A Thirteenth-Century English Charter at Brock University*

André Basson, R. Andrew McDonald, David Sharron, and Angus A. Somerville

In the fall of 2008, staff of the Special Collections and Archives of the James A. Gibson Library at Brock University in St. Catharines, Ontario, discovered a small, tightly folded, and clearly very old parchment document in a bag in the bottom drawer of a filing cabinet. The document, which had been transferred to the Library from the President's Office in 1976, was stored without being catalogued, probably because it fell outside the scope of the department's collection policy. It remained unexamined for over thirty years until early in 2009, when the announcement of its 'rediscovery' caused considerable excitement among the Brock University and Niagara communities.¹ Efforts to trace the provenance of the Charter prior to its arrival at Brock University have proven unsuccessful. The document, dated to the mid-thirteenth century, records a grant of land in the village of Clopton in Warwickshire (see further below) by Robert de Clopton to his son William; although some of the individuals and places named in it are known from contemporaneous records, it does not appear to be referred to in secondary sources pertaining to the family, the estate, or the county and, in fact, seems to be completely unknown. The Clopton charter now has the

^{*} Dr. André Basson holds an adjunct position in Medieval & Renaissance Studies, R. Andrew McDonald is Professor of History, David Sharron, M.A., C.A., is head of Special Collections and Archives in the James A. Gibson Library, and Angus A. Somerville is Associate Professor of English Language and Literature, all at Brock University. We are grateful to Professors Cynthia Neville, Peter Coss, and Michael Gervers for advice on various aspects of our research, and to Mr. Jonathan Milner for his work as Research Assistant.

¹ Reinhart, "Bottom of Filing Cabinet Yields Top-Drawer Discovery."

distinction of being the oldest item in the holdings of the James A. Gibson Library at Brock University.² This paper offers a description, transcription, translation and preliminary analysis of the document.

Description

When found, the document was tightly folded and measured 4 by 8 cm (see Fig. 1). Unfolded, its dimensions are 11 by 25 cm at the widest, but because the left side is cut on an angle from head to foot, the width at the bottom corners is 23.8 cm. The document, which is unruled, has eleven lines of text and is written in a crisp Gothic cursive belonging to the thirteenth century (see Fig. 3). An exceptionally well-preserved complete seal is attached by a tag of parchment, 2.1 cm wide and threaded through a single slit 2.3 cm wide and 1.4 cm from the foot of the document. The length of the tag, as seen from the face (front) of the charter, is 1.5 cm. From the dorse (back), the strip of parchment runs 2.6 cm. Two strands of parchment extend from the bottom of the seal; both are 5 cm long and 1.8 cm wide. The left strand has a tear of about half its width near the seal but it is still holding. The single-sided seal, made of green wax and measuring 4 cm in diameter, bears the legend + SIGILL[UM] ROBERTI DE C[L]OPTUN, and an image of a bird, possibly a dove, facing to the right and sitting on a branch (see Fig. 2).3 An endorsement in a later hand on the back of the parchment reads, "Quieta clamacio Roberti Clopton Willelmo filio suo de una virgata terre" (Quitclaim of Robert Clopton to William his son of one virgate of land).

² The Clopton Charter, c.1241. RG 390. Special Collections and Archives, James A. Gibson Library, Brock University. Since the rediscovery of the Clopton charter, two more medieval documents have come to light, a folio from a 15th-century Spanish music manuscript and a folio from a 14th-century prayer book (Book of Job). In the fall of 2009, a 15th-century Scottish notarial document and a letter of King James VI of Scotland, dated 1579, were donated by Dr. David Caldwell of National Museums Scotland.

³ The seal of the document will certainly repay further study. An undated charter of James de Clopton, catalogued in the National Archives at Kew Gardens and preserved in the Shakespeare Centre Library and Archive (SCLA), has a seal showing a bird: Clopton Charters ER 3/237/1. James was the grandson of Robert and flourished in the second half of the thirteenth century; see below, note 39. We are grateful to Jo Wong, Archivist at SCLA, for her assistance in obtaining images of this and other documents in the SCLA's possession.

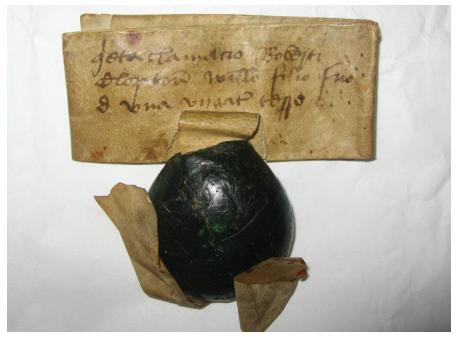


Figure 1. The document as found, tightly folded, showing the endorsement on back. Dimensions 4×8 cm. \odot Brock University Library, reproduced by permission.



Figure 2. Close-up showing seal: +SIGILL[UM] ROBERTI DE C[L]OPTUN. Seal dia. 4cm. © Brock University Library, reproduced by permission.



Figure 3. The document unfolded. Widest dimension: 11×25 cm. The quill sharpener at the top was found with the document in the Brock Special Collections and Archives. The sharpener and the document have no connection beyond being stored in the same enclosure before its rediscovery. © Brock University Library, reproduced by permission.

Transcription

Most abbreviations are expanded and indicated by italics; punctuation and capitalization are as in the MS, as are the uses of v, u, and j.

Sciant presentes et futuri quod Ego Robertus de Clopton' dedi. et Concessi. et hac Carta mea confirmaui Willelmo / filio meo vnam virgatam terre in Graua que est de Territorio de Clopton' cum omnibus pertinenciis suis pro homagio. / et seruitio suo. Illam scilicet virgatam terre4 quam Heriot quondam tenuit. Habendam, et Tenendam, sibi, et heredibus / suis Libere, et quiete, in feudo, et hereditate, de me, et heredibus meis, Reddendo Inde annuatim Duodecim denarios / argenti ad duos terminos anni, 5ad festum Sancti Michaelis sex denarios, ad festum Sancte marie⁶ in marcio⁷ sex dena/rios. pro omni servitio ad me uel heredes meos pertinente Saluo forinseco Seruitio8 cum omnibus Rebus et Libertatibus ad predictam / terram pertinentibus, in pratis, et paschuis⁹ et in omnibus Rebus que ad dictam virgatam terre pertinent. Et ego Robertus et / heredes mei Totam predictam virgatam terre cum omnibus pertinenciis suis dicto Willelmo et heredibus suis Contra omnes Gentes / Warantizabimus in perpetuum. 10 ut autem haec mea Donatio. et concessio. firma et Stabilis permaneat. hoc scriptum / sigilli mei impressione Roboraui. Hiis Testibus. Domino Willelmo de Ludinton', Domino Roberto de Valle militibus. 11 Willelmo de Edricheston', Willelmo de Waleford'. Roberto de sideham. Radulpho de Ludintona. Nicholao clerico et aliis.

⁴ *virgatam terre*: a not unusual term in medieval Latin; it can also be translated as 'square measure [of land].' A virgate was approximately 30 acres.

⁵ The scribe appears to have omitted *videlicet* before *ad festum*.

⁶ The expression *Sancte Marie* suggests that the document should be dated before the middle of the 13th century, when *sancta* was generally replaced by *beata*; see Gervers, "The DEEDS Project and the Development of a Computerised Methodology," 30-31.

⁷ Lady Day, the Feast of the Annunciation of the Blessed Virgin Mary, falls on 25 March.

⁸ Forinsec or 'foreign service' was service due to an individual outside the relationship of the donor and the recipient of the grant; see Pollock and Maitland, *The History of English Law*, 1:238-39, and Foster, ed., *Final Concords of the County of Lincoln*, 41-46.

⁹ The spelling of *paschuis* with an *h* is archaic by the mid-13th century.

¹⁰ contra omnes gentes warantizabimus in perpetuum: a very conventional phrase in this kind of document; see Bailey, "Warranties of Land in the Thirteenth Century," and more recently Hyams, "Warranty and Good Lordship in Twelfth Century England." We are grateful to Professor Cynthia Neville for these references.

¹¹ On knights as attestors, see Fleming, "Milites as Attestors."

Translation

Those present and those to come should know that I, Robert de Clopton, have given and granted and made firm by this my present charter to William, my son, one virgate in the Grove that is in the territory of Clopton with all its appurtenances in return for his homage and service, that virgate of land, namely, which Heriot once held; to him [William] and his heirs to be had and held freely and quietly in fee and inheritance of me and my heirs, with twelve silver pence yearly to be rendered thereupon at two terms of the year, six pence at the feast of Saint Michael, six pence at the feast of Saint Mary in March, in return for all service pertaining to me or my heirs, saving forinsec service, with all things and liberties pertaining to the aforesaid land, in meadows and pastures in all things that pertain to the said virgate of land. And I, Robert, and my heirs, shall warrant in perpetuity the whole aforesaid virgate of land with all its appurtenances to the said William and his heirs against all people, and that this my donation and grant should endure firm and fixed I have validated this deed with the impression of my seal. With these witnesses, Sir William de Ludinton, 12 Sir Robert de Valle, knights, William de Edricheston, 13 William de Waleford,14 Robert de Sideham,15 Ralph de Ludinton, Nicholas the clerk, and others.

Analysis

The document is a classic example of a medieval charter, a legal document recording the conveyance of lands or rights. An extremely important class of evidence for historians of the Middle Ages, charters narrated or recorded a gift or grant but did not actually convey property; the conveyance itself was a public ceremony. The document might be drawn up later, providing details of the transaction, sometimes mentioning why and how it was made. Charters conclude with a selective list of names chosen from among those present at the ceremony who acted as witnesses, and were

¹² Luddington. See below, pp 153-54 and note 32, for further discussion of the place names in the charter.

¹³ Edstone.

¹⁴ Welford.

¹⁵ Sydenham.

authenticated by the donor's seal attached to the body of the document. ¹⁶ Stylistically, charters are typically "very brief, clear and business-like instruments." ¹⁷

As is usual with English charters of the eleventh to thirteenth centuries, the document is undated. Dates were not commonly included in English documents until the reign of Edward I (1272-1307), and it has been estimated that as many as a million undated deeds survive from the twelfth and thirteenth centuries in England. ¹⁸ However, there are several guides to ascertaining the date of a document: palaeography, diplomatics, witness lists, and the very recent development of word pattern matching through computer analysis.

Since the document survives as an original and not as a later copy, the hand-writing of the text provides an indication of its date. The hand of the Clopton charter is Gothic cursive. The Gothic system of scripts, which came into use around the end of the twelfth century and continued to be used until the sixteenth, consists of a complex hierarchy of scripts ranging from a formal bookhand, used for high to medium quality texts such as deluxe liturgical volumes and university textbooks, to cursive scripts which were initially used only for administrative purposes but, from the end of the thirteenth century, also for books. Given that the script of the Clopton charter is clearly cursive, it is interesting to note that England was the first area to re-invent the cursive towards the end of the twelfth century. The *cursiva anglicana* is a full cursive, thought to have developed out of Protogothic semicursive which was probably much in use in England's royal chancery from the twelfth century onwards.

Investigation of the individuals named in the charter suggests a date in the first half of the thirteenth century. Robert de Clopton himself is known from a variety of

¹⁶ For definitive accounts of the nature of English charters, see Galbraith, *Studies in the Public Records*, 63-65; and Pollock and Maitland, *The History of English Law*, 1:219-20 and 2:82-90, 223-25. See also Clanchy, *From Memory to Written Record*, 52-56 & passim. For a succinct study of the charter in a Scottish context but with much useful, more general information, see Barrow, "The Scots Charter." On seals and sealing, see Harvey and McGuinness, *A Guide to British Medieval Seals*, and Clanchy, *From Memory to Written Record*, passim.

¹⁷ Pollock and Maitland, The History of English Law, 1:219.

¹⁸ See Clanchy, *From Memory to Written Record*, 304; Gervers, "The DEEDS Project and the Development of a Computerised Methodology," 13-14.

¹⁹ For a discussion of the relation between *cursiva anglicana* and Protogothic, see Brown, *A Guide to Western Historical Scripts*, 80-81, and Bischoff, *Latin Palaeography*, 136-45. For the development of cursive bookhands, see Parkes, *English Cursive Book Hands*.

other sources. He is one of those Warwickshire knights of the 1220s and 1230s who figure in the Evre and Curia Regis Rolls and who have formed the subject of an important study by Peter Coss.²⁰ The cartulary of Worcester cathedral priory preserves the text of another of Robert's charters, dated to 123821 (in which he is styled a knight), while at least one other undated charter granted by him appears to survive.²² Apart from the donor, several of the witnesses to the document appear in other Warwickshire documents of the same period. The knight Robert de Valle, for instance, attests several other documents relating to the Clopton estate and dating from the reigns of Henry III (1216-1272) and Edward I (1272-1307).²³ William de Ludinton, also described as a knight in the Brock document, appears as a witness to a gift by William Hay of Buninton, to the monks of Bordesley, of all his lands in Buninton (Binton), dated at the Feast of the Virgin Mary in March, 33 Henry III (25 March 1249).²⁴ All three men — Robert de Valle, William de Ludinton, and Robert de Clopton — are named together in the Warwickshire Assize Roll for 16 Henry III (28 October 1231 - 27 October 1232), when they were elected as jurors in a dispute between Hervey de Stafford and Vivian de Staundon.²⁵ Evidence of the personal names from the charter therefore appears to support a mid-thirteenth-century date for the document, although caution must be exercised since problems can

²⁰ Coss, Lordship, Knighthood and Locality, 229, 258; Styles, ed., The Victoria History of the County of Warwick, 3:261-62.

²¹ Darlington, ed., *The Cartulary of Worcester Cathedral Priory*, no. 430, pp. 223-24. We are grateful to Professor Michael Gervers for bringing this document to our attention.

²² SCLA: Clopton Charters ER 3/234 [temp. Henry III]: "Confirmation by Robert de Clopton, knight, to Henry de la Le and Elizabeth his wife of a grant from William de Wilmecote in free marriage with the said Elizabeth of two virgates of land in the territory of Clopton, together with two acres for a messuage, viz. one acre under Tothulle next Patthelowe and another between the two roads adjoining land of Ralph de Clopton to hold the same as assigns of William de Wilmecote at a yearly rent of 2 shillings and paying 8 shillings in hand, the said Henry also to have pasturage for 10 beasts in the free pasture of Clopton. Witnesses: Sir Peter de Wluardintone, Robert de Val, William de Sotrith, Robert de Hollehal, William le Archer, Geoffrey Pauncefot, William son of Robert, William son of Ralph, Ralph Britton, William Britton and Walter Clerk. [Undated.]" It would be instructive to know whether the William son of Robert mentioned as one of the witnesses to this document might be the William mentioned in the Brock charter.

²³ SCLA: Clopton Charters ER 3/234, ER3/238, ER 3/240/1.

²⁴ The National Archives: E 210/143.

^{25 &}quot;Plea Rolls for Staffordshire: 1231-39."

arise from the misidentification of different individuals with the same name, or of the same individual bearing different names.²⁶

Another approach to dating undated documents involves computer analysis, a technique that has developed significantly since the 1990s and that offers tremendous potential in the case of documents such as this one. In a process pioneered by Professor Michael Gervers at the University of Toronto, key words and phrases of a given charter can be compared with an electronic database of dated property exchange documents in a process known as word pattern analysis.²⁷ Analysis of the Brock document utilizing Professor Gervers's database — the DEEDS (Documents of Early England Data Set) Project, housed at University of Toronto, which compares undated documents to a database of over 6500 charters with known dates — generated an estimated date of 1241 with an average error of two years.²⁸ The advantage of the application of this new technology to the subject is clear, although it is also noteworthy that both computer dating and more traditional techniques arrived at the same date for the document's production. The Brock document can therefore be confidently placed in the middle of the thirteenth century, probably at 1241 +/- 2 years. Further computer analysis of the Brock charter and the charter by Robert de Clopton in the cartulary of Worcester cathedral priory²⁹ indicates a very high probability (92%) that the two documents were written by the same individual³⁰ — perhaps Nicholas the clerk who attests the Brock document?³¹

But to which Clopton estate did it belong? There are several ancient places named Clopton in England (in Northamptonshire, Suffolk, and Warwickshire), but the place names associated with the witnesses in the charter quickly narrow the location to the estate of Clopton in Warwickshire, near (and now a suburb of) Stratford-upon-Avon. These place names include *Ludinton* (Luddington, southwest of Stratford),

²⁶ Gervers, "The DEEDS Project and the Development of a Computerised Methodology," 14-18.

²⁷ Gervers, "The DEEDS Project and the Development of a Computerised Methodology," and Fiallos, "An Overview of the Process of Dating Undated Medieval Charters." See also the DEEDS Project website at http://www.utoronto.ca/deeds/>.

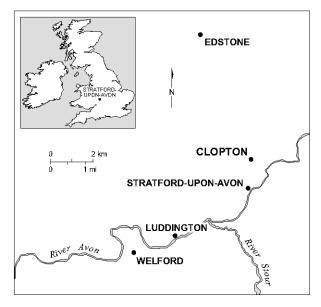
²⁸ Professor Michael Gervers and his team from the DEEDS Project at the University of Toronto have given generously of their time, and we are very grateful for their assistance.

²⁹ Darlington, ed., The Cartulary of Worcester Cathedral Priory, no. 430, pp. 223-24.

³⁰ Thanks again to Professor Gervers for pointing this out to us.

³¹ The witness list of the Worcester cathedral priory document is truncated, as is often the case with charters preserved by later copying in cartularies.

Edricheston (Edstone, northwest of Stratford), and *Waleford* (Welford, southwest of Stratford) (see map).³² Given both the clustering of place names mentioned in the charter around Clopton near Stratford-upon-Avon as well as the appearance of some of the witnesses in other Warwickshire documents, there can be little question that the Brock document relates to Clopton in Warwickshire.



Map. Clopton and some of the Warwickshire place names mentioned in the document, with Stratford-upon-Avon for reference. Map courtesy of Loris Gasparotto, Department of Geography, Brock University.

The Clopton estate and family are well known in the history of Warwickshire.³³ The estate is first mentioned in the late tenth century and appears again in the *Domesday Book* of 1086.³⁴ By the early thirteenth century Hervey de Stafford held

³² Duignan, Warwickshire Place Names, 55 (Edstone), 82 (Luddington), and 121 (Welford).

³³ See, inter alia, Styles, ed., *The Victoria History of the County of Warwick*, 3:261-63; and Dugdale, *The Antiquities of Warwickshire Illustrated*, 524-25, accessed via EEBO database.

³⁴ Styles, ed., The Victoria History of the County of Warwick, 3:261-62; Dugdale, The Antiquities of Warwickshire Illustrated, 524.

it as a knight's fee in the Honor of Stafford. Robert de Clopton, the donor of the Brock charter, first appears on the record in 1221 and was probably a tenant of Hervey de Stafford.³⁵ Robert's son John appears in the record in 1247, and in 1250 Robert de Stafford, the son of Hervey, was accused of forcibly entering the manor, which was then in the custody of Peter de Montfort. In 1265, Peter de Montfort granted the manor, along with the Grove,³⁶ to James de Clopton, son of John and grandson of Robert.³⁷ Peter Coss, in his seminal study of lordship in the region, regards this as the first certain evidence of the Clopton family as the holders of the estate.³⁸ Thus, the Brock Clopton charter dates from the very beginning of the recorded history of the family.

What does the document at Brock University add to the rather obscure early history of the Clopton estate and the Clopton family? For a start, it adds a William. As noted above, contemporaneous documents refer to Robert, his son John, and James son of John, grandson of Robert.³⁹ But no other known thirteenth-century document mentions Robert's son William. Thus, the Brock document extends our knowledge of the Clopton family. It also sheds new light on the association of the Cloptons with the estate from which they took their name and on the beginning of the rise of a family which produced a Lord Mayor of London in the late fifteenth century.⁴⁰

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³⁵ Styles, ed., The Victoria History of the County of Warwick, 3:262; Dugdale, The Antiquities of Warwickshire Illustrated, 524-25.

³⁶ The portion of the estate known as "the Grove" is also frequently mentioned in other documents of the thirteenth and fourteenth centuries. SCLA: Clopton Charters ER 3/236 [temp. Edward I], ER 3/237/1 [undated]; this may also be the place Grava in ER 3/238 [temp. Edward I], ER 3/240/3 [15 March 1298/99], ER 3/242 [4 August 1329].

³⁷ Coss, Lordship, Knighthood and Locality, 229; Styles, ed., The Victoria History of the County of Warwick, 3:262.

³⁸ Coss, Lordship, Knighthood and Locality, 229.

³⁹ SCLA: Clopton Charters ER 3/235/1 [n.d.], 2 and 3 [both 1279-80] are witnessed by James de Clopton; ER 3/236 [temp. Edward I] is the grant of Peter de Montfort to James de Clopton; ER 3/237/1 [n.d.] is another grant of James. Dugdale's genealogy omits William; see Dugdale, *The Antiquities of Warwickshire Illustrated*, 524.

⁴⁰ Styles, ed., The Victoria History of the County of Warwick, 3:262.

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SCLA. Shakespeare Centre Library and Archive: Clopton Charters: ER 3/234, ER 3/235/1, ER 3/235/2, ER 3/235/3, ER 3/236, ER 3/237/1, ER 3/238, ER 3/240/1, ER 3/240/3, ER 3/242.

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