Wolveton*. The etymology of the name is dealt with in Henry Harrison's *Place-Names of the Liverpool District* (1898), p. 74.

²⁷ *Camden Soc.*, lxx, III.

²⁸ "Fuke tunc serviente de Wlueton, Andrea tunc preposito de Wlueton, Ormo de Wlueton," &c. (*Ormerod's Cheshire*, 1st ed., i, 498, note; 2nd ed., i, 675, note).

²⁹ *Camden Soc.*, lxx, III. "Camera de Wolueton, in comitatu Lancastrie. Sunt ibidem unum mesuagium, l acre terre, v acre prati, i molendinum aquaticum, et viii annui redditus: et dimittuntur ad firmam per annum pro xx marcis." In the text I have endeavoured to give the meaning of the original more fully than a bare translation would have done.

An entire paper might easily be written upon this part of the report, but here it must suffice to say that there are good reasons for thinking that the dwelling-house, lands, and water-mill were in Little Woolton,³⁰ and that the rental of £8 was derived from very small perpetual rents due from the whole of Much and Little Woolton, as well as from scattered lands in Linacre, Hindley, Platt, and probably in many other places, for which Much Woolton was the Hospitallers' centre of administration.³¹

At the time of the report the Hospitallers had apparently no representative at Woolton, for they had handed over all that they possessed there to some person on a yearly lease, in return for a "lump" sum to be paid yearly—presumably to their preceptory at Yeaveley in Derbyshire, to which we shall presently see that Woolton was attached, probably from a very early date.

Besides the six charters dealt with here, there are also at Aston Hall a large number of later charters, rent-rolls, and other documents relating to Woolton, many of which afford interesting and

³⁰ The mill-pool was formed by damming the Childwall brook between Naylor's bridge and Netherley bridge (compare *Whalley Coucher*, p. 806). In the tithe-map of 1849 (at Childwall Church) some fields just below Naylor's bridge are called "the Dam Fields." In the Ordnance Survey map issued in 1849 a house on Wood Lane (near the present *Woodlands*' lodge) is called "Peck Mill House." The adjoining names, "Mill Farm," "Mill Brook," "Mill Bridge," &c., must, I think, relate to another mill close by in Tarbock. For some farther particulars regarding the later history of the Little Woolton water-mill, see the *Transactions* of this Society (1896), pp. 71 sqq. The charter of Alan de Lydiate, however, which is cited there (p. 72), does not refer to Woolton at all (see *Transactions*, 1879-80, vol. xxxii, pp. 183-4). There was a wind-mill at Much Woolton at least as early as 1316 (Woolton Charters, F. 57, 58, 63, at Rydal, Westmorland), which apparently did not belong to the Hospitallers.

³¹ I have found several certificates of heirs being admitted to lands at Linacre and Hindley before the Halmot Court of Much Woolton (Brit. Mus., Add. Ch., 17716; Moore Charters, at Liverpool Public Library, Lot 298, Nos. 651, 152, &c.). There is also proof that lands at Platt were held under Much Woolton (*Chetham Soc.*, xlvii, 14, note). Indeed, I am inclined to think that the Halmot Court at Much Woolton was the head court for most of the possessions of the Hospitallers in South Lancashire.

important material for local history.³² It would, however, occupy too much space to attempt to give even a summary account of these documents here, and so, after describing as shortly as possible the end of the connection of the Hospitallers with Woolton, we will pass on to the charters themselves.

The Hospitallers appear to have made a regular practice of leasing all their rights at Woolton, for we find that on 22 Nov., 1537, the Prior had leased Much and Little Woolton to James Anderton for twenty-nine years at an annual rent of £25.³³ Three years later, however, that is to say in 1540, the Order of the Hospitallers in England was dissolved by the Statute 32 Henry VIII, c. 24, and its estates were confiscated.³⁴ Apparently Woolton, along with many other estates, was restored temporarily to the Hospitallers during the reign of Mary, by virtue of a royal charter dated 2 April, 1558.³⁵ In 1559, however, the Hospitallers' lands in England were finally confiscated by the Statute 1 Elizabeth, c. 24.³⁶ From this time Woolton belonged to the Crown until 22 May, 1609, when James I disposed

³² I understand that Mr. W. Farrer, a member of this Society, has examined all these Woolton documents.

³³ Public Record Office, Ministers' Accounts, 38 Hen. VIII—1 Ed. VI, Lancs., No. 33, membr. 21 dors., under *Yeaveley*. [The original lease by Sir William Weston, Prior, to James Anderton of Euxton, has lately been discovered among the Aston Hall charters. On 6 April, 1549, James Anderton assigned the remainder of the lease to Sir William Norres of Speke. Among the same charters there has also been found a lease by the *locum tenens* of the Prior, dated 4 June, 1421, granting Much and Little Woolton and the pertinent lands between Ribble and Mersey—part of the preceptory of Yeaveley—to Sir Henry Norrys for ten years, at a yearly rent of 38 marks (£25 6s. 8d.). Mr. J. Brownbill kindly sent me the news of these discoveries.]

³⁴ *Statutes of the Realm*, iii, 778-81. Royal assent on 24 July, 1540 (*Lords' Journals*, i, 162).

³⁵ See Palmer's MS. Index to the Patent Rolls (*Record Office*) Hen. VIII—Car. II, vol. 10, K. (Phil. and Mar.) 5. The *Monasticon* (vi, 811-12) prints the charter from *Rot. Pat.*, 4 and 5 Phil. and Mar., part 14, but omits the list of lands restored.

³⁶ *Stats. of Realm*, iv, part i, 397-400. Royal assent on 8 May, 1559 (*Lords' Journals*, i, 577-9).

of it, along with many other estates in almost every county in England, in part-payment of a large sum of money which had been lent to him by a body of London merchants.³⁷ In this grant Woolton is described in a Latin clause, of which the following is a free translation :—“ All our lordship or manor
 “ of Much and Little Woolton, with all its rights,
 “ members, liberties, and pertinents whatsoever, in
 “ our county of Lancaster aforesaid, consisting
 “ specifically of an annual rental or value of
 “ £25 17s. 10d., besides 6s. 8d. payable for the mill
 “ there, and all our houses, lands, tenements and
 “ hereditaments, in our county of Lancaster afore-
 “ said, known by the name of ‘ the lordship or
 “ manor of Much and Little Woolton,’ in our
 “ county of Lancaster aforesaid, being part of the
 “ lands and possessions of the former preceptory
 “ of Iweley *alias* Steade which once existed in our
 “ county of Derby.”³⁸

After this, the manorial rights of Much and Little Woolton passed through various hands, until in 1726 we find that Isaac Green, the Liverpool attorney, possessed them.³⁹ By reason of descent from Isaac Green's daughter Mary, the manorial rights of Much and Little Woolton are now vested in the Marquis of Salisbury.⁴⁰

³⁷ *Patent Roll* (Record Office) 7 James I, part 16. The grantees were George Salter and John Williams, of London. They were not among the lenders of the money to the King, and why the grant was made to them in particular is not stated; perhaps they were assignees of the lenders' rights.

³⁸ It seems hardly necessary to give the Latin text. “Iweley” is, of course, Yeaveley. I have found the name spelled in a surprising variety of ways. The preceptory of Yeaveley was granted in 1543 (subject to a lease which had some years to run) to Charles, Lord Mountjoy (*Cal. of State Papers of Hen. VIII*, 1543, pp. 236-7). For subsequent proprietors, see Lysons's *Magna Britannia*, v, 255.

³⁹ *Chetham Soc.*, xlvii, 14, note.

⁴⁰ See Appendix C. Isaac Green apparently purchased the manoria rights of West Derby, Everton, Wavertree, Childwall, and Much and Little Woolton, and was also lord of the manor of Hale in right of his wife. It is somewhat surprising that so important a character in local history has not been made the subject of paper.

CHARTER I.

Original at Aston Hall, Frodsham, Cheshire.

(*Translation.*)⁴¹

[About 1180 A.D.] Know all men, as well present as to come, that I, Ralph de Dive,⁴² Prior of the Bretheren of the Hospital of Jerusalem in England, with the assent and counsel of the bretheren of our entire chapter, have given and granted, and by the present charter have confirmed, to Ralph Cook and his heirs, two bovates⁴³ of land in Wolveton,⁴⁴ which we have by the gift and alms of John, Constable of Chester; to hold of our house by hereditary right, freely and quit of all service thence belonging to us; rendering thence annually to our house four shillings at Michaelmas; provided that at his death the third part of his chattels shall remain for our house.⁴⁵ Witnesses:—Brother William of St. Cross, Brother Alan, Brother Lanselin, priests; Brother Owen, Brother Walter de Malton, Brother Richard Furmentin, and many others.⁴⁶

This charter is a great curiosity, as it is undoubtedly a forgery made about 1270. But the contents seem clearly genuine, judging by the witnesses' names, the style of the charter, and general probabilities. Most likely the forgery was made

⁴¹ On the whole I have thought it best to give a translation, though I hardly expect to please everyone, especially in the matter of proper names, in which I have not had much experience. Those who wish for the Latin text will probably be able to read it for themselves in the fac-similes.

⁴² "Rad. de Diua" in the original. For some remarks on the family of Dive or Dyve, see Baker's *Northamptonshire*, i, 160, 246, &c.

⁴³ The *bovate* or *oxgang* is usually reckoned to be an eighth part of the *carucate* or *ploughland*, which consisted of so much land as could be kept in cultivation by one plough. It therefore varied according to the nature of the ground, and cannot be satisfactorily expressed in acres. The *bovate* is supposed to be so called from the plough-team having consisted of eight oxen, and it therefore represented the work of one ox. (Pollock and Maitland, *History of English Law*, 1st ed., i, 347.)

⁴⁴ "Wolueton" in the original.

⁴⁵ See Appendix B for a discussion on this clause.

⁴⁶ The words—"Malton, fre. Ricardo Furmentino et multis aliis"—are concealed by the fold in the parchment. Without going into particulars concerning the witnesses (which would be a large undertaking), it may be noted that the forger of the charter has written *Furmentino* instead of *Frumentino*; compare Harl. Ch. (Brit. Mus.), 44 H., 53, printed in *Cart. gen.*, i, 210-11, and in Nichols's *Leicestershire*, iii, part 2, 832-3.



CHARTER OF PRIOR RALPH DE DIVE
(FORGERY)

from an authentic copy of a lost original. the place of which it was intended to supply. The style of the writing is that of about 1270—rather after than before. The seal, which is of green wax, and very thick and clumsy, is a bad imitation of a seal which was not in use until long after Prior Ralph de Dive's time, namely, the seal attached to Charters VI and VII below. The seal actually used by Prior Ralph was the same as that attached to Charter V below, and examples of its being used by Prior Ralph will be found attached to a charter in the Public Record Office⁴⁷ and to another in the British Museum.⁴⁸ The inscription on the forged seal appears to be—s' R[ADVLP]HIFI DE DIVA. The letters FI seem to be a slip on the part of the fabricator of the seal, being presumably a repetition of the last syllable of *Radulphi* in a different spelling. Indorsed on the charter are the words—"Original. Wolton Magna. Bury his land. 4s."⁴⁹

As to the period of the priorship of Ralph de Dive, the writer knows of no reason why he should not have been Prior in 1170. There is an undated grant by him to Jordan. chamberlain to Richard de Lucy.⁵⁰ Now Richard de Lucy died on 14 July, 1179,⁵¹ and if (as we are entitled to assume) he was alive when the grant was made, Ralph de Dive must have been Prior before that date. In 1179 he is definitely named as Prior of the English Hospitallers.⁵² Five undated documents mention him as

⁴⁷ Ancient Deeds, L. 320.

⁴⁸ Harl. Ch. 44 H., 53.

⁴⁹ Later deeds contained in the same box showed that, about the year 1545, these lands belonged to Ralph Bury of Roby Hall (compare the *Calendar of Duchy Pleadings*, i, 268, and see Appendix A below).

⁵⁰ Cotton. MS. (Brit. Mus.), Nero E, vi, fo. 322b.

⁵¹ *Dict. Nat. Biogr.*, xxxiv, 247.

⁵² He witnesses a Belgian charter in that year, printed in Reiffenberg's *Chevalier au Cygne* (4to, Brussels, 1846), pp. 425-6, forming part of the *Collection des Chroniques belges*, &c.

Prior, and two documents, certainly of the periods 1181-2⁵³ and 1182-3,⁵⁴ give him the same position.

CHARTER II.

Original at Arley Hall, Cheshire.

(Translation.)

[1187 A.D.]⁵⁵ Be it known to all the faithful of Holy Mother Church, both present and to come, to whom the present writing may shew itself, that I, Garnerius de Neapoli,⁵⁶ Prior of the Bretheren of the Hospital of Jerusalem in England, with the common assent and united wish of the bretheren of our entire chapter, have given and granted, and by this present charter have confirmed, to Adam de Dutton and his heirs, the entire half of the whole of the town of Werburton,⁵⁷ with all the pertinents and liberties belonging to the said town, which we have by the permission of John, Constable of Chester, out of his fee, for the salvation of him and his, and for the souls of all his ancestors; also, in addition, two bovates of land in the town of Wlveton,⁵⁸ and twelve 'lands'⁵⁹ called 'the Ofnames'⁶⁰ in the same town; also one salt-pit in Nortwich⁶¹ with all the

* 53 See the charter by Gilbert, Bishop of London, in Cotton. MS. (Brit. Mus.), Nero E, vi, fo. 218, confirming charters on fo. 204 and fo. 218 (dated 1181).

54 See the charter of Richard, Archbishop of Canterbury, in Cotton. MS. (Brit. Mus.), Nero E, vi, fo. 262, referring to Prior Ralph's charter in Harl. MS. (Brit. Mus.), 662, fo. 69, col. 1.

55 This charter is mentioned in W. Beamont's catalogue of the Arley Charters (4to, Newton, Lancs., 1866, p. 32), but he supposed it to refer to Woolston, near Warrington. He describes (p. xxxviii) a seal then attached to the charter, which was evidently the same as the reverse of the seal attached to Charter V below. Nothing now remains of the seal except a few specks of reddish wax. There is also a short and inaccurate abstract of this charter in Ormerod's *Cheshire* (1st ed., i, 427, note; made rather worse in 2nd ed., i, 568, note).

56 "Garn. de Neapl." in the original.

57 Warburton in Cheshire. John, Constable of Chester, had given Adam de Dutton permission to grant this half of Warburton to the Hospitallers (Leycester's *Cheshire*, p. 385), from whom he now receives a fresh grant (See Ormerod's *Cheshire*, 1st ed., i, 426; 2nd ed., i, 567-8).

58 "Wlveton" in the original. Evidently at this time people had not abandoned the idea that "w" was a vowel (as *double u* should be), as in Welsh still.

59 "Londas" in the original. See Murray's *Dictionary*, under *Land*, § 7, where the passages cited are interesting, but by no means consistent with one another.

60 I can find no modern name at all resembling this.

61 Northwich, in Cheshire.

Notum sit omnibus sancte matris ecclesie fidelibus presentibus et futuris ad quos presentis scriptum pervenerit ad Ego Garnerius de Neapoli prior fructuum
hospitium Ierosolimitanum in Anglia de communi assensu et concordia voluntate fratrum totius Capituli nostri dedit et concessit et hanc presentem litteram con-
firmavit Ade de Durton et heredibus suis totam medietatem eorum ville de Westbury cum omnibus pertinentiis et libertatibus quibusdam pertinentiis
quibusdam habentibus concessit Johanni Constantino Cestrie de feudo suo et salute sui et suorum et pro animalibus omnium antecessorum suorum. Et preterea duas banderas
in villa de Whiston et viginti terras que appellantur lesotunnes in eadem villa et unam saluam in Goodrich cum omnibus pertinentiis
et salis illam quam habemus et dono et Clemencia Eudois de Dordye et omnes alias terras quas de iure perquirere poterimus sibi et heredibus
suis de dono nostro in feudo et hereditate libere pacifice et quiete reddendo sibi annuatim de se et heredibus suis domum nostram viginti solidos ad festum
sancti Michaelis pro omni servicio et omni demanda. Ita tamen quod in omnibus suis et heredibus suis pro diebus et noctibus argenti domus nostre se
manebit. Hinc testibus fratre Alano fratre archidiacono fratre philippo Capelle fratre hugone de Clabrit fratre Roberto filio suo fratre Roberto de Valenciis
fratre Roberto de leys fratre alexandro de leys archidiacono dicto. Anno incarnationis domini millesimo centesimo nonagesimo vij.

pertinents, that is to say, the one which we have by the gift and alms of Eudo de Boidere, and all other lands which the said Adam shall be able to acquire; to hold to him and his heirs of our house, in fee and inheritance, freely, peacefully and quietly;⁶² rendering thence annually by himself and his heirs to our house seven shillings on the feast of St. Bartholomew for all secular service and all demands; provided that at the deaths of himself and his heirs, instead of his and their third part [of his and their chattels] two marks of silver shall remain for our house. Witnesses:—Brother Alan, Brother Matthew, Brother Philip, chaplains; Brother Hugh de Clahyll, Brother Robert FitzRichard,⁶³ Brother Robert de Valencins, Brother Robert de Leirge[ester], Brother Alexander de Leirge[c[ester]], Angod the clerk. A.D. MCLXXXVII

Warner of Nablus, otherwise *Garnerius de Neapoli*, was not an Italian (as several learned writers have supposed),⁶⁴ but was named from Nablus (Neapolis in Samaria. On his funeral monument he is called "Garnerius Sirianus."⁶⁵ In the unreliable lists of the Priors of the English Hospitallers he is always placed first.⁶⁶ As a matter of fact the earliest date at which he is found to be Prior is 10 April, 1185.⁶⁷ He may have been Prior in 1184, but certainly no earlier.⁶⁸ The writer has collected a considerable quantity of information regarding

⁶² The meaning is given at length in Charter I.

⁶³ Regarding him see my remarks on Little Woolton and note 18 above.

⁶⁴ See for example Kemble's Introduction to *Camden Soc.*, lxx., p. lxxvii, and Historical MSS. Commission, *9th Report*, Part 1, App. p. 32, No. 291.

⁶⁵ Vicomte de Villeneuve-Bargemont, *Monumens des Grands Maîtres*, (1829), vol. i, p. xi and facing p. 47.

⁶⁶ The reason of his being placed first is that he established a house of female Hospitallers at Minchin Buckland in Somersetshire (see Thomas Hugo's *History of Mynchin Buckland*, 1861), and the nuns there naturally placed him first on the list of Priors to be prayed for, and afterwards added a few wild guesses at the date when they supposed him to have lived. A copy of the Buckland list is written on the last leaf of the Cotton. MS. (Brit. Mus. Nero E, vi, and is the basis of all the printed lists. See note 5 above.

⁶⁷ Harl Ch. (Brit. Mus.) 43 I, 38. This splendid charter has recently been printed and reproduced in the "Facsimiles of Royal and other Charters," (Brit. Mus., folio, 1903, No. 67 and plate xliii). The text has also been printed in Nichols's *Collectanea* (1836), iii, 174-7, and in the *Cart gen.* i, 480-2.

⁶⁸ See my commentary on Charter I above.

him, having ascertained the situation of no less than fourteen original charters granted by him between the years 1185 and 1190 (both inclusive). besides many copies of his charters in chartularies and notices of him in chronicles and elsewhere.⁶⁹ Warner became Grand Master of the entire Order in the latter part of the year 1190.⁷⁰ During 1191 he is several times mentioned as Grand Master by good authorities, and also in 1192 as far as the month of June.⁷¹ In January, 1193, Geoffrey de Donjon had succeeded Warner as Grand Master.⁷²

CHARTER III.

Original at Aston Hall, Frodsham, Cheshire.

(Translation.)

[1187 A.D.] Be it known to all, as well present as to come, that I, Garnerius de Neapoli,⁷³ Prior of the Bretheren of the Hospital of Jerusalem in England, with the common assent and wish of the bretheren of our chapter, have granted, and by the present charter have confirmed, to Gilbert Cook and his heirs, one bovate of land in Wulveton,⁷⁴ namely, one of those two [bovates] which Hugh Beaupeinne used to hold, with all its pertinents; to hold and to have of our house, freely, quietly and honourably; rendering thence every year to our house twelve pence, half at Easter and half at Michaelmas, for all service thence belonging to us; provided that at his death, and at the deaths of his heirs likewise, the third part of his and their chattels, which shall be on the aforesaid land, shall remain

⁶⁹ There is the less reason for going into his history here in detail, as Mr. J. Horace Round has written an excellent paper upon the subject, which will appear in the next volume of the *Archæologia*, of which paper the proof-sheets were most kindly shown to me.

⁷⁰ During 1190 he issued four charters as Prior of the English Hospitalers, namely, *Record Office*, A. 9990; *Cart. gen.*, iv, Suppl. 268; *Chetham Soc.*, xlvii, App 189-90; *Proceedings of Soc. of Antiquaries*, N.S., v, 445-8. He is mentioned as Grand Master of the entire Order on 6 Dec., 1190, (J. H. Round's *Calendar of Documents in France*, i, 15).

⁷¹ January, 1192 (*Cart. gen.*, under date); Feb. 1192 (*Ibid.*, under date); June, 1192 (*Memorials of Richard I* (Rolls Series), i, 371).

⁷² *Cart. gen.*, i, 595.

⁷³ "Garn. de Neapol," in the original.

⁷⁴ "Wulueton," in the original.

Hoc est scilicet omnibus tam presentibus quam futuris. Quod ego Garnerius de Neapoli deus sit in hospitalitate
perpetua et dignitate de caritate assensu et voluntate fratris Capituli nostri concessi et presentis Cartae confir-
matione Gilbertus deo et heredibus suis unam Bonarum terre in Wabroch una Salaco de illis du-
abus quas Hugo Beaupetrus aliquando tenebat cum omnibus pertinentiis suis. tenenda et habenda
de domo ipsa libere quiete et beneficentia reddendo annuatim Decem denarios annuatim nre duodecim denario
medietate ad pascha. et medietate ad festum sancti Michaelis. et omni sequenti nre pertinentie. Ita tamen quod
in Obitu suo et hereditate sua. similiter tertia pars Carillon. sicut que supradictam terram quatuor
domus nre remanent. Hic testibus. frater Walterus Capellanus. frater Philippo Capello. frater Robertus frater
frater Henrico de Dunelm. frater Walterus de Malton. frater Sanctus. frater Hugo dispensator.
frater Rad de Colcastr. Waltero clero. Anno dnice Incarnacionis. m. cccc. lxxv. Apud Londoniam.

Actum in omibz scis curis beatae filius. presentibus. y futuris. Nos Hugo Garn. de Neapoli. per fratres hos
in dno. de comunis assensu. y uoluntate fratris capiti nri concessi y presentibus carca confis
aliquo. Ormo fit vidue de Voluntate. y hereditis suis una bouat nri cu omibz pertinentiis suis.
qis habent qe dono Johis contras de pte. tenenda. y habenda de dono nra iure hereditario.
nos habere. reddendo inde singulis annis domui nre. duas scilicet in festo sci martini y omni seruicio
nos habere. reddendo inde singulis annis domui nre. duas scilicet in festo sci martini y omni seruicio
suis. Item in quibusdam domibus nre remanentibus. In Teste frater Alano. frater Mattheo. frater Philippo.
capit. frater Robt filius. frater Hugo de Claribut. frater Robt de Calcanis. frater Henrico de Dalby.
frater Robt de Leicest. Waltero y Angulo clerico. Anno incarnationis dno. m. c. lxxxviii.

CHARTER OF PRIOR GARNERIUS DE NEAPOLI. 1188 A.D.

for our house. Witnesses:—Brother William, chaplain; Brother Philip, chaplain; Brother Robert FitzRichard, Brother Brian de Annewowe, Brother Walter de Malton, Brother Samson, Brother Hugh Dispenser, Brother Ralph of Colchester, Walter the clerk.⁷⁵ A.D. MCLXXXVII. At London.⁷⁶

CHARTER IV.

Original at Aston Hall, Frodsham, Cheshire.

(Translation.)

[1188 A.D.] Be it known to all the children of Holy Mother Church, as well present as to come, that I, Garnerius de Neapoli, Prior of the Bretheren of the Hospital of Jerusalem in England, with the common assent and wish of the bretheren of our chapter, have granted, and by the present charter have confirmed, to Orm son of the widow⁷⁷ of Wlvinton⁷⁸ and his heirs, one bovate of land, with all its pertinents, which we have by the gift of John, Constable of Chester; to hold and to have of our house, by hereditary right, freely and quietly; rendering thence every year to our house two shillings at Michaelmas, for all service thence belonging to us; provided that at his death, and at the deaths of his heirs likewise, the third part of his and their chattels, which shall be on the aforesaid land, shall remain for our house. Witnesses:—Brother Alan, Brother Matthew, Brother Philip, chaplains;⁷⁹ Brother Robert FitzRichard, Brother Hugh de Claihull, Brother Robert de Valecins,⁸⁰ Brother Henry de Dalby, Brother Robert de Leicester, Walter and Angod the clerks.⁸¹ A.D. MCLXXXVIII.⁸²

⁷⁵ In a fine charter by Garnerius, dated 1190, and in the same handwriting as this, we find the clerk described as "Walter of Hereford, our clerk." (St. Paul's Charters, A. 28, No. 291, printed (from the original) in *Cart. gén.*, iv, Suppl. 268, also (from the Register, without the witnesses) in Newcourt's *Repertorium*, i, 809-10. The original is somewhat damaged, but a perfect copy (including the witnesses) will be found in Cotton. MS., Nero E, vi, fo. 139. I am indebted to Mr. J. Horace Round for a photograph of this charter, and to Mr. W. H. St. John Hope for a cast of the seal.)

⁷⁶ Indorsement—"1187. 34 H. 2. xiiid. For Bury his land in Magna Wolton."

⁷⁷ I suspect that "filio vidue" should be rendered in English "Widowson," a name still known in the district.

⁷⁸ "Wlvinton" in the original. This is very like the spelling *Uluentune* in Domesday Book.

⁷⁹ The word should clearly be plural; compare Charter II.

⁸⁰ "Valencins" in Charter II.

⁸¹ The writing is Angod's; compare Charter II.

⁸² Indorsement—"Carta originalis. Socage. 2s. rent."

CHARTER V.

Original at Aston Hall, Frodsham, Cheshire.

(Translation.)

[1189 A.D.] Be it known to all, as well present as to come, that I, Garnerius de Neapoli, Prior of the Bretheren of the Hospital of Jerusalem in England, with the common assent and wish of the bretheren of our chapter, have granted, and by the present charter have confirmed, to Andrew de Wulveton and his heirs, one bovate of land in Wulveton, which we have by the gift of John, Constable of Chester; to hold and to have of our house, by hereditary right, freely and quietly; rendering thence every year to our house twelve pence at the Nativity of Blessed Mary, for all service thence belonging to us; provided that at his death, and at the deaths of his heirs likewise, the third part of his and their chattels shall remain for our house. Witnesses:—Brother Alan, Brother Matthew, Brother Hilary, Brother Robert FitzRichard, Brother Henry Noel, Brother Hugh de Clahull, Brother Nicholas de Cartmel, Brother Samson, Walter the clerk. A.D. MCLXXX nine.⁸³

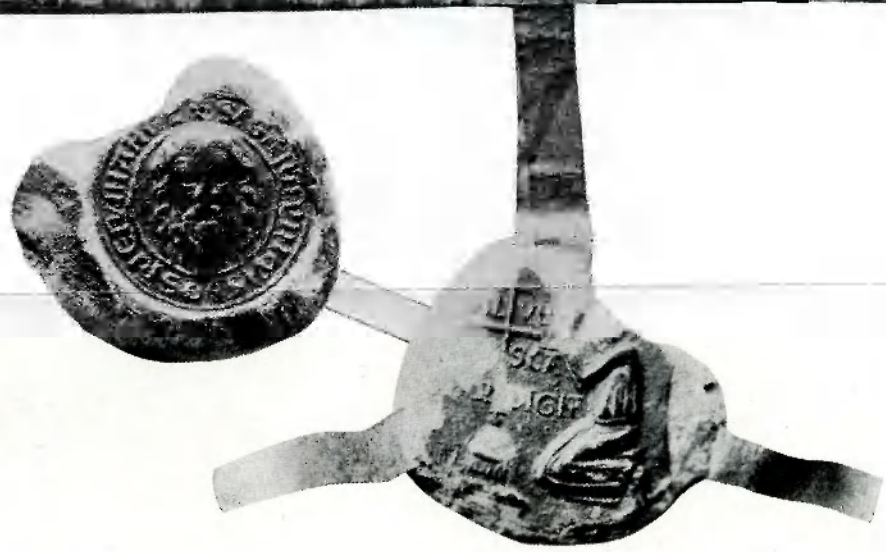
The seal is made of a white waxy paste, covered with a reddish-brown varnish. The design on the front or *obverse*, represents a male figure kneeling before a patriarchal cross, that is a cross with two cross-bars, the upper bar being shorter than the lower. On each side of the upright post of the cross there is distributed an inscription which from other specimens of the seal is known to be—SALVE CRUX SANCTA ARBOR DIGNA.⁸⁴ The inscription or *legend* round the edge, which is quite worn away here, should be—SIGILL' PRIORIS FRATRVM HOSPITAL' [IERL'] IN ANGLIA.⁸⁵ This seal was also used by the

⁸³ Indorsement—"Thos. fil. Walt. fil. Thos. xiii. Bury, his lond in Myche Wolton."

⁸⁴ The word *sancta* is contracted into *sca*, and in several of the other words contiguous letters are *ligatures*, i.e., run into one another. The inscription is best seen in the seal of the St. Paul's charter mentioned in note 75 above.

⁸⁵ This legend is best seen in the seals attached to the charter mentioned in note 67, and to the St. Paul's charter just referred to. In the legend several of the letters are ligatures, and in the word *fratrum* the *ATR* forms a monogram. The face of the kneeling figure is best seen in the seal of a charter at the Record Office (A. 6708), it being turned almost full-face towards the spectator, and not towards the cross, as might have been expected. The plate in the *Melanges* (see note 6 above) somehow gives a totally incorrect representation of the angle at which the face is turned.

Joan sic Omnia eam presentibus quibus factis Et Ego Garra de Neapoli per fratres Hospitalis
seors in archiepiscopo de Dei assensu et voluntate fratris Capituli nostri concessi et presentia carta confir-
mavi Andreas de Vulturno et heredibus suis una donatione que in Vulturno quibus hinc ex Donat
Jobis Constat Cetera tenenda et habenda de domo nostra iure hereditario libere et quiete reddendo
in singulis annis domui nostre duodecim denarij ad Mariam bonte Marie pro omni servicio
nobis in panem. Item alij quibus in obitu suo et heredu suorum singulis. tertia pars Cavallo su-
orum et sup pcedat. Ita quod domus nra remaneat. His test. frater Alano. frater Macho. frater
Hilario. frater Rob filio suo. frater Henr. frater Joel. frater Hug de Clabull. frater Nichol
de Caromet. frater Samson. Waltero clero. Anno Incarnacionis dnice. g. c. lxxx. et jo. jo.



CHARTER OF PRIOR GARNERIUS DE NEAPOLI. 1189 A.D.

predecessor of Garnerius, namely Prior Ralph de Dive,⁸⁶ as well as by Garnerius's successor, Alan.⁸⁷ On the back or *reverse* of the seal is the *secretum* or private seal of Garnerius. The head is presumably that of St. John the Baptist,⁸⁸ and the legend is—S' GARN' PRIORIS HOSP' IER' IN ANGL'. This impression of the private seal of Garnerius is quite as good as any that the writer has seen, but there is lacking here a deep indentation in the wax above the seal, which was caused by the loop by which (like a locket) the metal seal itself was hung to a chain.⁸⁹

CHARTER VI.

Original at Aston Hall, Frodsham, Cheshire.

(*Translation.*)

[About 1220 A.D.] To all the children of Holy Mother Church to whom the present writing may come, Brother Hugh

⁸⁶ See notes 47 and 48 above.

⁸⁷ At all events at the commencement of his period of office. See Add. Ch. (Brit. Mus.) 7208, and Cotton. Ch. (Brit. Mus.), vii, 5. The latter charter is wrongly dated 1199 by the scribe; this can be proved with certainty, but this is scarcely a suitable place for such proof. Still, it may be barely stated that Alan became Bishop of Bangor on 16 April, 1195, and that he died in 1196, and that he was succeeded as Prior by Gilbert de Vere (1195), and that in 1199 William de Vilers was Prior. The correct date of the charter, beyond all reasonable doubt, is 1190. In each of the above instances Alan also uses the *private* seal of Garnerius, a fact which is worthy of attention.

⁸⁸ Prior Ricardus Turcus (*circa* 1165-70) made use of a head of St. John the Baptist as his private seal, namely, a small head in profile (an ancient gem reset) with the legend—CAPVD IOHIS. BAPTISTE, (Add. Ch. 21643), which is absurdly misread as—CAPVT TVVM CHRISTE, in the *Brit. Mus. Cat. of Seals*, i, 855, No. 4530. The reason of the connection of the Hospitallers with St. John the Baptist is not very evident, but it is a well ascertained fact. For example, a common clause in grants to the Hospitallers is—"Deo et Sancte Marie et Sancto Johanni Baptiste et beatis pauperibus sancte domus Hospitalis, &c." Their church at Clerkenwell was also dedicated to St. John the Baptist on 6 March, 1185-6 (Cotton. MS., Nero E, vi, fo. 3). See also note 102 below.

⁸⁹ I have seen altogether six impressions of the private seal of Garnerius, of which the one shewing best the indentation caused by the loop is that belonging to a charter dated 1190, which is in the possession of R. H. Wood, Esq., F.S.A., &c., a member of this Society. The seal has unfortunately become detached from the charter, the text of which was printed in the *Proceedings of the Society of Antiquaries*, 2nd series, v, 445-8.

Danet,⁹⁰ the humble Prior in England of the Bretheren of the Hospital of Jerusalem, [wisheth] salvation⁹¹ in the Lord. Know ye, one and all, that we, with the common counsel of the bretheren of our chapter, have granted, and by our present charter have confirmed, to Fulk de Wlvetun, one bovate of land with all its pertinents in Wlvetun, namely that bovate of land on which the buildings of the same Fulk are constructed, and which bovate Fulk himself held before; to hold and to have of our house, to him and his heirs, freely and quietly; rendering thence yearly to our house, for all service thence belonging to us, twelve pence sterling⁹² at Michaelmas; and at his death, and at the deaths of all his heirs likewise, the entire third part of his and their chattels shall remain completely⁹³ for our house. Witnesses:—Brother William de Kerebroc, Brother Richard de Rundfougerey,⁹⁴ Brother Osbert de Eston, chaplains; Brother William Briton, Brother Otto de Builly, Brother Ralph de Grindham, Brother Eustace Deacon, Brother Gregory de Bocland, Brother Ralph de Seggrave, Brother William de Camera, and many others.⁹⁵

Hugh Danet, otherwise *Hugo de Alneto*, became Prior in 1216, but after 5 April, 1216, when Henry de Arundel was still Prior.⁹⁶ The latest date at which the writer has found Danet to be Prior is 1221,⁹⁷ though it is likely that his period of office continued for a year or two longer. However, on

⁹⁰ "Hugo de Alneto," in the original. For the family of Danet see Marshall's *Genealogist's Guide* (1893) p. 175. *Alnetum* means an aldergrove

⁹¹ I suppose that this is what the scribe meant. In such a formula as—"salutem in Domino sempiternam," the word *salutem* can hardly mean merely *health*. To use such words as *greeting* or *salutation* is simply to beg the question of the meaning of *salutem*.

⁹² "Duodecim denarios sterlingorum." An adequate explanation of these words would require several pages, in fact a short history of British coinage.

⁹³ "Quieta," that is, quit or clear of all other charges. Compare note 62 above.

⁹⁴ "Ricardo de Rotundo Fugereto." I have found the surname of this man spelled in several different ways. In the next charter it is given as *Rundfougerey*, which no doubt is what he was called. *Fugeretum* is low Latin for a *fern-plot* (Modern French *fougeraie*).

⁹⁵ Indorsement "Myche Wolton. For Bury his land. xiid."

⁹⁶ *Rot Pat. Johan.*, p. 174. Danet is Prior on 3 Sept., 1216 (*ibid.*, p. 195).

⁹⁷ *Cart. gen.*, ii, 279-80, also Cotton MS. (Brit. Mus.), Nero E, vi, fo. 87b



CHARTER OF PRIOR HUGH DANET
(ABOUT 1220 A.D.)

13 October, 1223, Robert de Dive is found to be Prior.⁹⁸

Original charters by Prior Danet seem to be very uncommon, only two (besides the present charter) being known to the writer. One of these is in the British Museum,⁹⁹ and the other is in France.¹⁰⁰ The charter in the British Museum is in the same handwriting as the present charter, and the seal is the same (back and front) as the present example, but is somewhat less damaged. The impression on the front of the present seal (which is of green wax) deserves special notice, for it represents the common seal of the Order which was used probably from about the year 1200¹⁰¹ until the dissolution of the Order in England in 1540. The head in the centre is undoubtedly that of St. John the Baptist,¹⁰² on the right of which appears a small sun, and on the left (broken off here) a crescent moon.¹⁰³ The border of dots may be intended to represent stars. The legend, when perfect, is—s' PRIORIS HOSPITAL' IERL' IN ANGL'.¹⁰⁴ The main design of the seal seems to have been copied from the private seal of

⁹⁸ See the notes to the next charter.

⁹⁹ Harl. Ch. (Brit. Mus.) 83 A 33, dated 1216, text printed in *Cart. gen.* ii, 180-1.

¹⁰⁰ *Cart. gen.* ii, 279-80, dated 1221. There are a few copies of Danet's charters in chartularies, &c., which it is not necessary to mention here.

¹⁰¹ Mr. J. Horace Round informs me that he has found this seal attached to an undated charter by Prior Robertus Thesaurarius (*circa* 1204-14, see note 18 above), among the muniments of the Duke of Rutland at Belvoir. This is the earliest example that I have heard of, the next being these seals of Prior Danet. I have found a considerable number of later specimens of the seal, a good example being reproduced by M. Delaville Le Roulx in his plate in the *Mélanges* (see note 6 above).

¹⁰² The seal is thus described by a notary-public on 4 June, 1377:—
"Rotundum sigillum commune . . . prioris et confratrum in cera viridi,
"in cuius quidem sigilli circumferencia scripta erant ista verba, 'Sigillum
"Prioris Hospitalis Jerosolimitani'; in medio vero sigilli sculptum erat
"quasi capud sancti Johannis Baptiste, longos crines et barbam prolixam
"habens." (Cotton. M.S., Nero E, vi, fo. 275).

¹⁰³ The sun and moon are clearly seen in the seal attached to Charter VII.

¹⁰⁴ The "T" in HOSPITAL is, I think, intended to be a monogram with the "I", possibly with the "A".

Prior Garnerius, of which a specimen is attached to Charter V. The impression on the back of the present seal is that of the private seal of Prior Danet. When perfect the legend is—s' FRATRIS HVGONIS DE ALN—ETO. According to Dr. Birch the figure represents St. John the Baptist;¹⁰⁵ but M. Delaville Le Roulx thinks that it is intended to represent the Good Shepherd.¹⁰⁶ Dr. Birch proceeds to say that the figure holds in its right hand an *Agnus Dei* on a plaque, and in its left a palm-branch.

CHARTER VII.

Original at Aston Hall, Frodsham, Cheshire.

(*Translation.*)

[About 1230 A.D.] To all the faithful of Christ to whom the present writing may come, Brother Robert de Dive,¹⁰⁷ the humble Prior of the Bretheren of the Hospital of Jerusalem in England, [wisheth] salvation in the Lord. Know ye, one and all, that we, with the common assent of the bretheren of our chapter, have granted, and by our present charter have confirmed, to Thomas de Wulveton, one bovate of land in Wulveton, which we have by the gift of Henry de Waleton, and which the same Henry formerly held of us; to hold and to have of our house, to him and his heirs, freely [and] quietly; rendering thence yearly to our house two shillings on the feast of St. Bartholomew, for all service due to us in respect thereof; provided that at his death, and at the deaths of all his heirs likewise, the entire third part of his and their chattels shall remain completely for our house. Witnesses:—Brother Richard de Rundfougerey,¹⁰⁸ Brother William de Chaliwell, Brother Walter de Oxan., chaplains; Brother Ralph de Grindham. Brother William Escrop, knights; Brother Manass. de Winchelse, Brother Gilbert de Gouteby, Brother William de Camera and others.¹⁰⁹

Prior Robert de Dive was probably related to

¹⁰⁵ *Brit. Mus. Cat. of Seals*, i, 855-6, No. 4531.

¹⁰⁶ *Melanges*, p. 379.

¹⁰⁷ "Robertus de Diua" in the original.

¹⁰⁸ See note 94 above.

¹⁰⁹ Indorsement—"Mych Wolton. For Bury his londe. 2s."

Prior Ralph de Dive who is noticed above in connection with Charter I. The earliest date at which the writer has found him to be Prior is 13 October, 1223,¹¹⁰ and the latest 7 March, 1233-4.¹¹¹ There appears to be no original charter by him in the British Museum, but there is one in the Bodleian Library at Oxford (with seal),¹¹² and another at the Public Record Office.¹¹³ So it would appear that charters by Prior Robert de Dive are rare.

The seal is of green wax, and the impression upon the front of it is the same as in the case of the seal of the preceding charter, but the sun and moon on either side of the head are clearly visible here. The impression upon the back is the private seal of Prior Robert, the legend being—SIGILL' FRIS. ROBERTI DE DIVE. The centre is occupied by the well-known device of the *lamb and flag*, the flag or banner being surmounted by a patriarchal cross. The precise nature of the surrounding circle is not evident, but it is possible that it is intended to represent a serpent with its tail in its mouth, a common symbol for eternity, as being without beginning or end.

APPENDIX A.

As regards the identification of the lands dealt with in these charters, the writer can offer no assistance in the case of Charter II, which is at Arley Hall. But with reference to the rest of the charters, it may be useful to state that Charters I, III, V, VI, and VII, were tied together with one other deed

¹¹⁰ Final concord of that date in Cotton. MS. (Brit. Mus.), Nero E, vi, fo. 84b.

¹¹¹ Bridges's *Northamptonshire*, i, 536.

¹¹² Undated. See W. H. Turner's *Calendar of Charters, &c.*, p. 275.

¹¹³ Ancient Deeds, A. 2416, undated, with a fragment of the seal. I need not mention copies of Prior Robert's charters in chartularies, &c., though there are not many of them.

(dated 4 Nov., 1350), the indorsement on which stated that they related to lands at Much Woolton belonging (about 1545) to Ralph Bury of Roby Hall.¹¹⁴ Charter IV was tied up with four other deeds (two dated 13 Dec., 1392, another 12 Oct., 1396, and another 16 Oct., 1396) which showed that at the end of the fourteenth century the lands mentioned in them belonged to William Colle. There are only very slight indications of locality in these deeds. Other deeds in the same box showed that on 20 April, 1556, Sir William Norris of Speke acquired Bury's lands from George Robertson of Wolfall, who had married Ralph Bury's daughter Margaret.¹¹⁵ Probably all these lands formed part of a settlement when Thomas Norris of Speke married (about 1690) Margaret, second daughter of Sir Willoughby Aston of Aston Hall.¹¹⁶

APPENDIX B.

The reservation of a third of the tenant's chattels at his death, which is almost invariably found in the charters of the Hospitallers, is a somewhat remarkable provision.¹¹⁷ It is interesting to observe the verbal alterations in the clause of reservation which were made from time to time, obviously for the purpose of preventing evasions of it. The *third part* in question undoubtedly corresponds to the *third part* of the chattels which, by the old law of England, a testator was able to bequeath,

¹¹⁴ See note 49 above.

¹¹⁵ Strictly speaking, Sir William had only to deal with George Robertson's life-interest, having previously purchased the rights of the other persons interested under Ralph Bury's settlement.

¹¹⁶ Gregson's *Fragments*, 3rd ed., p. 200. *Aston* misprinted *Ashton*.

¹¹⁷ For some examples of the same sort of thing see Pollock and Maitland, *Hist. Eng. Law*, 1st ed., ii, 322-3. To these may be added a charter by the Abbot of Burton in 1133, which has this clause—"Et in fine vite sue, si uxorem habuerit aut heredem, debet recipi in ecclesia et honore orifice sepeliri cum parte sua de pecunia sua; et si mortuus fuerit absque herede vel uxore, omnino cum tota substantia sua." *Facsimiles of Charters in Brit. Mus.* (1903), No. 13.

the remaining two-thirds being assigned by law to his wife and children.¹¹⁸ Thus the Hospitallers took all the chattels of which the normal testator (who had a wife and children) was free to dispose. This exaction of the Hospitallers was called an "obit," as appears from a passage in the Cocker-sand Chartulary¹¹⁹ and from a rental of Woolton (1453-4) preserved at Aston Hall. A tendency to change the uncertain *obit* into a fixed sum appears at an early date,¹²⁰ and we learn from the above rental that seven of the Woolton tenants had made a composition with the Hospitallers by which their rent was doubled at each death instead of an *obit*. On 10 Sept., 1593, the lawfulness of these obits was recognised by inquest.¹²¹ What became of them afterwards at Woolton does not appear to be known, but most probably they were all eventually converted into double rents on death, as explained above. Now the rents in question were perpetual fixed rents of a few shillings at most, and in course of time, owing to the unceasing decrease in the value of money, they became scarcely worth the expense of collection. Early in the eighteenth century they were certainly being extinguished in return for "lump" sums,¹²² though when George Perry was collecting materials for his history of the Liverpool district, the lord of the manor of Woolton was still receiving trifling amounts under the name of

¹¹⁸ See Pollock & Maitland, ii, 346-53, and compare the words "pro sua tertia parte" in Charter II above.

¹¹⁹ "Nomine obitus" (*Chetham Soc.*, 1898, p. 167).

¹²⁰ For an example see Charter II above. I have found several other instances in the twelfth and thirteenth centuries.

¹²¹ *Chetham Soc.*, xlvii, 221-2, where however *terrarium* is misprinted for *tertiam*.

¹²² On 20 March, 1726, Isaac Green (see note 40 above), in return for a "lump" sum of £6, extinguished a Hospitallers' rent of 4s. annually from the lands of Platt (near Manchester), which was due to him as lord of the manor of Much Woolton. (*Chetham Soc.*, xlvii, 14 note).

“St. John of Jerusalem’s rents.”¹²³ At the present day, however, no such rents are known to be paid by any of the proprietors of estates at Woolton.

APPENDIX C.

The descent of the Marquis of Salisbury from Mary, daughter of Isaac Green,¹²⁴ seems to be correctly stated nowhere. It is as follows:—

MARY GREEN, younger daughter of the said Isaac Green, was married to BAMBER GASCOYNE, M.P., grandson of Dr. John Bamber, a wealthy London physician, and eldest son of Sir Crisp Gascoyne, Lord Mayor of London.¹²⁵ He died in September, 1791,¹²⁶ leaving four sons, of whom the eldest—

BAMBER GASCOYNE, M.P. (No. 2), married on 24 July, 1794, Sarah, daughter of Chase Price, M.P. for Radnorshire.¹²⁷ He died on 16 Jan., 1824, and she on 11 July, 1820.¹²⁸ Their only child—

FRANCES MARY GASCOYNE was married on 2 Feb., 1821, to James, 2nd MARQUIS OF SALISBURY. She died on 15 October, 1839, and he married a second wife.¹²⁹

¹²³ Enfield’s *History of Liverpool* (1st ed., 1773), 2nd ed., pp. 114-15. Perry died on 3 Feb., 1771. (Smithers’s *Liverpool*, p. 420).

¹²⁴ See note 40 above. Portraits of Isaac Green and of his two daughters are at Hale Hall (“Hale Hall,” *priv. pr.* Liverpool, 1881, pp. 40-1). He died on 5 July, 1749, aged 71 (Gregson’s *Fragments*, 3rd ed., p. 212).

¹²⁵ *Dict. Nat. Biogr.*, xxi, 48, and Gregson, *loc. cit.*

¹²⁶ The date given by Gregson for his death, namely, 8 May, 1799, is certainly wrong, and is very possibly the date of the death of his wife Mary. See the obituary notice of Bamber Gascoyne in the *Gentleman’s Magazine* for 1791, p. 1066. Gregson’s error is copied in Syers’s *Everton*, p. 35.

¹²⁷ Burke’s *Landed Gentry*, 5th ed., p. 1125, and *Gent. Mag.* for 1824, p. 184, where, however, Chase is misprinted Charles. Mr. J. Brownbill informs me that he has seen her name given as Sarah Bridget Frances in either a fine or a recovery of the year 1799.

¹²⁸ Syers’s *Everton*, p. 35, and *Gent. Mag.* for 1824, p. 184.

¹²⁹ Burke’s *Peerage* under Salisbury, where the remainder of the descent will be found.

