

**WILLS AND WILL-MAKING
IN LATE ANGLO-SAXON ENGLAND**

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ABSTRACT

The aim of this study is to relate the written vernacular wills of the tenth and eleventh centuries to their cultural context.

It begins by identifying the corpus and defining the nature of the documents, considering issues of textual transmission and the integrity of the evidence. Chapter Two explores the development of the written will from the eighth century to the eleventh, placing it in the context of the political and cultural changes of the period, emphasising the relationship between the written will and transmission of bookland.

Chapter Three focuses primarily on the documents of the tenth and eleventh centuries, identifying donors as members of a land-holding elite who used the written will to manipulate the *post obitum* disposition of bookland. The factors influencing their decisions are explored. Chapter Four again focuses on the disposition of land, drawing on the evidence for tenth-century and eleventh-century bequest preserved in two twelfth-century chronicles to provide a narrative framework for the process of will-making and its social role.

Chapter Five catalogues the main groups of chattels bequeathed, considering their social significance for donors and beneficiaries. The extent to which gender influenced bequest of movable wealth is discussed.

Finally, Chapter Six examines the evidence of the wills for the relationship between church and laity in the late Anglo-Saxon period. It argues that pious bequest reveals the social impact of the religious reforms of the tenth century, and that spiritual concerns find expression in the written vernacular will as donors envisage death.

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encouragement and unfailing support during the vicissitudes of seven years, my research could not have been completed.

But my greatest debt is to my parents, who nurtured my early fascination with the past: to my mother, who taught me to imagine history, and to my father, who explored it with me. To them, with love and gratitude, this work is dedicated.

Declaration

The starting point for this research may be found in an extended essay entitled 'English wills and lay piety in the late Anglo-Saxon period', which I submitted as part of my M.A. by Individual Study and Research in History (University of York, 1997).

Note on the system of reference

All charters are identified by the number allocated in P.H. Sawyer (ed.), *Anglo-Saxon Charters: An Annotated List and Bibliography* (London, 1968). Occasionally, as in the case of writs, additional reference is made to a relevant edition.

Where wills may be found in one of the principal editions, the Sawyer number is followed by the abbreviated editorial reference, and the number of the text within the edition.¹ In the main text, will references are placed in square brackets, with the addition of dating parameters. Wills dated before c. 900 are distinguished by italicised references throughout.

Texts and translations of laws are taken from current editions, unless otherwise stated.² The standard system of reference is used: regnal name, preceded by the number of the code (where relevant) in Roman numerals, and followed by the clause and subsection in Arabic numerals.

For Domesday Book (*DB*), reference is made throughout to the Phillimore edition,³ and follows the system established there: each reference gives volume and folio number; for volume I, the letters a-d indicate columns on recto (a, b) or verso (c, d) of each folio; for volume II, the letters refer to the recto (a) or verso (b). Each folio reference is followed by the relevant county reference in brackets.⁴

¹ For editorial abbreviations and principle editions, see the List of Abbreviations below.

² Editions cited are: *The Laws of the Earliest English Kings*, ed. and transl. F.L. Attenborough (Cambridge, 1922, repr. Llanerch, 2000); *The Laws of the Kings of England from Edmund to Henry I*, ed. and transl. A.J. Robertson (Cambridge, 1925, repr. Llanerch, 2000).

³ General editor, J. Morris (Chichester, 1975-86).

⁴ A key for county abbreviations may be found in the List of Abbreviations below.

Where manuscript dates are given in abbreviated form, the conventions used follow the system described by N.R. Ker, *Catalogue of Manuscripts Containing Anglo-Saxon* (Oxford, 1957) unless otherwise stated.⁵

References to the *Anglo-Saxon Chronicle* (ASC) are made by manuscript letter and year, taken (unless otherwise stated) from the translation by Dorothy Whitelock in *English Historical Documents, I: c.500-1042* (London, 1955).⁶ Quotations in Old English are taken from the edition by Earle and Plummer.⁷

⁵ Set out in his Introduction, p. xx. See the Introduction to Appendix I below for details.

⁶ Pages 136-235.

⁷ J. Earle and C. Plummer (eds), *Two of the Saxon Chronicles Parallel, with supplementary extracts from the others* (2 vols, Oxford, 1892-99).

INTRODUCTION

It seems to have been the fate of Anglo-Saxon vernacular wills to be valued by scholars as a resource, yet neglected as a genre worthy of study in its own right. For Pollock, writing in *The History of English Law* published in 1898, Anglo-Saxon will-making was 'ill-defined', warranting only a few pages which seem largely designed to determine that it was neither the Roman testament nor the legal instrument of the later medieval period.¹ Since that date, only two detailed studies of vernacular wills have appeared.

The first, published in 1963, is the important and wide-ranging survey by Sheehan.² He considers the Anglo-Saxon will from the point of view of the legal historian, placing it in the context of the Roman testament, the Germanic tradition and the developments of the twelfth and thirteenth centuries. Although he examines the relationship between the Anglo-Saxon will and the Continental testament as defined primarily by German legal historians, the strength of his survey is that it recognises the individuality of the insular document, focusing on its transitional nature between the Roman testament and the canonical will of the post-Conquest period.

The second detailed study of the corpus of wills has been carried out by Lowe, designed to evaluate the reliability of the transmission of texts by examining scribal techniques.³ This has been crucial in establishing the overall corpus and examining its integrity. The majority of the documents survive only in later copies, mainly in cartularies of the twelfth to fourteenth centuries; very few survive as contemporary or near-contemporary single sheets. Even fewer survive in both forms; where they do, it

¹ P&M II, pp. 314-23, at p. 321.

² Michael M. Sheehan, *The Will in Medieval England* (Toronto, 1963).

³ Kathryn A. Lowe, *The Anglo-Saxon Vernacular Will: Studies in Texts and their Transmission* (unpublished doctoral thesis, University of Cambridge, 1990)

has been possible to compare the versions in order to identify the problems experienced by the later copyists as they sought to create a working text, and the strategies they adopted to overcome them.⁴ This research has implications for the manuscript transmission of wills, as will be shown in Chapter One. However, work on the corpus has also enabled Lowe to identify key characteristics of the vernacular will, and explore its competence as an instrument of bequest.⁵ Furthermore, she has shown that the use of the chirograph in will-making is an important indicator of developing lay literacy.⁶

The absence of a detailed study of the vernacular will as a social document is the more surprising given the ready availability of scholarly editions and translations. Their publication history began with nineteenth-century editors, who included them in their voluminous editions of Anglo-Saxon charters.⁷ These editions were complemented by the facsimile volumes of contemporary single-sheet manuscripts, in which a number of the wills appeared.⁸ However, their true significance emerged when vernacular documents began to be published with a detailed critical apparatus. The first such edition was that of Napier and Stevenson who, in 1895, published two vernacular wills from the Crawford collection of Anglo-Saxon charters, with notes primarily focused on the identification of places and people, and clarification of terminology.⁹ This was followed by Harmer's selection of vernacular documents ranging from the early ninth to the mid-tenth centuries, published in 1914, which included a number of important wills,

⁴ Kathryn A. Lowe, '“As fre as thowt”?: some medieval copies and translations of Old English wills', *English Manuscript Studies 1100-1700*, 4 (1993), 1-23.

⁵ Kathryn A. Lowe, 'The nature and effect of the Anglo-Saxon vernacular will', *Legal History*, 19. 1 (1998), 23-61.

⁶ Kathryn A. Lowe, 'Lay literacy in Anglo-Saxon England and the development of the chirograph' in Phillip Pulsiano and Elaine M. Traherne (eds), *Anglo-Saxon Manuscripts and their Heritage* (Aldershot, 1992), pp. 161-204.

⁷ W. de Gray Birch (ed.), *Cartularium Saxonicum* (3 vols, London, 1885-93); J. Kemble, *Codex Diplomaticus Ævi Saxonici*, (6 vols, London, 1839-48); B. Thorpe, *Diplomatarium Anglicum Ævi Saxonici* (London, 1865).

⁸ E.A. Bond (ed.), *Facsimiles of Ancient Charters in the British Museum* (4 vols, London, 1873); W.B. Sanders (ed.), *Facsimiles of Anglo-Saxon Manuscripts*, Ordnance Survey (4 vols, Southampton, 1878-84).

⁹ A.S. Napier and W.H. Stevenson (eds), *The Crawford Collection of Early Documents and Charters* (Oxford, 1895).

not least that of King Alfred.¹⁰ Here the commentary is extended to include discussion of dialect, with wide cross-referencing to supporting historical material.

A milestone was reached with the publication, sixteen years later, of the edition and translation of thirty-nine vernacular wills by Whitelock, which established beyond question that these documents formed a genre in their own right.¹¹ Her commentary on the documents and detailed indexing not only gave access to a valuable historical source, but revealed the complexity of the kindred and tenurial relationships in tenth-century and eleventh-century England. However, the perplexities of the legal historian are illustrated by Hazeltine's preface to Whitelock's edition, which is entitled 'Comments on the writings *known as Anglo-Saxon wills*' (my italics).¹² While it is true to say that the documents would hardly stand in a modern court, the concern for legal definition tends to obscure the validity of the texts themselves.

Whitelock's collection was supplemented by the wide-ranging edition of vernacular charters published by Robertson in 1939, which added a further sixteen wills to the canon.¹³ Although a small number of documents have been published in individual editions in recent years, and the ongoing British Academy charter series continues to update the commentary, these collections are likely to remain the bed-rock of will scholarship until a collected edition appears.¹⁴ I have drawn texts and translations from them, unless otherwise stated, and am greatly indebted to the erudite commentaries.

¹⁰ F.E. Harmer, *Select English Historical Documents of the Ninth and Tenth Centuries* (Cambridge, 1914).

¹¹ Dorothy Whitelock, *Anglo-Saxon Wills* (Cambridge, 1930).

¹² H.D. Hazeltine, 'Comments on the writings known as Anglo-Saxon wills' in Whitelock, *Wills*, pp. vii-xl. This issue will be discussed further in Chapter I.

¹³ A.J. Robertson, *Anglo-Saxon Charters* (Cambridge, 1939).

¹⁴ Kathryn A. Lowe (ed.), 'A new edition of the will of Wulfgyth', *Notes and Queries*, n.s. 36 (1989), 295-98; D. Whitelock (ed.), *The Will of Æthelgifu* (Oxford, 1968); Simon Keynes (ed.), 'The will of Eadwine of Caddington' appended to 'A lost cartulary of St Albans Abbey', *ASE*, 22 (1993), 275-79, and 'The will of Wulf', *Old English Newsletter*, 26.3 (1993), 16-21; S1608 (the will of Oswulf and Leofrun) is edited by C.R. Hart, *The Early Charters of Eastern England* (Leicester, 1966), no. 133, pp. 86-91.

Whereas Sheehan and Hazeltine wrestled with the legal concept of will-making in relation to Anglo-Saxon wills, many historians have drawn on the texts as source material. While a considerable number of such studies feature in the apparatus of this thesis, only a few will be exemplified here, representing important themes in recent research.

The first area in which wills have been used as important evidence is that of land transmission, particularly in relation to the strategy of aristocratic families. The work of Wareham, in particular, has demonstrated that inheritance strategies could be used as a means of consolidating kinship bonds and establishing alliances; bequest of land to the church was linked to commemorative rituals which played an important role in family identity, cementing the social relationship between church and laity.¹⁵ Important studies of individual families have also drawn on the wills in order to reconstruct the land-base on which their power rested.¹⁶ The detailed analysis of the ninth-century wills of King Alfred [*S1507/H11*] and Ealdorman Alfred [*S1508/H10*] by Wormald has identified the importance of bequest in ‘the politics of aristocratic family property’, and draws attention to the likelihood that similar strategies – however difficult to identify – may be assumed in other wills.¹⁷

A second area of study which has drawn on vernacular wills is the examination of the position of women in Anglo-Saxon society. Stafford gives a succinct account of the ideology of ‘a Golden Age for women pre 1066’ as viewed through the eyes of nineteenth-century and early twentieth-century scholars, who saw women’s wills as

¹⁵ Andrew Wareham, *The Aristocracy of East Anglia c. 930-1154: a Study of Family, Land and Government* (unpublished doctoral thesis, University of Birmingham, 1992); ‘Saint Oswald’s family and kin’ in Nicholas Brooks and Catherine Cubitt (eds), *St Oswald of Worcester* (1996), 46-63; ‘The transformation of kinship and the family in late Anglo-Saxon England’, *EME*, 10.3 (2002), 375-394.

¹⁶ Ann Williams, ‘*Princeps Merciorum gentis*: the family career and connections of Ælfhere, ealdorman of the Mercians’, *ASE*, 10 (1981), 143-72; C.R. Hart, ‘Athelstan “Half-King” and his family’, reprinted in *The Danelaw* (London and Rio Grande, 1992), 569-611.

¹⁷ Patrick Wormald, ‘*On þa wæpnedhealfe*: kingship and royal property from Æthelwulf to Edward the Elder’ in N.J. Higham and D.H. Hill (eds), *Edward the Elder* (London, 2001), p. 277.

evidence for their independence and autonomy in land-holding in pre-Conquest England.¹⁸ However, she shows that, in fact, such apparent independence can be illusory: women emerge into the documentary record as widows, and their bequests were often influenced by fathers or husbands. Women were significant in family strategy as ‘conduits of land’, and could be subject to royal influence or predation.¹⁹ In another context, Stafford suggests that the need to specify and protect widows’ dower from such royal interference was one factor prompting tenth-century and eleventh-century will-making.²⁰ In identifying the majority of female donors as widows, Crick has argued that their wills should be seen in two contexts: that of family strategy for transmission of land across generations, and that of women’s responsibility for family commemoration, which is a significant feature in a number of wills.²¹ She has also explored the tension which existed in the relationship of a widow with the property of the conjugal unit, and the way in which this is reflected in will-making, emphasising the need to see both men’s and women’s wills in the context of family strategy.²² In a further important study of bequest of movable wealth, she has questioned the stereotypical association of men and women with particular types of material goods, perceiving that ‘men and women bequeath in unexpected ways’.²³

Thirdly, because a number of wills refer to movable wealth, sometimes specifying individual items in detail, they have provided a useful source for art historians and archaeologists. Links have been made between such items as jewellery, swords and textiles, some of which are extant while others are depicted in manuscript

¹⁸ Pauline Stafford, ‘Women and the Norman Conquest’, *TRHS*, 6th ser. 4 (1994), pp. 221-226, at p. 223.

¹⁹ Stafford, ‘Women and the Norman Conquest’, p. 232.

²⁰ Pauline Stafford, ‘Women in Domesday’, *Reading Medieval Studies*, 15 (1989), p. 88.

²¹ Julia Crick, ‘Women, posthumous benefaction and family strategy in pre-Conquest England’, *Journal of British Studies*, 38 (October, 1999), 399-422.

²² Julia Crick, ‘Men, women and widows: widowhood in pre-Conquest England’, in Sandra Cavallo and Lyndan Warner (eds), *Widowhood in Medieval and Early Modern Europe* (Harlow, 1999), 24-36, at pp. 31-32; ‘Women, posthumous benefaction’, p. 418.

²³ Julia Crick, ‘Women, wills and moveable wealth in pre-Conquest England’ in M. Donald and L. Hurcombe (eds), *Gender and Material Culture from Prehistory to the Present* (London, 2000), p. 28.

illustrations, and similar items bequeathed in wills. Descriptions of clothing bequeathed by women have also been used to complement other evidence in the reconstruction of contemporary costume.²⁴ Such bequests have contributed to the profile of a society with considerable disposable wealth.²⁵

In a final example, as vernacular documents, wills have been used as evidence in establishing the degree to which Anglo-Saxon society was a literate culture. It has been strongly argued that documentation played an important role in secular life, and that use of the vernacular may imply a degree of literacy – or at least, a recognition of the value of documentation among sections of the laity.²⁶ Similarly, wills have been placed in the context of royal administration, with use of the vernacular for law codes, writs and the recording of legal proceedings, as evidence for written communication between the government and the localities.²⁷

Whereas the studies cited here draw on the wills as evidence, the purpose of this thesis is to consider the phenomenon of the late Anglo-Saxon written will in its own right. The discussion will consider the development, characteristics and legal status of the genre, ranging across the full corpus. However, the main focus will be on the apparent burgeoning of written vernacular wills in the mid-tenth century, the factors which prompted it, and the way in which the documents can be interpreted in relation to the social context which generated them. In each chapter the will texts are given primacy.

²⁴ C.R. Dodwell, *Anglo-Saxon Art: a New Perspective* (New York, 1982); Gale R. Owen-Crocker, *Dress in Anglo-Saxon England*, (Manchester, 1986).

²⁵ Robin Fleming, 'The new wealth, the new rich and the new political style in late Anglo-Saxon England', *ANS*, 23 (2000), 1-32.

²⁶ Susan E. Kelly, 'Anglo-Saxon lay society and the written word' in Rosamund McKitterick (ed.), *The Uses of Literacy in Early Medieval Europe* (Cambridge, 1990), 36-62.

²⁷ Simon Keynes, 'Royal government and the written word in late Anglo-Saxon England' in McKitterick, *Uses of Literacy*, 226-57.

Chapter One establishes the full corpus of vernacular wills from the ninth to the eleventh centuries, on which the research is based. It adopts a simple definition: gifts are intended to take effect at the death of the donor. The resulting corpus is listed in Appendix One, together with editorial, dating, manuscript and archival information.²⁸ This chapter also considers the integrity of the evidence, drawing on the research of Lowe, described above, and problems of interpretation. The nature of the documents as instruments of *post obitum* disposition is examined, together with key features of form, structure and language. Although the corpus is fragmentary, unevenly distributed and often enigmatic, it will be argued that the late Anglo-Saxon will was a highly formalised document well adapted for its purpose.

Chapter Two explores the development of the written will from the late eighth to the tenth and eleventh centuries. It will be argued that, as the corpus now stands, the earliest bequests, some surviving in Latin, were closely linked to royal grants of bookland or, in some cases, to disputed transmission of such land. The preoccupation with *post obitum* disposition of bookland is at the heart of the wills of the tenth and eleventh centuries; this phenomenon, and the increasing role of the multi-gift will in its management, will be placed in the context of political and cultural changes which began in the reign of Alfred (871-899), and gathered momentum with the accession of his grandson, Æthelstan, in 924.

Bequest of land remains the focus of Chapter Three, which will concentrate on the donors, and their decisions about the distribution of their land at their death. Donors belonged to a land-holding elite, many of them to the highest strata. Their concerns, as revealed in the *post obitum* dispositions they made, are related, firstly, to the stage of the life-cycle at which they made their wills; and secondly, to a range of responsibilities

²⁸ My starting point was the corpus edited by Lowe, *Vernacular Will*, Chapter I and Appendix A. I have also drawn on tables including Latin texts published as an appendix by Crick, 'Posthumous benefaction', pp. 419-22.

and obligations attendant on their social role. As a sophisticated document, the will could be deployed flexibly to record dispositions which were often extremely complex.

The disparate nature of the corpus of vernacular wills makes it difficult to build a coherent picture of bequest in late Anglo-Saxon England. Chapter Four considers the evidence of the twelfth-century Latin chronicles of Ely and Ramsey, which preserve significant evidence for bequest in later tenth-century and eleventh-century East Anglia.²⁹ Its integrity and validity as a source for vernacular will-making is discussed in this chapter, which will then go on to show how the bequests recorded are important not only because they supplement the evidence of the extant vernacular texts, but because the narrative context within which they are placed can illuminate aspects of the will-making process which is otherwise difficult to reconstruct. It is also in this chapter that the social impact of the tenth-century religious reforms can most clearly be seen; the implications for land tenure and social organisation in the environs of Ely and Ramsey are revealed not only through the chronicles, but in the vernacular wills of East Anglia.

The chronicles, like the vernacular wills themselves, are primarily concerned with recording the bequest of land. However, a few texts in both vernacular and Latin bequeath chattels such as stock, slaves, coin and luxury goods, including precious metals and fine textiles. Chapter Five will consider the evidence for bequest of movable wealth. In an attempt to provide a systematic survey, the bulk of the chapter consists of a preliminary catalogue of the most significant items arranged by category.³⁰ Within each category, patterns of bequest will be identified, and reasons suggested for them wherever possible. Evidence will be drawn from a number of sources, including archaeology and art history, to elucidate the social significance of items bequeathed.

²⁹ Their evidence is listed in Appendix Two.

³⁰ An important contribution has been made by Crick, 'Women, wills and moveable wealth', which includes an appendix of tables showing the distribution of a range of items according to gender.

Whereas previous chapters have considered mainly the secular aspects of late Anglo-Saxon will-making, Chapter Six focuses on the evidence provided by the wills for the relationship between the church and the laity. It acknowledges that this, too, had its secular dimension, since the lay nobility was linked to the church by ties of kindred and political alliance.³¹ However, it will also argue that wills demonstrate the profound impact on the wealthy laity of the religious reforms of the period. It will suggest that, by bequest to powerful religious houses, as well as endowment of estate churches and their clergy, donors reveal spiritual concerns deeply embedded in contemporary society.

One of the difficulties arising in the course of the thesis has been the placing of the Anglo-Saxon material in a European context. The problem was presented clearly by the late Timothy Reuter:

The difficulty here is that there is no comprehensive survey of the wills which have survived from the early Middle Ages ... There are perhaps a dozen Merovingian wills, which have been listed and discussed in a fine article by Ulrich Nonn, and a very small number of will-like documents from early medieval Italy and Spain ... Birgit Kasten and Goswin Spreckelmeyer have identified thirteen texts from the eighth and ninth centuries. But there is – to my knowledge – no study at all of surviving testaments from the post-Carolingian Frankish world, and at present one is reduced to impressionistic guesswork. For example, wills do not appear to have been at all prominent in the deposits of documents surviving from east and west Francia in the post-Carolingian era, but the absence of any survey makes it hard to say how rare they are. Emily Tabuteau's very thorough study of eleventh-century Norman law makes no mention of either wills or testaments, though she has extensive discussions of donations *post obitum*. The highly document-based monographs by Barbara Rosenwein on Cluny's lands, by Stephen White on donations to monasteries in western France and by Constance Bouchard on the nobility and the Burgundian church also do not mention wills. Testaments from the Ottonian era are very rare.³²

³¹ Catherine Cubitt, 'The tenth-century Benedictine Reform in England', *EME*, 6.1 (1997), pp. 85-86.

³² Timothy Reuter, '“You can't take it with you”: testaments, hoards and movable wealth in Europe, 600-1100' in Elizabeth Tyler (ed.), *Treasure in the Medieval West* (Woodbridge, 2000), pp. 20-21. The studies referred to here are as follows: U. Nonn, 'Merowingische Testamente: Studien zum Fortleben einer römischen Urkundenform im Frankreich', *Archiv für Diplomatik*, 18 (1972), 1-129; B. Kasten, 'Erbrechtliche Verfügungen des 8/9. Jahrhunderts', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, germanistische Abteilung*, 107 (1990), 236-338; Goswin Spreckelmeyer, 'Zur rechtlichen Funktion mittelalterlicher Testamente', in P. Classen (ed.), *Recht und Schrift im Mittelalter* (Sigmaringen, 1977), 91-113; E.Z. Tabuteau, *Transfers of Property in Eleventh-Century Norman Law*, (Chapel Hill, 1988); Barbara Rosenwein, *To be the Neighbor of St. Peter: the Social Meaning of Cluny's Property, 909-1049*

At present, therefore, a detailed consideration of late Anglo-Saxon will-making in relation to Continental practice would be a study in its own right, and is beyond the scope of this thesis. However, wherever possible, attention has been paid to valuable studies of individual documents as a means of illuminating the Anglo-Saxon texts.³³ Where parallels seem useful, reference has also been made to a number of studies of will-making in later medieval Europe.

Wills, by their very nature, show donors envisaging death, which has increasingly been the subject of research in the early medieval period. Four studies have particular relevance for this thesis. First, Paxton's survey of the ritualisation of dying, death and commemoration in Europe from antiquity to the late ninth century explores the emergence, refinement, adaptation and dissemination of rites, with particular emphasis on developments under the Carolingians.³⁴ Second, the relationship between the living and the dead in the Middle Ages is examined by Geary, with particular emphasis on the changing role of the saints.³⁵ Third, McLaughlin's exploration of the developing liturgy for commemorating the dead in France between c. 850 and c. 1100 reflects the association between the laity and 'liturgical communities'.³⁶ Whereas these studies are concerned with Continental developments, the fourth – that by Thompson – focuses specifically on late Anglo-Saxon England, drawing on the evidence of diverse

(Ithaca, 1989); S.D. White, *Custom, Kinship and Gifts to Saints: the Laudatio Parentum in Western France, 1050-1150* (North Carolina, 1988); Constance Bouchard, *Sword, Miter and Cloister: Nobility and the Church in Burgundy, 980-1198* (Ithaca, 1987).

³³ In particular, Janet Nelson, 'The wary widow' in Wendy Davies and Paul Fouracre (eds), *Property and Power in the Early Middle Ages* (Cambridge, 1995); Christina La Rocca and Luigi Provero, 'The dead and their gifts. The will of Eberhard, Count of Friuli, and his wife Gisela, daughter of Louis the Pious (863-64)' in Frans Theuvs and Janet L. Nelson (eds), *Rituals of Power from Late Antiquity to the Early Middle Ages* (Leiden, Boston and Köln, 2000), 225-80. Additional studies: Patrick J. Geary, *Aristocracy in Provence: The Rhône Basin at the Dawn of the Carolingian Age* (Stuttgart, 1985); Matthew Innes, 'Charlemagne's will: piety, politics and the imperial succession', *EHR*, 112 (1997), 833-55.

³⁴ Frederick S. Paxton, *Christianising Death: The Creation of a Ritual Process in Early Medieval Europe* (Ithaca and London, 1990).

³⁵ Patrick J. Geary, *Living With the Dead in the Middle Ages*, (Ithaca and London, 1994).

³⁶ Megan McLaughlin, *Consorting With Saints: Prayer for the Dead in Early Medieval France* (Ithaca and London, 1994), p. 21.

sources to examine the rituals associated with dying and death, and placing them in the context of contemporary thought. The importance of the concept of 'dying with decency' is particularly emphasised.³⁷

However, the part played by wills in the process of preparing for death has not yet been fully explored. Medieval will-making has been related to the concept of the good death; that is, a death which allowed the individual the opportunity to come to terms with both God and man before the end approached.³⁸ In this respect, tenth-century and eleventh-century donors were well prepared, since the evidence suggests that extant wills were, in general, not deathbed dispositions, but made well in advance of mortal illness.³⁹ The written will provided plenty of opportunity for the ordering of affairs:

The will, as an instance of the growing reliance of medieval society upon written transactions, stands as an important source for ordinary social, as well as devotional, concerns. This is because wills performed two functions: like the ancient Roman will, the medieval will was a legal means of settling an estate; but it was also a religious document, the aim of which was to settle the soul.⁴⁰

As far as Anglo-Saxon vernacular wills are concerned, the legality of the process is a moot point, which will be discussed fully in Chapter One. But, as successive chapters will demonstrate, there can be no doubt that, for the landed classes of late tenth-century and eleventh-century England, written will-making had become an important part of the process of settling both spiritual and secular affairs in advance of death.

³⁷ Victoria Thompson, *Dying and Death in Later Anglo-Saxon England* (Woodbridge, 2004), particularly chap. 3.

³⁸ Paul Binski, *Medieval Death*, (London, 1996), pp. 33-47.

³⁹ This will be pursued in later chapters.

⁴⁰ Binski, *Medieval Death*, p. 33.

CHAPTER I

The corpus of Anglo-Saxon vernacular wills and problems of interpretation

Introduction

The purpose of this chapter is to describe the corpus of written vernacular wills upon which this thesis is based (the texts are listed in Appendix I). I am greatly indebted to a number of works of scholarship which will recur in footnotes throughout this chapter. I have already acknowledged my debt to the editors of the main collections of wills in the Introduction. Other works are primarily legal and textual studies which have identified the characteristic features of the documents and considered their function as legal instruments.¹ However, because this thesis is concerned with the texts as historical evidence, I have drawn on these works selectively in order to establish the nature of the database on which my research is built.²

To begin with, the nature of the Anglo-Saxon will as an instrument of *post obitum* disposition will be explored, and its relationship with the later testament. Since there is no extant theory of Anglo-Saxon bequest,³ the purpose of the documents must be extrapolated from the texts themselves. The transmission of the texts will be considered, together with issues of authenticity and integrity, and the form and language described, in order to demonstrate the overall consistency in the recording of *post obitum* disposition, and to indicate how these texts are both demarcated from and related to other contemporary documents. Finally, some issues of interpretation will be examined.

¹ P&M II, 314-56; Sheehan, *The Will*; Hazeltine, 'Comments'; Brenda Danet and Bryna Bogoch, 'Orality, literacy and performativity in Anglo-Saxon wills' in *Language and the Law*, ed. John Gibbons (London and New York, 1994); Lowe, *Vernacular Will*.

² My starting point was the catalogue in Lowe, *Vernacular Will*, reproduced in an abbreviated form in her article 'Nature and effect', 23-61.

³ Sheehan, *The Will*, p. 24; Hazeltine, 'Comments', p. xxxviii.

Although this thesis is mainly concerned with bequest in the tenth and eleventh centuries, this chapter will range across the full corpus of texts, including those from the eighth century. Throughout, the term ‘will-making’ is used to refer to *post obitum* disposition in general terms. However, when referring to individual acts, a ‘will’ is defined as a document which includes gifts to multiple beneficiaries (the ‘multi-gift will’ described below). The ‘bequest’ constitutes a gift or gifts to a single donee; some bequests survive independently, some in the context of a multi-gift will. All gifts are intended to have delayed effect, reaching completion on the death of the donor or at a stipulated time after that event.⁴

The nature of the Anglo-Saxon written will

The qualities of the Anglo-Saxon written will

In legal terms, the application of the term ‘will’ to these documents seems anachronistic, since they apparently bear little relation to the legal instrument which developed in the later Middle Ages and modern times.⁵ In modern terms, a will is a unilateral written instrument which takes effect on the death of the donor. It must have three additional characteristics:

- a. it can be revoked;
- b. it creates an executor (i.e. one who represents the testator);
- c. it is ambulatory (i.e. able to take account of property acquired by the testator after the making of the will).⁶

None of the Anglo-Saxon texts encapsulates all of these qualities. Nevertheless, the relationship between the Anglo-Saxon documents and the modern will might be closer than at first appears.⁷

⁴ Sheehan, *The Will*, pp. 19, 24.

⁵ Hazeltine, ‘Comments’, p. viii. For the evolution of testamentary law in the thirteenth century see P&M II, pp. 325-56; Sheehan, *The Will*, chaps 4 and 5.

⁶ Hazeltine, ‘Comments’, p. vii; P&M II, pp. 315-16.

Firstly, there is evidence that some donors retained the right to revoke previous dispositions. For example, the will of King Alfred [S1508/H11, 873x888] records that he destroyed all previous documents. Although this has been regarded as an exceptional case, given the king's status, there are a number of other references to revocability which seem to indicate that it was a more general right.⁸ In five cases the donor's reservation of the right to revoke is incorporated in the anathema, raising the possibility that this may be conventional.⁹ However, in one case, the will of Æthelgifu [S1497, c. 985x1002], there is a rider recognising specifically that the death of beneficiaries would require changes to the dispositions. This implies that the revocation clause was not merely convention, but represented an available option. It was certainly so perceived by Eadsige [S1465/R86, 1032], who explicitly holds the threat of revocation over the Christ Church community if they fail to support him:

Ðises cwides he geunn ðam Hirede to þam forwyrdan þ hi æfre hine wel healdan, 7 him holde beon on life 7 æfter life, 7 gif hi mid ænegan unrede wið hine ðas forwyrd tobrecan, þænne stande hit on his agenan gewearde hu hi sibpan his agen ateon wille.

[He grants this bequest to the community on condition that they always give him staunch support and are loyal to him during his life and after his death. And if by any folly they break this agreement with him, it shall be in his own power to decide how he will dispose of his property.]

Bishop Æthelmær, making a bequest to Bury, asserts:

and ihu so ic Wende mine cuide: ic Wille þat þis stonde euere vnawent mine soule to lisidnesse.

[And however I may change my will, it is my wish that this shall ever remain unchanged for the redemption of my soul.]¹⁰

⁷ Hazeltine regards the Anglo-Saxon will as a forerunner, containing the germs of the later legal features: 'Comments', p. vii.

⁸ Hazeltine ('Comments', p. xi, fn 2) argues that any revocation would involve renegotiation with the donee; Sheehan, on the other hand, asserts varying degrees of revocability (*The Will*, pp. 45-46); Lowe (*Vernacular Will*, pp. 183-185; 'Nature and effect', p. 37) accepts the principle of revocability in certain circumstances.

⁹ Bury: S1483/W2; S1521/W29; S1531/W31. New Minster, Winchester: S1491/W4. St Albans: S1497.

¹⁰ S1499/W35, 1047x1070. See also S1524/W5, where Ordnoth and his wife reserve the right to reclaim a landbook from the Old Minster, Winchester, to make any necessary corrections.

These examples suggest that, at least in principle, a donor retained certain rights of revocation.

Secondly, although the formal concept of the executor seems to have emerged in the thirteenth century,¹¹ a number of wills incorporate references to named individuals who hold some measure of responsibility for the implementation of the donor's intentions. Although their responsibility falls short of representing the testator, which was the role of the later executor,¹² such individuals may be regarded as having *mund*, or protection, over the will itself or some of its provisions.¹³ It is generally the king who is asked to protect the overall implementation of the will.¹⁴ The king may also be asked to interest himself in specific issues, such as the protection of a religious foundation,¹⁵ or the welfare of a donor's retainers who would be otherwise unprotected.¹⁶ The church, either in the form of a religious community or a named individual, may also be asked to take similar responsibilities,¹⁷ occasionally with specific reference to a local church bequeathed or patronised by the donor.¹⁸ Laymen may also be named: noblemen,¹⁹ high-ranking thegns²⁰ and brothers²¹ are all designated as having a role in the protection and implementation of donors' dispositions. In three cases, men are required to carry out financial transactions on the donor's death.²² The clause referring to the

¹¹ P&M II, p. 334; Sheehan, *The Will*, pp. 148-62.

¹² See Sheehan, *The Will*, p. 155 on the role of the executor, and E. Rowena Archer and B.E. Ferme, 'Testamentary procedure with special reference to the executrix', *Reading Medieval Studies*, 15 (1989), 3-34.

¹³ Sheehan distinguishes between the roles of executor and protector (*The Will*, pp. 43-44).

¹⁴ S1483/W2; S1505/W12; S1487/W13; S1511/W11*; S1497; S1523/W23*. (*indicates a combined request to king and queen. S1521/W29 addresses the queen only).

¹⁵ S1486/W15; S1536/W17.

¹⁶ S1484/W8. The king is also asked to be the *freond* of Wulfgeat's wife and daughter [S1534/W19].

¹⁷ S1490/W28; S1482/H2; S1510/R6; S1501/W16¹.

¹⁸ S1521/W29? (difficult reading); S1525/W37; S1234/R116; S1536/W17.

¹⁹ S1486/W15; S1490/W28; S1491/W4.

²⁰ S1490/W28; S1531/W31 (a business partner).

²¹ S1490/W28; S1482/H2; S1536/W17; S1517.

²² The brothers of the Ætheling Æthelstan [S1503/W20] and Ælfric Modercope [S1490/W28]; the business partner (*felage*) of Thurstan [S1531/W31], who is required to oversee distribution of alms.

responsibilities of Ealdorman Ælfheah's wife on his death must come close to the modern sense of the executor, since she is apparently expected to act for him:

þonne an ic Ælfsipæ minon wifæ gyf heo leng beoð þonne ic and it swa gehylt swa ic hiræ truwan to hæbbe ealra þara oðæra landa þæ ic læfæ. And heo þanne gæornlicæ of þam god gebæncæ and for uncre sawle geornlicæ beo ...

[Then to my wife Ælfswith, if she live longer than I and maintains the property in accordance with the confidence I have in her, I grant all the other estates which I leave; and she is to remember God zealously (with almsgiving) from the property, and be zealous for both our souls ...]²³

Nevertheless, legal theory apart, the role of these functionaries in the implementation of the will was crucial, often recognised by the donor through bequests to those named.

Finally, the ambulatory nature of individual documents is not apparent. Even where provision appears to be made for the disposition of property acquired after the declaration of the will, as in the case of Bishop Theodred [S1526/W1, 942xc. 951], no clear indication is given as to how such property is to be distributed.²⁴ It seems likely that the ambulatory element of the later formal testament was at this time provided by additional acts of disposition related to the acquisition of disposable property.²⁵ For example, it will be shown in Chapter Two that there is a close relationship between the acquisition of land by royal charter and bequest, in some cases illustrated by the bequest being added to the charter itself.²⁶ The will-making of Siferth of Downham, discussed in detail in Chapter Four, characterises what was, in all probability, the regular process of *post obitum* disposition: a sequence of acts, culminating in an overall affirmation at the point of death, or at some other key point in the life-cycle.²⁷

²³ S1485/W9, c. 968x971.

²⁴ It is possible that this a reference to the stock accruing on the episcopal estates, over which Theodred had some freedom of disposition. See Chapter 5 below.

²⁵ Lowe, 'Nature and effect', pp. 37-38; Sheehan, *The Will*, pp. 39, 46.

²⁶ As in the case of S1500/R3, 805x824.

²⁷ Sheehan, *The Will*, pp. 39, 46; disposition at specific points in the life-cycle is discussed in Chapter 3 below. It might also be noted here that King Alfred [S1507/H11] also seems to recognise that his disposition would be finalised at the approach of death (see Harmer, *SEHD*, p. 17 lines 9-12).

It is therefore accepted in this thesis that although such dispositions were, by their very nature, made *mortis causa*, they may not necessarily have been made when the death of the donor was imminent. It will be argued in later chapters that, while some wills probably represent a death-bed declaration (for example, that of the Ætheling Æthelstan, S1503/W20, 1012x1015), the majority were made in the expectation of longer life.²⁸

Purpose

It will be argued in detail in Chapter Two that the documents (including the multi-gift wills) represent *post obitum* disposition of acquired land only, either purchased or held by royal gift. They are not concerned with the transmission of inalienable land (usually referred to by modern scholars as ‘folkland’), which appears to be transmitted through customary channels.²⁹

It is generally agreed that the legally significant aspect of the process of *post obitum* disposition was the oral declaration before witnesses.³⁰ The evidence suggests that the documents represent the donors’ intentions, but without intrinsic legal standing. Extant cases of disputed inheritance make no mention of a written will being produced as evidence; emphasis is placed on possession of the royal charter (*boc*), or on the oral testimony of witnesses.³¹ Furthermore, the account of the will-making of Siferth of Downham (discussed in detail in Chapter Four) suggests that the role of the document, written and witnessed at Siferth’s deathbed, was notification of Siferth’s intentions rather than evidence: Ealdorman Æthelwine, to whom the document was sent, required

²⁸ Lowe, ‘Nature and effect’, p. 38. See Chapter 3 below.

²⁹ Lowe, ‘Nature and effect’, pp. 38-40.

³⁰ Hazeltine, ‘Comments’, pp. 14-23; Sheehan, *The Will*, pp. 20, 47-54; Keynes, ‘Royal government’, pp. 251-53.

³¹ Lowe (*Vernacular Will*, pp. 96-202) discusses three disputes where there is evidence of the existence of a written bequest: S1434/B378 (824, Latin); S1439/Birch 445 (844, Latin); S1458/R41 (961x988, vernac.). S1446/H15, c. 903 refers to an *erfegewrit* (will?) apparently used in evidence; this may have been an endorsement of the original agreement, as seen in the tenth-century Worcester lease S1503/R35. See below, pp. 67-69, for a further possible example from the early ninth century.

further oral confirmation of its validity before he would allow it to stand.³² The witness list attached to a number of extant documents (see Appendix I) records those who heard the original oral declaration, or a reading aloud of the document in a public forum, and who could be called upon to give witness in the event of a challenge to the will.³³

It is clear, however, that the documents were not ephemeral. Many were made in multiple copies (see Appendix I); in two cases, copies were stored in the royal *haligdom*, while the fact that the donor held a copy suggests the inclusion of vernacular documents in lay archives.³⁴ Use of the vernacular implies not only that the documents were a record of an oral transaction, but that the information they contained could serve as a memorandum for a lay audience. The survival of these texts at all is testimony to the efficiency of contemporary monastic archives (see below): some bear contemporary endorsements,³⁵ and some were copied in the pre-Conquest period.³⁶ There is every reason to suppose that these were functional rather than symbolic documents. It is possible that they were updated at intervals: for example, Heregyth's ninth-century single-gift bequest to Christ Church, Canterbury is written on the dorse of her husband's multi-gift will in a different hand from that of the main text.³⁷

³² *LE II,11/Lib 12*; Lowe, *Vernacular Will*, pp. 200-202.

³³ Keynes, 'Royal government', pp. 252-53.

³⁴ *S1521/W29*; *LE II*, 88 (Latin transl: *thesaurus regis*). The storing of Latin charters in lay archives is implied by: S.E. Kelly (ed.), *Charters of Abingdon Abbey*, British Academy Anglo-Saxon Charter Series, 7.1 (Oxford, 2000), no. 19 and commentary: pp. 82-83; Simon Keynes, 'Edward, king of the Anglo-Saxons' in Higham and Hill (eds), *Edward the Elder* (London, 2001), pp. 52-54; Simon Keynes, 'A charter of King Edward the Elder for Islington', *Historical Research*, 66 (1993), pp. 307-14.

³⁵ *S1482/H2*; *S1533/R26*.

³⁶ *S1494/W14*; *S1486/W15*; *S1533/R26*; ?*S1522/N&S9*. A further possibility is *S1489/W26*, although there is no consensus (Lowe, *Vernacular Will*, p. 23).

³⁷ *S1482/H2*, 833x839 (Lowe, *Vernacular Will*, pp. 6-7); N.P. Brooks, *The Early History of the Church of Canterbury* (Leicester, 1984), p. 354, fn 60. This may also account for the apparent codicil at the end of *S1531/W31*, a cartulary copy which may have conflated the main text and an endorsement. See *S1524/W25* for a reference to the updating of title-deeds (*boc*).

Types of post obitum disposition

Three types of *post obitum* gift involving land have been identified by legal historians on the Continent, and applied to Anglo-Saxon wills.³⁸

The most straightforward type is generally represented by the phrase 'I give after my day' (*ic an æfter min dæg* and variants). Attention has been drawn to the apparent paradox inherent in this phrase, which is untenable in later law.³⁹ However, the basic principle is simple, and the intention clear: the donor retains full rights in the estate, with transfer to the intended beneficiary on the donor's death. A common feature is the reservation of usufruct before reversion: a donor may stipulate a life interest in the whole estate, usually for a wife or child, or in part of the estate currently held by a sitting tenant.

Two further types of *post obitum* disposition have distinct contractual features. *Precaria oblata* involves the immediate conveyance of the land to the beneficiary and reacquisition by the donor for a specified number of lives.⁴⁰ *Precaria remuneratoria* similarly involves conveyance, with payment to the beneficiary by the donor of a stipulated rent, either in coin or produce, in return for the use of the land for one or more lives. Occasionally, a donor may impose the payment of rent on his successors, effectively recognising the completion of the gift on his own death.⁴¹ In either case, the land reverts to the beneficiary at the end of the stated term.⁴² A variation on this type may be seen in a number of texts: an agreement is reached between a layman and a religious community whereby the layman has the use of one or more monastic estates, effectively

³⁸ Lowe, 'Nature and effect', pp. 26-36; a summary of the types is found on p. 26.

³⁹ Hazeltine, 'Comments', pp. viii, xi-xii; P&M II, pp. 317-18.

⁴⁰ Reference to the handing over of the *boc* (title-deed) at this stage is found in: S1506/R32; S1471/R101; S1524/W5; S1512/W7; S1514/R9.

⁴¹ S1506/R6.

⁴² Sheehan, *The Will*, pp. 25-27.

on lease, for one or more lives; at the expiry of the agreed term, the estates revert to the community, along with a specified number of the lay tenant's own estates.⁴³

The contractual element underlying *post obitum* disposition at this time has been strongly emphasised.⁴⁴ The contract is established between donor and beneficiary in the course of an oral transaction; the written account therefore represents a bilateral act.⁴⁵ It will be shown below that such bilateral acts can influence the form and language of the documents, although it has been argued that even where the documents reveal no evidence of such a transaction, it may be presumed.⁴⁶ Close links have also been detected between *post obitum* disposition and the Germanic tradition of gift and counter-gift.⁴⁷

The gift of the layman is land; the gift of the clergy is the care of the soul by spiritual services. In these gifts and counter-gifts there is the intermingling of conveyance and contract.⁴⁸

Disposition of chattels features in a limited number of wills (see Chapter Five). They may be bequeathed in three ways. First, they may be attached to a gift of land, so that stock and slaves were transferred with the estate to which they belonged. Second, they may be identified as separate items or groups of items, and granted to a named beneficiary (this includes the payment of heriot). Third, instructions might be given for manumission or the distribution of coin or stock, either as a gift or in alms. Delayed effect of the gift is rarely stated, but is implied by the context.

There is little indication that the dispositions recorded in these documents constituted *verba novissima*: the death-bed distribution of property.⁴⁹ As in the case of Siferth of Downham, *post obitum* arrangements were, in all likelihood, made and

⁴³ This form of bequest-agreement is discussed further below.

⁴⁴ Sheehan, *The Will*, pp. 27-31; Hazeltine, 'Comments', pp. x-xi.

⁴⁵ Hazeltine, 'Comments', p. x.

⁴⁶ Hazeltine, 'Comments', pp. x-xi.

⁴⁷ Hazeltine, 'Comments', pp. xix-xx; Sheehan, *The Will*, pp. 27-28.

⁴⁸ Hazeltine, 'Comments', p. xx.

⁴⁹ Discussed in Chapter 3.

reviewed periodically, and confirmed at the point of death along with the giving of additional gifts, effectively made *inter vivos*.⁵⁰

The efficacy of the written will

As has been suggested above, the vernacular will was not an autonomous document, in that the dispositions it recorded required oral confirmation. However, it was an indicator of the donor's intentions, and as such seems in general to have been effective.

In a number of cases, bequests seem to have been completed. For example, in 1066 Æthelgyth, widow of Thurstan, was holding land bequeathed to her by her husband's will [S1531/W31, 1043x1045]. Editorial detective work provides a number of similar examples, particularly of monastic houses holding lands bequeathed to them in extant written wills.⁵¹ Some wills were disrupted by the Norman Conquest: where donors were still alive in 1066, their lands were often reallocated, over-riding their dispositions.⁵² This is a recurrent theme of the twelfth-century Ramsey chronicler, who records such instances bitterly (see Chapter Four).

Nevertheless, there are instances where a donor's intentions are apparently not fulfilled. One reason for this could be obstruction by the king, as in the case of Æthelric of Bocking.⁵³ Another could be a successful challenge, particularly likely to be mounted by kindred. A good example is the disputed bequest of Snodland (Kt) to Rochester

⁵⁰ Sheehan, *The Will*, pp. 32, 35; Lowe, 'Nature and effect', pp. 37-38.

⁵¹ For example, Whitelock shows that Christ Church, Canterbury, apparently received Stisted (Ex), bequeathed in S1535/W32, and Hollingbourne (Kt), bequeathed in S1503/W20; in 1066 Bury was holding Marlingford (Nfk), bequeathed in S1525/W37, 38 (*Wills*, pp. 198, 169, 206). S912 is a charter of King Æthelred confirming an exchange of land proposed in Archbishop Ælfric's will S1488/W18 (see Simon Keynes, 'A lost cartulary of St Albans Abbey', *ASE*, 22 (1993), p. 265.

⁵² S1531/W31 (the reversion of land following the death of Thurstan's widow, Æthelgyth); 1516/W33; S1519/W34; W39; S1235.

⁵³ S939/W16². See also Sean Miller (ed.), *Charters of the New Minster, Winchester*, British Academy Anglo-Saxon Charter Series, 9 (Oxford, 2001), pp. 79-80 for King Eadwig's possible intervention in the will of his predecessor, King Eadred [S1515/H21]. This is also a possible explanation for the dispersal of the property bequeathed to Stoke in the will of Ælflæd [S1496/W15]; see Whitelock, *Wills*, p. 105 and Chapter 6.

Abbey, made c. 958 by Alfheah, which involved theft of documents, forfeiture, illegal occupation of estates and long-running litigation.⁵⁴ A third reason for apparent non-completion of a donor's bequests is renegotiation between the beneficiary and an interested party. That this was a recognised procedure is demonstrated by the reference in the agreement between Æthelric and Archbishop Eadsige [S1471/R101, c. 1045] that the donor's friends should have the opportunity to lease the estate, if they wished to do so. A non-testamentary agreement recorded in S1376/R53 [975x978] shows a certain Ælfwine carrying out such a negotiation with Bishop Æthelwold and the community of the Old Minster, Winchester. Ælfwine's ancestors had bequeathed an estate at Moredon (Wilts) to their heirs, on condition that they pay an annual food-rent to the Old Minster (a form of *precaria remuneratoria*). Ælfwine's father, Ælfsige, handed (*betehte*) the land to the Old Minster 'because of the food-rent' (*forð feorme*) – presumably it proved too onerous. Ælfwine reacquired this land, giving to the Old Minster, in exchange, family property within the city walls of Winchester, along with the *boc*. The agreement is witnessed, and four copies were made.⁵⁵ The frequency with which such negotiations might take place has been demonstrated in a study of the wills of Ælfgar [S1483/W2] and his daughters Æthelflæd [S1494/W14] and Ælfflæd [S1486/W15], made in the second half of the tenth century. Land intended by Ælfgar to revert to the church after the life of his elder daughter, Athelflæd, was diverted by Æthelflæd herself for the further lives of her sister, Ælfflæd, and Byrhtnoth, her sister's husband, before final reversion and completion of Ælfgar's bequest.⁵⁶

⁵⁴ A clear outline of this dispute may be found in Patrick Wormald, 'Charters, law and the settlement of disputes' reprinted in his *Legal Culture in the Early Medieval West. Law as Text, Image and Experience* (London and Ohio, 1999), pp. 298-300, followed by discussion. Relevant charters are S1511/W11 (the will of Brihtric and Ælfswith) and S1457/R59.

⁵⁵ S1232/R113 recounts similar negotiations between Wulfweard the White and the Old Minster, Winchester, concerning a bequest of Queen Ælfgifu-Emma.

⁵⁶ Lowe, 'Nature and effect', pp. 41-44. Such negotiations may also explain why Thurstan bequeaths land in his own will [S1531/W31] which was apparently bequeathed to Ely by his father, Lustwine (*LE II*, 89).

It is likely, on the basis of this evidence, that discrepancies which arise in the fulfilment of a donor's intentions may have no more sinister explanation than a business deal for which no records survive. At least in theory, any changes to the donor's dispositions were made by due process, in which the designated protector of the will may have had a significant role. However, the vulnerability of *post obitum* disposition to intervention of various kinds will be discussed in later chapters.

Distribution, survival and transmission

Distribution

The geographical distribution of extant wills is erratic. Table I (see next page) shows distribution by archive, where it can be clearly seen that half of the texts overall arise from the archives of Bury St Edmunds and Christ Church, Canterbury, while Bury holds approximately one third of the later documents, and Christ Church two thirds of the earlier group. It seems likely that we are, at least in part, at the mercy of local archivists. For example, the wealth of the Canterbury archive is unique for the middle years of the ninth century; written bequests to other foundations may simply have been lost.⁵⁷ Furthermore, the survival of the Bury texts seems to be the result of the activity of a particularly vigorous thirteenth-century sacrist.⁵⁸

There is evidence to suggest that vernacular wills originally had a wider distribution.⁵⁹ Chapter Four will show that both Ely and Ramsey had a significant number of such documents in their archives, which became incorporated into twelfth-century chronicles. Other chronicles preserve hints that similar archives once existed,

See also S1527/W24 and S1489/W26 for a widow's sale of land and its subsequent bequest by the new owner.

⁵⁷ I am grateful to the late Patrick Wormald for drawing my attention to this factor; see Brooks, *Early History*, pp. 167-68.

⁵⁸ Sarah Foot, in a personal comment, has suggested that the Sacrist's Register (CUL Ff. 2. 33), which preserves the Bury wills, was the outcome of particularly enthusiastic archiving. For the Bury cartularies see Rodney Thompson, *The Archives of the Abbey of Bury St Edmunds* (Suffolk Records Society, 1980), and the forthcoming British Academy Anglo-Saxon Charters volume, *The Charters of Bury St Edmunds*.

⁵⁹ Sheehan, *The Will*, pp. 22-23.

TABLE I : Distribution of vernacular wills by archive

Archive	wills dated before c. 900	dating margins	wills dated 924-c. 1070	dating margins
Abingdon			1	1003x1004
Bath			1	984x1016
Burton			1	1002x1004
Bury			20	1042x1070
Christ Church¹	6	805x889	8	958x1070
Exeter			2	1011x1070
New Minster	1	873x888	7	947x987
Old Minster	1	c. 900	6	931x980
Peterborough			1	1042x1066
Rochester	1	c. 855	1	973x987
?Shaftesbury			1	c. 950
Sherborne			1	1046
St Albans			4	c. 985xc.1066
St Augustine			2	985x1066
St Paul's			1	1004x1014
Thorney			1	1017x1035
Westminster			2	975x1016
Worcester			1	c. 1000

¹ Canterbury

surviving only in brief Latin references or summaries.⁶⁰ There is some indication that the original vernacular charters lost their value once they had been copied or translated into cartularies.⁶¹ Although surviving evidence suggests that the practice of lay will-making was restricted to southern and eastern England, the area securely under royal control by the mid-tenth century, and most influenced by the religious reforms of that period, further research is needed to explain the apparent discrepancy between archives in the documentation of wills. While the pre-Conquest archives of East Anglia, notably those of Bury, Ely and Ramsey, held substantial numbers of such records, those of other major foundations, like Worcester and the Old Minster, Winchester, apparently did not. Is this a type of documentation particularly favoured by new or re-foundations, seeking to establish a land-base, or is the discrepancy the result of selection by later archivists?⁶²

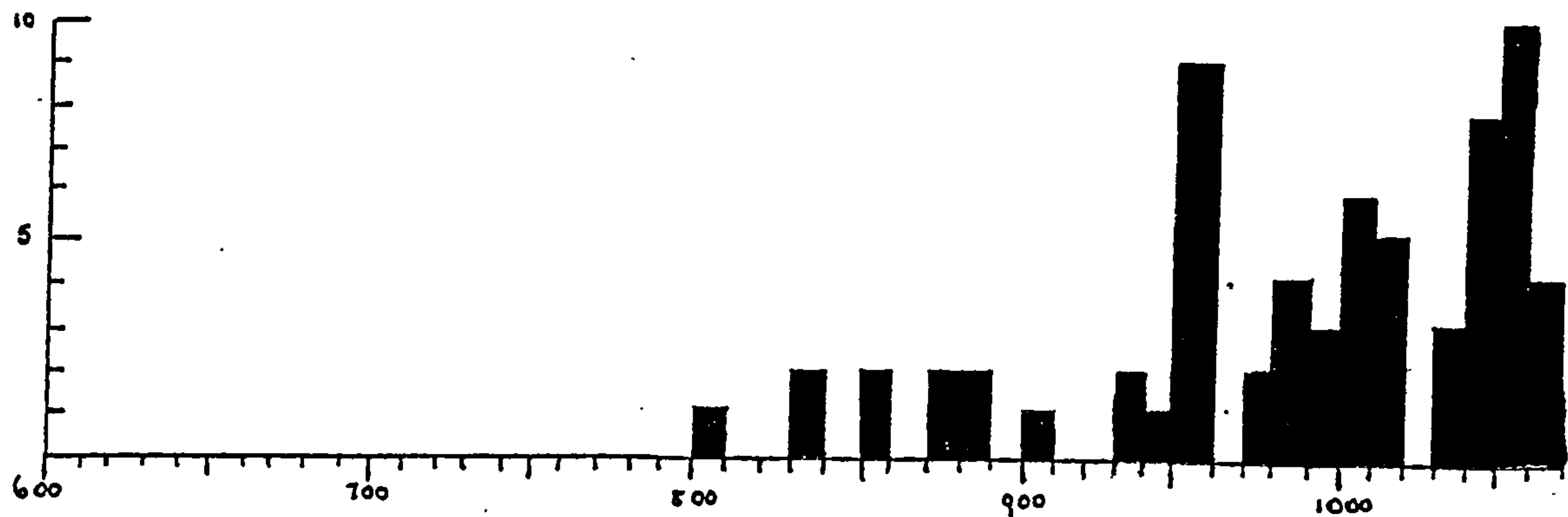
The chronological distribution of wills as shown in Table II (see next page) may be influenced by the accident of survival. A further problem is the insecure dating of many documents, which, in some cases, can only be assigned tentatively to the tenth or eleventh centuries (see Appendix I for dating parameters). Nevertheless, the profile of charters dated between 800 and 1070 is mirrored by the profile of extant wills (account should be taken of the fact that charters overall are measured in tens, and wills in single units !). The overall significant and relatively consistent increase in written will-making apparent after 924 may reflect a genuine change in practice, particularly on the part of the laity, or greater rigour in archiving on the part of church beneficiaries, or a combination of these factors.

⁶⁰ For example, see Kelly, *Charters of Abingdon*, Part 2, Appendix I, pp. 579-83 (nos ii, v, vi, vii, viii, ix, x); S.E. Kelly (ed.), *Charters of St Augustine's Abbey, Canterbury and Minster in Thanet*, British Academy Anglo-Saxon Charter Series, 4 (Oxford, 1995), no. 38/S1502 and Appendix I, pp. 183-87 (nos iii, vi, vii, viii, ix).

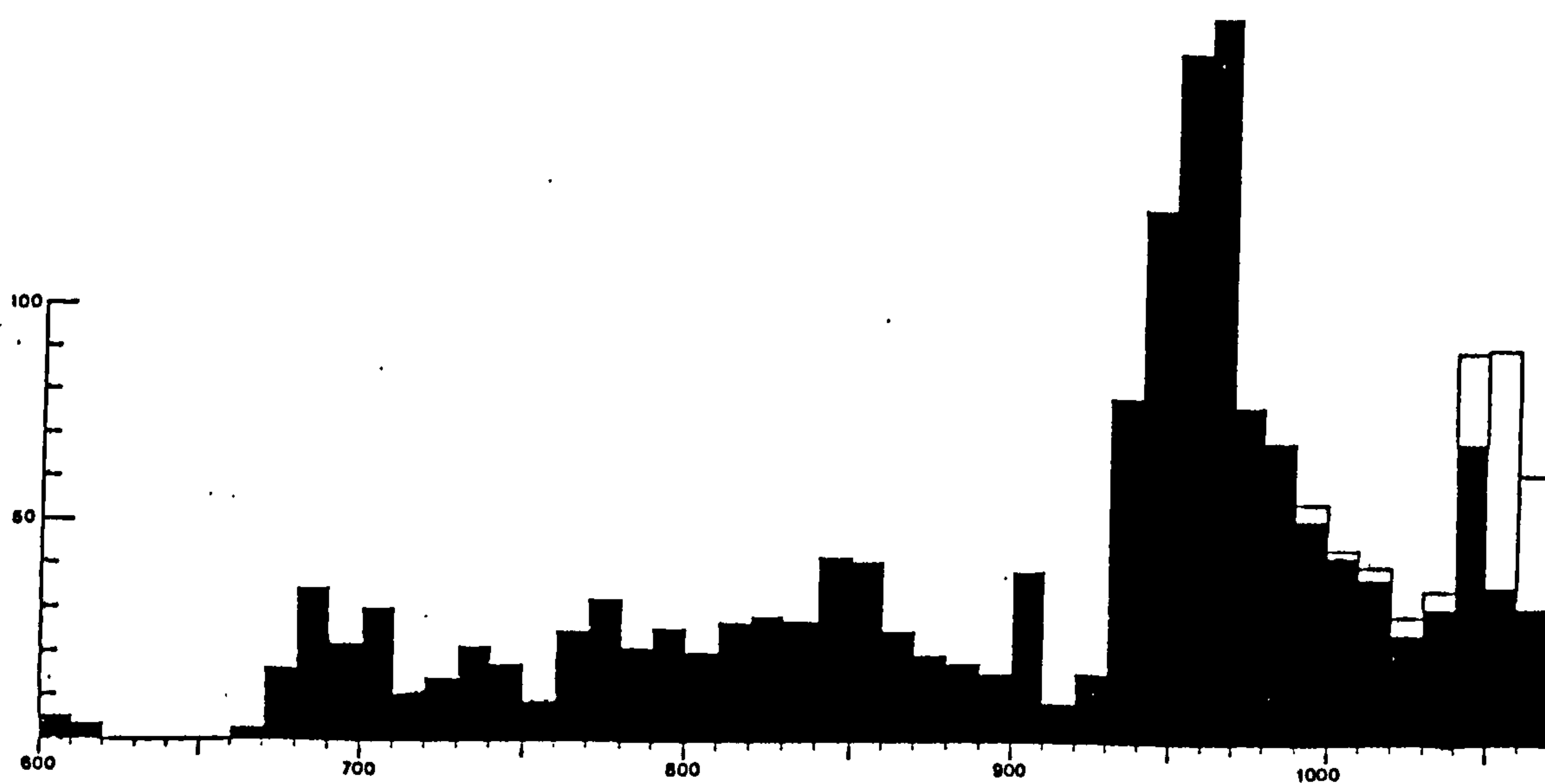
⁶¹ Lowe, 'Latin wills', p. 2, referring to H.A. Cronne, 'Charter scholarship in England', *University of Birmingham Historical Journal*, 8 (1961), p. 28. However, the compiler of the twelfth-century Ramsey *Chronicon* suggests that the vernacular charters in his archive were in a pretty desperate state (see Chapter 4 below).

⁶² The diversity of extant archives is discussed by Simon Keynes, *The Diplomas of King Æthelred 'the Unready' 978-1016* (Cambridge, 1980), pp. 3-4.

TABLE II : Chronological distribution of vernacular wills



a) Anglo-Saxon vernacular wills: distribution by decades c. 800xc. 1070.
(This is an approximate distribution based on wide dating parameters for individual wills.)



b) Anglo-Saxon charters : distribution by decades (writs shown in outline).
Taken from Dayid Hill (ed.), *An Atlas of Anglo-Saxon England* (Oxford, 1981),
Table 36 p. 26

NB. In Table IIa the vertical is measured in single units.
In Table IIb the vertical is measured in tens.

It will be the contention of this thesis that the available evidence, seen in the context of social and political changes of the ninth, tenth and eleventh centuries, points to a real increase in written will-making which is strongly associated with the religious reforms of the period.

Survival and transmission

Pre-Conquest manuscripts

As Appendix IA shows, twenty-three texts survive in manuscripts written before 1066. However, the fact that a number of these cannot be taken at face value as contemporary records made at the time of the original transaction illustrates the complexity of transmission.⁶³

A number of wills existing in pre-Conquest manuscripts can be shown to be copies made after the original transaction. For instance, the will of King Alfred [S1507/H11, 873x888] was copied into the *Liber Vitæ* of the New Minster, Winchester c. 1031.⁶⁴ That of Wulfric [S1536/W17, 1002x1004], although preserved in a contemporary single sheet, is preceded on the parchment by King Æthelred's charter confirming Wulfric's bequests to Burton [S906, 1004], suggesting that the will was copied from an earlier version.⁶⁵ The wills of the sisters Æthelflæd [S1494/W14 962x991] and Ælfflæd [S1486/W15, 1000x1002] have been written on the same parchment in the same early eleventh-century hand, indicating that the earlier text, at least, is a later copy.⁶⁶

⁶³ This section is indebted to the work of Lowe, particularly the catalogue of vernacular wills in *Vernacular Will*, chap. 1 (and see the Appendix to her article, 'Nature and effect').

⁶⁴ Lowe, *Vernacular Will*, p. 9.

⁶⁵ Lowe, *Vernacular Will*, p. 19; P. Sawyer (ed.), *Charters of Burton Abbey*, British Academy Anglo-Saxon Charter Series, 2 (Oxford, 1979), pp. xxxiv-xxxviii.

⁶⁶ Lowe, *Vernacular Will*, pp. 78-79. Palaeographical evidence also suggests that the will of Leofwine [S1522/N&S9], dated 998, was copied in the mid-eleventh century: see Lowe, *Vernacular Will*, p. 15; Simon Keynes, *Facsimiles of Anglo-Saxon Charters*, British Academy Charter Series, Supplementary vol. 1 (Oxford, 1991), no. 14. The evidence for the will of Bishop Ælfric [S1489/W26] is less convincing: Lowe, *Vernacular Will*, pp. 21-22; Whitelock, *Wills*, pp. 181-82.

To add a further complication, there is good evidence to believe that summaries and extracts of wills were already being made in the pre-Conquest period. The will of Æthelgifu [S1497, c. 985x1002] exists in multi-gift form in a hand contemporary with the dating parameters of the transaction. A vernacular summary was copied, together with a summary Latin translation, into a twelfth-century cartulary of St Albans, now lost, but transmitted via a recently-discovered seventeenth-century copy.⁶⁷ It is possible that the twelfth-century scribe himself made the vernacular and Latin abstracts; however, it is also possible that he copied and translated a vernacular summary which had been made in the pre-Conquest period.⁶⁸ The vernacular abstract is close in form and content to other extant vernacular wills, which raises the possibility that contemporary summaries were more common than now appears.⁶⁹ This possibility is supported by the survival of a vernacular bequest by Thurstan to Christ Church, Canterbury, of an estate at Wimbish (Ex) [S1530/W30, 1042x1043] in two separate contemporary copies, both forming the upper portion of a chirograph and therefore not part of the same document. This bequest is itself an extract from Thurstan's multi-gift will which exists in a thirteenth-century copy from the Bury archive [S1531/W31, 1042x1045]. Without the fortuitous survival of the multi-gift wills of Æthelgifu and Thurstan we would have a very distorted view of the dispositions of these donors, based only on abbreviated texts. The possibility of selective copying in the pre-Conquest period underlying other single-gift bequests or short wills must be taken into account.⁷⁰

Post-Conquest manuscripts

Two-thirds of extant wills survive in post-Conquest manuscripts (see Appendix IB). Although uncertain readings may result from later scribes' struggles with the

⁶⁷ Keynes, 'A lost cartulary of St Albans'.

⁶⁸ This issue is discussed in detail by Lowe, 'Latin versions of Old English wills', *Legal History*, 20.1 (1999), pp. 10-15.

⁶⁹ Lowe, 'Latin versions', p. 14.

⁷⁰ Lowe, *Vernacular Will*, pp. 177-79; 'Nature and effect', pp. 32-34.

unfamiliar orthography and syntax of Old English, recent research has demonstrated that, in general, such copies are reliable representations of their models.⁷¹ A limited number of wills survive in both pre- and post-Conquest versions: detailed comparison has shown that the late versions have considerable integrity. Furthermore, the paradox arises that scribes working in the twelfth century (such as the copyist of the Old Minster *Codex Wintoniensis*) were more likely to change their models than those working in later centuries; the latter were more likely to remain faithful to their originals because of increasing problems with understanding the language they were copying.⁷² For the purpose of the historian, therefore, post-Conquest copies may in general be regarded as useful working texts, although the possibility of truncation in the pre- or early post-Conquest period must be borne in mind.⁷³

The possibility of post-Conquest forgery must also be considered; in this respect five wills included in the corpus may be regarded as dubious.⁷⁴ The authenticity of three short texts from the archive of the New Minster, Winchester has been questioned on the grounds of late linguistic forms and suspicious similarity in wording.⁷⁵ However, the will of the priest Eadwulf [S1419/R29], which bequeaths land to the New Minster and *Nunnaminster*, and the bequest of the thegn Alfred [S1509/R27], which grants reversion of an estate to the New Minster, have been defended on the grounds that they may be later abbreviations of original vernacular wills, while the brevity of S1496/W6 may in

⁷¹ This section is based on the research of Lowe, *Vernacular Will*, chap. 3.

⁷² Lowe, *Vernacular Will*, chap. 3 (esp. at pp. 104, 107, 126, 141, 143, 151-52, 156-60); chap. 4 (p. 177; 'Nature and effect', p. 32; '“As fre as thowt”?', pp. 9-10, 15, 18-20.

⁷³ Truncation, in the form of omission of witness lists, personal bequests and fine detail, is more likely to take place in the twelfth century when texts are translated into Latin (Lowe, 'Latin versions', pp. 8-9, 10-15, 19, 20).

⁷⁴ See Keynes, *Diplomas*, pp. 4-6 for discussion of reasons for, and the range of, post-Conquest forgery.

⁷⁵ S1509/R27, 932x939; S1419/R29, 947x955; S1496/W6, 957xc. 958. Miller, *Charters of the New Minster*, nos. 11, 16, 21; authenticity discussed on pp. xlvii-li. The texts are preserved in the fourteenth-century *Liber Abbatiae* of Hyde Abbey (Earl of Macclesfield, Shirburn Castle, MS 24.9.9).

itself lead to doubts concerning its authenticity.⁷⁶ All three texts contain formal elements which are familiar from other extant texts, although it should be noted that the witness list appended to S1509/R27 appears to extract names from that which follows the royal diploma granting the land to Alfred in the first place, and which precedes the bequest in the manuscript;⁷⁷ this may suggest later tampering, if not outright forgery, although the linguistic struggles of the fourteenth-century *Liber Abbatiae* scribe would seem to preclude forgery at the time that the manuscript was being copied.⁷⁸ Given their indeterminate status, there seems no reason to exclude these texts from the corpus, although reservations must be borne in mind in drawing on their evidence.

Two further texts whose authenticity may be doubtful have also been included in the corpus. In both cases, the editors have argued that a genuine original probably underlies the later version, and that the dispositions may be trusted. The first is the will of Mantat the Anchorite [S1523/W23, 1017x1035], which survives in a fourteenth-century cartulary from Thorney Abbey and a later copy (dated 1558x1625) of the same text which, in part, seeks to replace with Standard West Saxon some of the Middle English forms in its model.⁷⁹ The second text is the bequest of Oswulf and Leofrun to Bury [S1608, 1044x1052].⁸⁰ This survives separately from the bulk of Bury wills, copied into a fifteenth-century Bury register known as the *Liber Albus*.⁸¹ Although, as in

⁷⁶ Lowe, *Vernacular Will*, pp. 174-76. All three texts are preceded in the manuscript by a copy of the relevant royal charter (Miller, *Charters of the New Minster*, nos. 10, 16, 21). It is noteworthy that the grant to Eadwulf [S1419/R29] is made for his life only, with reversion to *Nunnaminster* and the minster of his burial.

⁷⁷ Miller, *Charters of the New Minster*, no. 11 [S418, 932], at pp. 56-57. S1419/W6 refers to a witness list, but gives no names.

⁷⁸ Lowe, *Vernacular Will*, p. 176; ‘“As fre as thowt”’, pp. 15-19.

⁷⁹ Lowe, *Vernacular Will*, p. 37. The texts have been edited by Whitelock [W23] from the later manuscript, and by Hart from the cartulary (*Early Charters*, pp. 204-206).

⁸⁰ Ed. Hart, *Early Charters*, no. 133, pp. 86-91, together with a Latin translation which follows it in the ms.

⁸¹ BM MS. Harl. 1005, fo. 105; G.R.C. Davis, *Medieval Cartularies of Great Britain: A Short Catalogue* (London, 1958), no. 105.

the case of S1523/W23, the text shows signs of corruption, the editor argues strongly in favour of its authenticity, which I have accepted.⁸²

Overall, therefore, transmission presents fewer problems in terms of authenticity than might be expected. Difficulties are more likely to arise in the interpretation of the evidence, since, as has been demonstrated, even pre-Conquest manuscripts may have been subject to editing at an early stage. Even the most apparently complete text must therefore be treated with some circumspection. This will be discussed further below.

The form and language of the documents

The first – and obvious – point to be made is that the wills are written in the vernacular, placing them in the context of a range of documents associated with government procedures and communication, a relationship which will be pursued in Chapter Two.⁸³

A second important point is that, as with the Latin diploma, there is no evidence of autograph validation by the donor or individual witnesses. Similarly, there is no notarial information: the scribe is unnamed, no date is given and the place of the proceedings is unrecorded.⁸⁴ This adds weight to the primacy of the oral transaction, and suggests that these documents were written by local scribes, perhaps under the aegis of one of the beneficiary monastic houses.⁸⁵

⁸² The forthcoming British Academy edition of the Bury charters may clarify this issue.

⁸³ Keynes, 'Royal government'; and see Kelly, 'Lay society', pp. 46-62 for a survey of vernacular documents in the context of lay literacy.

⁸⁴ One document is dated: S1522/N&S9; S1511/W11 incorporates the place of the declaration (along with the witness list) into the *notificatio* of the document. In contrast, the Latin diploma generally had detailed notarial information: F.M. Stenton, *The Latin Charters of the Anglo-Saxon Period* (Oxford, 1955), pp. 53-54.

⁸⁵ In Brooks' analysis of ninth-century scribal hands at Christ Church, Canterbury, S1482/H2 (main text) was written by Scribe 3, and S1510/R6 by Scribe 5 (*Early History*, pp. 168 and 360, note 70). In only one case has a tenth-century scribe been identified: S1533/R26 was written by a scribe associated with the royal estate of Bedwyn (M.B. Parkes, 'A fragment of an early tenth-century manuscript and its significance', *ASE*, 12 (1983), p. 137 fn 51; Keynes, 'Royal government' p. 252 fn 102). See Kelly, 'Lay society', pp. 42-44 for such conclusions concerning Latin charters.

Full diplomatic analysis of the documents is beyond the scope of this thesis. However, this section will describe their key features, showing that there is a consistency to the corpus which indicates that the late Anglo-Saxon will was a highly formalised document. Comparison with the later testament and the contemporary royal diploma has tended to undervalue its adaptation to its purpose. For Pollock, it was ‘an exceedingly formless instrument’;⁸⁶ Hazeltine describes it as ‘a bundle of gifts *mortis causa*’, while allowing that it ‘possessed a unity of its own’.⁸⁷ There has been a general agreement that the vernacular will is broadly related to the Latin diploma; Sheehan describes a development from the eighth-century and ninth-century wills, which were strongly under its influence, to the ‘informal narrative style’ of the tenth and eleventh centuries.⁸⁸ Such a relationship is inherently likely, given the close association between bequest and land held by *boc*, or royal diploma, which will be explored further in Chapter Two. However, it is important to bear in mind that these documents had different functions: while the Latin diploma symbolised a royal act bestowing or confirming tenorial rights,⁸⁹ the vernacular will seems to have been a functional document, intended to record a range of information and communicate it directly to a lay audience.⁹⁰ Whereas the Latin diploma was essentially a royal document,⁹¹ the vernacular wills recorded transactions which may have taken place at a public meeting, before a gathering of a monastic community or at a death-bed, with various points in between.⁹²

⁸⁶ P&M II, p. 319.

⁸⁷ Hazeltine, ‘Comments’, p. x.

⁸⁸ Hazeltine, ‘Comments’, pp. x, xxx; Sheehan, *The Will*, pp. 56-59.

⁸⁹ Reference to the *boc* as a symbol of ownership features in seven wills: S1506/R32; S1471/R101; S1524/W5; S1512/W7; S1514/R9; S1511/W11; S1539/W3.

⁹⁰ For the range of transactions represented by the royal diploma see Keynes, *Diplomas*, pp. 31-33. See Kelly, ‘Lay society’, pp. 45-46 for a change of emphasis in the role of the Latin diploma when it acquired vernacular bounds.

⁹¹ For royal control of the Latin diploma see Keynes, *Diplomas*, pp. 33-39. The ideological use of diplomas by kings is discussed by C. Insley, ‘Where did all the charters go?’, *ANS*, 24 (2001), pp. 111-20.

⁹² See Chapter 4 for the process of will-making.

The documents will be considered in three groups: the multi-gift will; the single-gift bequest; and the bequest-agreement.

The multi-gift will

This group of texts is characterised by gifts to multiple beneficiaries to take effect after the donor's death. The term *cwide* has been used to distinguish them from single-gift bequests. The word is related to Old English *cwidian* (to speak, say), and may reflect the oral nature of the act of disposition.⁹³ It seems to have been adopted as the designation of the written will, since it is used in a number of documents in the context of *post obitum* disposition.⁹⁴ However, in the interests of clarity, the term 'multi-gift will' is used throughout this thesis.

In general, the multi-gift will adopts the basic form of the royal diploma: a *notificatio*, a dispositive section, and an anathema.⁹⁵ A witness list may be added, organised in the order of precedence familiar from the Latin diploma.⁹⁶ However, a number of stylistic features suggest a relationship with the eleventh-century writ. This will be considered further in Chapter Two.

The *notificatio* is generally consistent in style. It is a brief opening clause identifying the donor, and stating the intention to bequeath property. A reference to, or appeal for, the king's permission to do so will often be included. The evidence of

⁹³ Sheehan, *The Will*, p. 20.

⁹⁴ Lowe has shown that, with only two exceptions, this word appears in relation to bequest (*Vernacular Will*, p. 163 fn 4). An exception cited by Sheehan as an *inter vivos* gift [S357/R13] is almost certainly a late forgery: see S.E. Kelly, *Charters of Shaftesbury Abbey*, British Academy Anglo-Saxon Charter Series, 5 (Oxford, 1996), no. 7. Hazeltine discusses the naming of documents after an oral transaction: 'Comments', pp. xii-xiii fn 1.

⁹⁵ For characteristic formal features of the diploma see the discussion by Dorothy Whitelock (ed. and transl.), *English Historical Documents Vol. I, c. 500-1042* (1st edition, London, 1955), pp. 343-46; a summary can be found in Patrick Wormald, 'Bede and the conversion of England. The charter evidence' (Jarrow Lecture, 1984), pp. 4-5. See Keynes, *Diplomas*, p. 41 on the danger of imposing an illusory diplomatic homogeneity based on formulas.

⁹⁶ See Appendix I for multi-gift wills including witness lists. The most detailed is that attached to S1531/W31, where witnesses for four counties are given. S1511/W11 incorporates the list of witnesses into the *notificatio*. A number of witness lists may have been lost through truncation: S 1535/W32 refers to the presence of witnesses, including the king, but does not give further names (see also the dubious S1419/R29, discussed above).

contemporary single sheets indicates that most wills probably began with a *chrismon* as a form of invocation, which may have been lost in transmission.⁹⁷ The majority are written in the third person, using the present tense, perhaps reflecting the practice of the writ.⁹⁸ Some donors address the king directly, as in the case of Wulfwaru [S1538/W21, 984x1016]:

Ic Wulfwaru bidde minne leofan hlaford Æþelred kyning him to almyssan. þ ic mote beon mine cwydes wyrðe.

[I, Wulfwaru, pray my dear lord King Æthelred, of his charity, that I may be entitled to make my will.]⁹⁹

A limited number of verbs is used to declare the donor's purpose: *cyðan* (to make known, proclaim), which is widely used in writs, and *sweotelian* (to make clear, declare).¹⁰⁰ It is in the *notificatio* that the *post obitum* intention is usually made clear.

The term *cwide* may be used, as in the example quoted above.¹⁰¹ Commonly, the phrase *æfter X's dæge* occurs, where X may be the name of the donor or the first- or third-person pronoun, the formula indicating that the gifts are to take effect on the death of the donor.¹⁰²

The *notificatio* is a good example of how the documentary form may vary. Some donors reflect on the reason for their gifts: concern for their souls' welfare,¹⁰³ the prospect of a dangerous journey, or a sense of both spiritual and secular

⁹⁷ Single-sheet mss including a *chrismon*: S1508/H10; S1522/N&S9; S1533/R26; S1534/W19; S1482/H2; S1489/W26; S1492/N&S10; S1497; S1503/W20. S1536/W17 has the abbreviation IND (in nomine domini). See Keynes, *Diplomas*, p. 4 for the loss of pictorial invocations in cartulary copies.

⁹⁸ Harmer, *Anglo-Saxon Writs* (2nd edition, Manchester, 1989), pp. 61-62. Two wills use the writ formula: S1523/W23; S1521/W29.

⁹⁹ Other examples: S1505/W12; S1538/W21. See S1484/W8 for a third person version of this sentence. For links between wills and letters, see Chapter 2.

¹⁰⁰ In two cases the document begins unceremoniously with the phrase *ic an* (I grant): S1496/W6; S1533/R26]. See Harmer, *Writs*, pp. 63-64 for the use of *cyðan* in the writs.

¹⁰¹ *Þis is X's cwide* is a common formula.

¹⁰² In some instances the *post obitum* intention becomes clear later in the text: S1508/H10; S1487/W13; S1486/W15; S1503/W20; S1537/W27; S1531/W31; S1525/W38. In two cases the deferment of the dispositions is implicit in the text: S1489/W26; S1523/W23.

¹⁰³ The phrase 'for my soul' does not necessarily imply *post obitum* intention: see S1232/R118 for an *inter vivos* grant using this phrase.

responsibility.¹⁰⁴ Four donors refer to a prospective pilgrimage;¹⁰⁵ Bishop Theodred [S1526/W1] reflects on the debt of prayer he owes to those from whom he received the property; some lay donors reflect on their temporary tenure of property in this world;¹⁰⁶ and some identify the secular source of their property.¹⁰⁷

These clauses may not have the resounding phrases of the royal diploma, but they are well adapted to their purpose as highly formal and individual statements of intent.

The *notificatio* is followed by the *dispositio*. The organisation and coherence of these sections across the corpus of multi-gift wills is striking. The dispositive verb is usually *geunnan* (to give, grant). The majority of dispositions are made in the first person, and in the present tense,¹⁰⁸ although inconsistency of voice may be regarded as a characteristic of these documents; switches between third and first person from clause to clause within the *dispositio* are typical.¹⁰⁹ It has been suggested that this may be the result of scribal confusion as to the stance he is taking towards an oral transaction.¹¹⁰ However, it may also be the result of the correlation of various memoranda of gifts to be incorporated in the document, as will be suggested in Chapter Three, or simply reflect a different textual convention, as in the protocol of the writ.¹¹¹ Cohesion within the *dispositio* is usually effective: the opening clause is signalled by a variant of the phrase

¹⁰⁴ S1487/W13; S1486/W15; W39.

¹⁰⁵ S1525/W38; S1490/W28; S1519/W34; W39.

¹⁰⁶ S1531/W31; S1516/W33; S1501/W16¹.

¹⁰⁷ S1503/W20; S1489/W26.

¹⁰⁸ Danet and Bogoch, 'Orality', p. 112.

¹⁰⁹ Change of person is found in: S1487/W13; S1534/W19; S1484/W8; S1485/W9; S1511/W11; S1505/W12; S1515/H21; S1517; W39 (and briefly in S1539/W3; S1526/W1; S1527/W24). S1537/W27 shifts from passive to first person. A similar phenomenon has been noted in early thirteenth-century wills from Genoa: Steven Epstein, *Wills and Wealth in Medieval Genoa* (Cambridge, Mass. and London, 1984), p. 22.

¹¹⁰ Danet and Bogoch, 'Orality', p. 111. See also Hazeltine, 'Comments', pp. xxx-xxxi.

¹¹¹ Harmer, *Writs*, pp. 61-63. For example, S1516/W33 shifts from first to third person to incorporate an agreement.

þæt is ærest (that is the first), and each new bequest by the word or sign ‘and’.¹¹² Where listing of estates is featured, it is also clearly signalled. For example, Wulfric’s will incorporates a list of estates he intends to bequeath to Burton Abbey:

And þys synd þa land þe ic geann into Byrtune. Þ is ærest ...

[And these are the estates which I grant to Burton: first ...]¹¹³

Given the apparent inconsistency of punctuation and absence of paragraphing these verbal pointers are important in establishing the coherence of the text.

The *dispositio* also shows, overall, a clear organisation of the gifts themselves. It is usually possible to identify a grouping of bequests to royalty (including heriot); to religious houses; to named churchmen or members of the nobility; and to the donor’s kindred or household. In the wills of male donors, the rights of wives are often particularly prominent (see Chapter Three below). Similarly, where significant numbers of chattels are concerned, they will usually be dealt with separately from the gifts of land.¹¹⁴ Occasionally it is possible to identify a clear grouping of estates by origin, as in the will of Æthelgifu, where a group of estates in Northamptonshire (Weedon, Watford and Thrupp), possibly inherited from her own kindred, are dealt with as a unit following distribution of the bulk of the estates, which were possibly inherited from her husband.¹¹⁵ Individual gifts of land may be modified in a number of ways. For example, the reservation of an estate, or part of it, for one or two lives may be specified; terms of tenure may be described, perhaps with reference to food-rent to be paid, non-alienation by the beneficiary or rights of access;¹¹⁶ something of the history of the estate –

¹¹² Danet and Bogoch, ‘Orality’, p. 118.

¹¹³ S1536/W17 [1002x1004]. See S1486/W15 for the phrase *þ is þonne* signalling the beginning of a similar list.

¹¹⁴ See Chapter 5 for discussion of movable wealth.

¹¹⁵ Whitelock, *Æthelgifu*, pp. 28-29.

¹¹⁶ S1528/W25 uses the phrase [*mid*] *ingong and vtgong* (with ingress and egress). This may be formulaic, but it is tempting to see this sole usage in the wills as relating to a potential dispute.

particularly where it has been contentious – may be given;¹¹⁷ and the donor’s right to bequeath may be established by some account of the land’s origin.¹¹⁸ Manumission and almsgiving may be stipulated as part of a particular gift, or at the end of the *dispositio* as an overall instruction.

A number of formulae recur throughout the *dispositio* sections of wills. Since no Anglo-Saxon formulary survives, and may never have existed, it seems likely that scribes drew their phrasing from a range of documents with which they were familiar.¹¹⁹ The alliterative phrases *swa ful and swa forð* (as fully as) and *mid mete and mid mannum* (with stock and men) occur commonly in the texts in relation to the transfer of land.¹²⁰ *Swa ful and swa forð* indicates that the full rights as held by the donor are to be conveyed to the beneficiary:

þat is erst Lodne into seynt Eadmunde be wude and by felde and by fenne so ful 7 so forth so ic it formist ahte.

[First, to St Edmund’s, Loddon – woodland, open land and fen – with as full rights as ever I owned it.]¹²¹

The phrase *mid mete and mannum* seems to encapsulate what appears to have been the regular practice of transferring stock and slaves with an estate, unless other arrangements are stipulated:

... 7 ic gean hire þæs heauodbotles æt Gyrestlingaþorpe. 7 ealra þara æhta þe þæron standað. mid mete. 7 mid mannum.

[... and I grant her the chief messuage at Gestingthorpe, and all the possessions that are on it, including produce and men.]¹²²

¹¹⁷ A good example is S1519/W34, where Ketel refers to a successfully-defended lawsuit. See also S1527/W24.

¹¹⁸ S1503/W20 and S1489/W26 refer to the purchase of land; S1538/W21 refers to inheritance, and S1534/W19 to the purchase of land with the money belonging to the donor’s wife.

¹¹⁹ Keynes, *Diplomas*, pp. 115-20.

¹²⁰ Harmer, *Writs*, pp. 85-92 discusses the use of alliterative phrases in a range of vernacular documents.

¹²¹ S1490/W28, 71042x1043. The phrase is also repeated in the writ of Edward the Confessor S1082 (Harmer, *Writs*, no. 22) which confirms this bequest. See also: S1489/W26; S1519/W34; S1529/W36.

¹²² S1487/W13, 975x1016. Other examples: S1512/W7; S1498/W10; S1486/W15; S1536/W17; S1538/W21; S1465/R86; S1224/R97; S1471/R101. The phrase occurs in the lease S1062/R118 and the writ S1242 [*Writs* no. 108]. See also *LE II*, 34/*Lib* 45 for the transfer of accrued stock.

The same donor, later in the will, reserves half the stock at each *tun* (estate) for his wife, whoever inherits the land. By comparison, the term *mid sacu and soen* (jurisdiction) is rare in the wills.¹²³ However, an interesting, although typically elliptical, reference to jurisdiction is found in Æthelweard's bequest of Ickham (Kt) to Christ Church, Canterbury, reserving usufruct for a certain Eadric [S1506/R32, 958]:

... 7 bio he ælces wites wyrðe 7 gif hwilc forwyrht man hiowan gesæce bio se ðingað swa hit medlic sia be ðæs geltes meðe:

[... and he (i.e. Eadric) shall be entitled to every fine; and if any malefactor betake himself to the community, his case shall be settled, as is fitting, in proportion to the crime.]

This clause, obscure as it is, indicates that rights of jurisdiction may have needed clarification in the course of certain land transfers. The use in wills of formulae common to other documents demonstrates that the transfer of property *post obitum* was in general governed by the conventions of *inter vivos* transactions.

One aspect of these documents which makes their interpretation difficult for the modern historian is the context-dependent nature of the dispositions. In general, neither donors nor beneficiaries are identified beyond the name, occasionally adding a title. Estates are similarly identified, with little additional detail, in contrast with the detailed boundary clauses characteristic of the diploma;¹²⁴ even where a section of an estate is reserved, no further information may be given than the number of hides, possibly the name of the current holder, or occasionally brief topographical detail.¹²⁵ A similar style can be seen in the bequest of chattels. Although some items are clearly described, as will be shown in Chapter Five, some of the language used is subjective, relying on the

¹²³ I have so far noted only S1536/W17, although it does occur in the confirmation writ for S1490/W28 [S1082/*Writs*, no. 22] even though the term does not appear in the bequest itself. See also *EHD* I, 108 [S659/*Birch* 1348] for an example of this formula in the bounds of a diploma of King Eadwig, 956.

¹²⁴ Only two wills include a boundary clause. S1513/R17 is a cartulary copy (see Lowe, *Vernacular Wills*, pp. 63-65). S1486/W15 has bounds (for one estate only) added, in a different hand, to the composite contemporary parchment which includes S1494/W14 (Whitelock, *Wills*, p. 145).

¹²⁵ For example, Thurstan [S1531/W31] reserves *þat tuft þ Alfgor on sit and þ hoo. þerto...* (the homestead which Ælfgar occupies and the spur of land which belongs to it).

judgement of the donor.¹²⁶ For example, donors refer to their best sword, horse, linen or apparel, apparently placing reliance on the knowledge of family or members of the household to fulfil the gift.¹²⁷ Similar imprecision can relate to manumission; again, some donors are very specific, naming slaves to be freed, but in other cases, where half of the slaves on a given estate are to be freed for the donor's soul, there is no indication of how the choice is to be made. It is likely that there were customary practices governing the selection procedure.¹²⁸ It is unlikely, as has been shown above, that this consistent pattern of context-dependence is the result of truncation in copying. It seems more likely that this style reflects the transitional role of the documents: they represent the oral declaration, yet they can afford to be allusive because they rely on current shared knowledge which would enable the donors' dispositions to be interpreted.¹²⁹

The anathema, which survives in twenty-nine texts, is also usually signalled by the word 'and'.¹³⁰ It is directed against those who might attempt to alter the will and interfere with the donor's intentions. Occasionally, as has been indicated in the previous section, the anathema includes a reservation of the donor's right of revocation. The most obvious deviation from the form of the Latin anathema is the incorporation of a direct reference to the king's power over the will, and the donor's hope that he will exercise it on the donor's behalf. The king may be referred to in the third person,¹³¹ or, more dramatically, in the second, as in the will of Ælfhelm:

Nu bydde ic þe leof hlaford. þ min cwyde standan mote. 7 þ þu ne
geþauige. þ hine man mid wuo wende. god is min gewyta ic wæs þinum
fæder swa gehyrsum swa ic fyrrest myhte. 7 fullice hold on mode. 7 on
mægene. 7 þe æfre on fullon hyldon hold. 7 on fulre luue. þæs me is god

¹²⁶ Danet and Bogoch, 'Orality', pp. 120-26.

¹²⁷ For example: S1497; S1538/W21; S1539/W3; S1526/W1. See S1489/W26 for the stewards' knowledge of which members of the household are to receive coin.

¹²⁸ See Chapter 4 below; CR 33.

¹²⁹ Danet and Bogoch ('Orality', p. 120) refer to the 'decoding' of the text through knowledge shared within a community.

¹³⁰ Danet and Bogoch, 'Orality', p. 118.

¹³¹ S1511/W11; S1536/W17.

gewyta. se man þe minne cwyde wende. buton þu hyt sy leof. 7 ic hæbbe geleauan þ þu nelle. god afyrre hine of his rice. buton he þe hraþor ongen wende. 7 god 7 ealle his halgan gehealde æcne þara þe þærto gefyrþryge þ he standan mote.

[Now I pray you, dear lord, that my will may stand, and that you will not permit it to be wrongfully altered. God is my witness that I was as obedient to your father as ever I could be, and thoroughly loyal in thought and in deed, and was ever faithful to you with perfect loyalty and devotion; of this God is my witness. That man who shall alter my will (unless it be you, Sire, and I am confident that you will not), may God drive him from his kingdom, unless he will quickly alter it back again; and may God and all his saints maintain each of those who give their support that the will may stand.]¹³²

More will be said later about the use of such direct address in wills, but this is a good example of the individual voice which underlies each of these documents; there is a strong sense here of the adaptation of the conventional form for a very specific purpose.

These documents were, in all likelihood, generally produced in multiple copies (see Appendix I). Occasionally, part of a chirograph survives among the pre-Conquest manuscripts, indicated by the letters *CHIROGRAPHUM* on the parchment which have been cut through (see Appendix IA).¹³³ No matching portions survive, although S1530/W30 (the single-gift bequest of Thurstan) exists in two upper portions of different chirographs. However, a number of wills preserved in cartulary copies include at the end what has been termed a ‘marker clause’: that is to say, a clause which indicates that the document exists in two or three copies, and usually giving the destination of each copy (in general copies are held by one or two of the principal religious beneficiaries – perhaps one of them the house responsible for the drawing up of the will – and the donor).¹³⁴ Such marker clauses occasionally survive translation into Latin (see Chapter Four below). It has been suggested that the use of the marker clause in the chirograph became a particular feature of the eleventh century, when it was

¹³² S1487/W13 [975x1016].

¹³³ The form and use of the chirograph in Anglo-Saxon England, with particular relation to wills, has been explored by Lowe, ‘Lay literacy’; see pp. 170-71 for discussion of the form. For a description of the procedure, see the account of the will-making of Siferth of Downham in Chapter 4 below.

¹³⁴ S1521/W29 records a copy lodged with the king’s *haligdom*. (See also S1520/LE II, 88).

becoming increasingly important to indicate the holders of the various copies.¹³⁵ The inclusion of such clauses in a number of multi-gift wills confirms the significance of these documents as evidence of the donor's intentions.

The single-gift bequest

This records a gift or gifts to a single beneficiary, and shares many of the formal and linguistic features of the multi-gift will.¹³⁶ Several include a witness list,¹³⁷ and/or an anathema.¹³⁸ Most use language characteristic of the multi-gift will: a brief *notificatio* uses the verbs *cyðan* or *sweotelian* in relation to the donor's name;¹³⁹ the dispositive verb is *geunnan*;¹⁴⁰ and cohesion features are similar. Most use the formula *æfter X's dæg* to indicate deferment of the gift.¹⁴¹ Occasional marker clauses are added. The bequests are often given the sort of detail typical of the multi-gift will. For example, donors may state the reason for the gift;¹⁴² they may add conditions, or terms of tenure;¹⁴³ or they may state the origin of the property.¹⁴⁴

The relationship between the single-gift bequests and the multi-gift will is difficult to establish.¹⁴⁵ It may be that some were, as has been suggested above, extracts from a longer document. S1524/W5 [s.x], for example, indicates that this bequest was only part of a multi-gift declaration made before the Old Minster community; the bequests to the donors' *freonda* need not necessarily, of course, have been written

¹³⁵ Lowe, 'Lay literacy', pp. 175-76.

¹³⁶ There are two exceptions: S1496/W6 is confined to a few dispositive lines, and is of doubtful authenticity (as discussed above: see Miller, *Charters of the New Minster*, pp. xlvii-li); S1514/R9 has as its only relevant feature an invocation in the form of a chrismon followed by the phrase *in nomine domini*.

¹³⁷ S1530/W30; S1495/W22; S1512/W7; S1500/R3; S1510/R6. That of S1234/R116 has been truncated. Doubt has been cast above on the authenticity of that attached to S1509/R27, which looks as though names have been borrowed from the adjacent royal charter (see discussion above).

¹³⁸ S1495/W22; S1499/W35; S1529/W36. S1500/R3 has a prohibition clause.

¹³⁹ S1530/W30; S1495/W22; S1499/W35; S1512/W7; S1524/W5; S1510/R6; S1234/R116; S1513/R17.

¹⁴⁰ Except S1510/R6 (*agifan*); S1495/W22 (*becweðan*); S1500/R3 (*arædan*: 'settle, decree').

¹⁴¹ Except S1495/W22 (*cwide*); S1499/W35 (gift placed in the context of the overall *cwide* in the prohibition clause/anathema).

¹⁴² S1495/W22; S1530/W30.

¹⁴³ S1234/R116; S1510/R6; S1530/W30.

¹⁴⁴ S1513/R17.

¹⁴⁵ Lowe, 'Nature and effect', pp. 30-33.

down. On the other hand, the complex relationship between the two extant single-gift versions of Thurstan's bequest of the estate at Wimbish (Ex) to Christ Church, Canterbury [S1530/W30, 1042x1043], and the same gift as recorded in his multi-gift will [S1531/W31, 1042x1045], may equally have resulted from the integration of an earlier bequest into the multi-gift compilation. In other words, either of the extant bequests, each forming the upper portion of a different chirograph and therefore having an independent existence, could represent an original memorandum underlying the relevant clause in Thurstan's multi-gift will.¹⁴⁶

The single-gift bequest is therefore closely related to the multi-gift will, even if the precise nature of the relationship is difficult to determine at present. However, the close formal and stylistic links between the documents in these two categories is an important factor in establishing the consistency of the approach to the recording of *post obitum* disposition across the full corpus.

The bequest-agreement

A distinct type of bequest has been identified, where there is a strong element of contract between two parties.¹⁴⁷ These documents are often marked by the use of the terms *foreweard* (agreement) or *geðinge* (arrangement, agreement) in the text.¹⁴⁸

However, I have slightly modified Lowe's definition of the bequest-agreement, focusing on bilateral contractual arrangements concerning land tenure. This excludes S1234/R116, which is a single-gift bequest of land and a church to Christ Church, Canterbury, where the agreement concerns the community's continuing responsibility to

¹⁴⁶ The relationship between the two extant copies of the single-gift bequest S1530/W30 is discussed by Lowe, 'Nature and effect', pp. 32-33.

¹⁴⁷ Lowe, 'Nature and effect', pp. 28-29: S1200/H7; S1202/H8; S1224/R92; S1234/R116; S1455/R62; S1471/R101; S1506/R32.

¹⁴⁸ All except S1506/R32 and S1202/H8 (the latter uses *arædan*, 'settle, arrange'). Lowe has identified *foreweard* in charters from the end of the tenth century; *geðinge* occurs in five charters from Christ Church, Canterbury, dated 825-870: 'Nature and effect', p. 58 n. 29.

maintain the services in the church.¹⁴⁹ I have added to this category five texts which involve *post obitum* arrangements together with bilateral contractual agreements.¹⁵⁰

A range of contractual arrangements, of more or less complexity, may be identified. Straightforward arrangements are made by Æthelweard [S1506/R32, 958], who intends an estate to pass to Christ Church, Canterbury on his death, reserving a life interest for Eadric (his son?), who must pay an annual food-rent to the community. If Eadric should pre-decease his father, then Æthelgifu (Æthelweard's daughter?) will hold a life interest on the same terms. If Æthelwold should survive both, the estate and *boc* will pass directly to Christ Church on his death.¹⁵¹ In two cases [S1455/R92, c. 1040 and S1465/R86, 1032] the donors make an estate over to the church and, in the phrase of S1465/R86, 'buy it back' (*hit gebohte*) for one or more lives, with payment of an annual due of one pound or food-rent respectively.¹⁵² The agreement between Wulfgeat and his wife and Bury [S1470/R100, 1043x1047] is of particular interest because it represents a recurring pattern which will be discussed in Chapter Four: a community leases land to a grantee for one or more lives (in this case, for the lives of Wulfgeat and his wife, and Ælfwine and his wife), with reversion to the community along with one or more of the grantee's own estates. More complex negotiations are represented by S1471/R101 [1045] and S1474/R105 [1046]; these documents record bequests which are agreed as part of a negotiated settlement of a tenorial dispute. S1235 [1053x1066], the agreement reached by Oswulf and Æthelgyth with St Albans concerning land at Studham (Beds), reveals similar complexity. The land was acquired

¹⁴⁹ This is a crux: *þet se hired sholde witen. þet se þeudon ne adeswen. þ into þare cheriche belimpcht ne ne atfalle al be þan. þe si chereche were ygoded.* (see also S1525/W37).

¹⁵⁰ S1465/R86 [1032]; S1470/R100 [1043x1047]; S1474/R105 [1046]; S1235 [1053x1066]. S1468/R97 [1043x1044] is more tenuous, and will be discussed below.

¹⁵¹ See also S1224/R92 [c. 1040] for Stigand's three-way agreement with his priest, Ælfgar, and Bury: Ælfgar will hold a life interest (without liability to forfeiture) in an estate intended to revert to Bury; if Ælfgar should predecease Stigand, the latter would retain tenure until his own death.

¹⁵² This is a form of *precaria remuneratoria*, which has been discussed above.

from Æthelgyth's previous husband, Ulf, for whose soul the gift is being made. Oswulf and Æthelgyth give one pound to the community, along with the bequest of the land, in return for confraternity; the abbot was to supply wood for a church on the estate.¹⁵³

The close relationship between the bequest-agreement, the multi-gift will and single-gift bequest is established by a number of shared formal and linguistic features. The majority of agreements include witness lists,¹⁵⁴ and were made in multiple copies.¹⁵⁵ Two include anathemas.¹⁵⁶ The term *æfter X's dæg* is generally used to indicate deferment of completion, and in two cases the transaction is referred to as a *cwide*.¹⁵⁷ However, one factor which may be significant is that all of these bequest-agreements are written consistently in the third person and the past tense. This may indicate that they indeed record what may have been formal contractual negotiations; S1474/R105 certainly seems to represent the verdict of a shire court.

Problems of categorisation

Although specific categories have been identified here, and the relevant terminology will be used throughout the thesis, the boundaries are relatively fluid. The distinction between the bequest-agreement and the single-gift bequest is open to interpretation, and it seems unlikely that 'the apparent difference in form is indicative of a difference in function'.¹⁵⁸ It is also important to note that contractual agreements also occur in multi-gift wills, generally signalled by the term *foreweard* but rarely given in detail.¹⁵⁹ A good example of the blurring of categories is W39, which announces itself as the *foreweard* of Ulf and Madselin, yet is actually a multi-gift will; it seems likely

¹⁵³ Julia Crick, *Charters of St Albans Abbey*, forthcoming volume in the British Academy Anglo-Saxon Charter Series. I am grateful to Dr Crick for providing me with an early draft of this text and her commentary.

¹⁵⁴ Lowe ('Nature and effect', p. 28) notes this as a distinguishing feature of the bequest-agreement.

¹⁵⁵ This is generally indicated by a marker clause, although S1506/R32 survives as part of a chirograph.

¹⁵⁶ S1470/R100; S1471/R101.

¹⁵⁷ S1506/R32; S1465/R86.

¹⁵⁸ Lowe, 'Nature and effect', p. 29.

¹⁵⁹ S1498/W10 and S1527/W24 refer to marriage agreements. Other agreements are mentioned in: S1536/W17; S1488/W18; S1528/W25. S1516/W33 and S1519/W34 refer to the same agreement.

that the term applies specifically to the mortgage arrangements the donors made with Bishop Ealdred before going on pilgrimage, which are outlined in the will. Attention has also been drawn to the fact that the complex negotiations recorded in the ninth-century will *S1482/H2* concerning transmission of land within the family, with reversion to the church, are deemed a *foreward* only in a contemporary endorsement.¹⁶⁰ It therefore seems possible that other bequests may be based upon agreements which are not acknowledged in the text. In another instance, it has been remarked that Bishop Æthelmær's gift of four estates and coin to Bury [S1499/W35, 1047x1070] 'reads more like a grant which has already taken effect than a bequest, except for the last phrase, which calls it a *quide*':¹⁶¹

On vre drihtines name ic Ailmer biscop kithe alle manne ihwat ic habbe vnnen into sce Eadmunde þat is þat lond at Hindringham. and þat lond at Langham. and þat lond at Hildoluestone 7 þat lond at Suanetone mid alle þe þinge þat ic þerto bigeten habbe. and þertoeken half Hundred marc silueres and ihu so ic Wende mine cuide: ic Wille þat þis stonde euere vnawent mine soule to lisidnesse. and se þe þise quide wenden wille: Wende god his ansene him from on domisday.

[In our lord's name I, Bishop Æthelmær, declare to all men what I have granted to St Edmund's. That is, the estate at Hindringham and the estate at Langham and the estate at Hindolveston and the estate at Swanton, with all the things which I have acquired there, and in addition half a hundred marks of silver.

And however I may change my will, it is my wish that this shall ever remain unchanged for the redemption of my soul. And he who wishes to change this bequest – may God turn his face from him on the Day of Judgment.]

The fact that three of these estates were still in the possession of Bishop Æthelmær in 1070 confirms that this was intended as a deferred gift.

¹⁶⁰ Lowe, 'Nature and effect', p. 29. See also S1530/W30 and S1531/W31 (will and single-gift bequest) of Thurstan: in neither text is the term 'agreement' used to signal what seem to have been contractual arrangements between Thurstan, Christ Church and St Augustine's.

¹⁶¹ Whitelock, *Wills*, p. 402, noted by Lowe, 'Nature and effect', pp 24-25, together with examples of differing interpretation of texts: S1514/R9; S1419/R29. An additional discrepancy is noted at p. 27: S1465/R86.

However, the waters are further muddied when this document is compared with S1468/R97, an agreement made by Æthelmær 1042x1043 before he became bishop.¹⁶²

Both single-gift bequest and agreement are preserved in the thirteenth-century Bury cartulary.¹⁶³ The agreement concerns Hindolveston and Swanton (Nfk), two of the four estates named in the single-gift bequest quoted above:

Her switelep on þis Write þe forwarde þat Ailmer þe biscopes brother
hauede Wrouht With Vui Abbot and Wið alle þen hird binnen seynt
Eadmundes biri . ymb þat litle lond at Swanetone and þat halue lond
at Hildoluestone . þat is þat he selde hem on marc goldes to þat forwarde
þat he hadde þat lond his day . and ouer his day . go þat londes eft ongeyn
into sce Eadmunde . and þat halfe lond forþmide . mid mete and mid manne
and alle þinge buten alken gentale ... [witness list follows]

[Here is declared in this document the agreement that Æthelmær, the
bishop's brother, has made with Abbot Ufi and all the community at Bury
St Edmunds about the little estate at Swanton and the half estate at Hindol-
veston, namely he has given them a mark of gold on condition that he should
hold the estate during his lifetime, and after his death the estates, including the
half estate, shall revert without controversy to St Edmunds with their produce
and their men and everything ...]

It is difficult to interpret this transaction. Was this a straightforward leasing arrangement between Æthelmær and Bury? Did Æthelmær own both estates, which he intended to bequeath to Bury, making a token payment, as a form of *precaria remuneratoria*, to retain a life interest? Or was this a reversionary agreement, of the type described above, with Bury leasing Swanton to Æthelmær, with the condition that Æthelmær bequeath to Bury one of his own estates (i.e. Hindolveston) along with the reversion of Swanton? The final reversionary clause certainly seems to distinguish between the two estates: the noun in the phrase *go þat landes* is singular, apparently referring only to Swanton since the reversion of Hindolveston (*þat halfe londe*) is emphasised in a separate phrase.

¹⁶² Æthelmær was the brother of Bishop/Archbishop Stigand. He succeeded Stigand as bishop of Elmham in 1047 (Robertson, *Charters*, p.431). This document can be dated after Stigand's appointment to Elmham, and before the death of Abbot Ufi. Frank Barlow, *The English Church 1000-1066* (London, 1963), p. 217 notes Æthelmær's wealth as a local landowner, but does not recognise the fraternal relationship.

¹⁶³ CUL Ff.2.33, fol. 49.

It is on this basis that I have included this document in the corpus as a bequest-agreement.¹⁶⁴

If, as seems likely, S1468/R97 represents such a reversionary bequest-agreement, the inclusion of Swanton in the single-gift bequest S1499/W35, made after 1047 when Æthelmær became bishop, raises a further problem: if Swanton was being held by Æthelmær from Bury for his life only, then this is not a gift but the unacknowledged confirmation of an agreement, not distinguished from the bequest of his own estate of Hindolveston.¹⁶⁵ This, of course, raises the possibility that a number of bequests to the church, including those naming successors who are to hold life interest, could reflect similar unacknowledged leasing arrangements rather than direct gifts.¹⁶⁶

There is also a close relationship between the vernacular will and the lease, which warrants more detailed investigation than is possible here. Two examples, both from Worcester, illustrate the key points.¹⁶⁷ In the first [S1394/R94, 1042], written throughout in the vernacular, Bishop Lyfing of Worcester leases a life interest in two hides at Armscott (Warks) to his thegn, Æthelric. Parallels may be drawn with the *post obitum* arrangements already described: the text records that Æthelric has made a payment for the lease; and the land is to be held for a further two lives, by ‘the two heirs who please him best and are most willing to earn it from him’ (*twam erfewardum þanðe him leofest sy. 7 him betst to gearnian wylle*) before reversion to the church.¹⁶⁸ The document concludes with an anathema and witness list. The second example

¹⁶⁴ Both Whitelock (*Wills*, p. 205) and Hart (*Early Charters*, no. 132 p. 85) regard this text as a straightforward leasehold arrangement.

¹⁶⁵ In 1086 both estates were held by the Bishop of Thetford, along with the others mentioned in S1499/W35. For Swanton, Hindringham and Hindolveston see *DB II*, 192a, b (Norfolk: 10, 9; 10; 15); for Langham see *DB II*, 194a (Norfolk: 10, 22). The bishop had also laid claim to Æthelmær’s personal estate, as in the case of the manor of Blofield, which Æthelmær acquired from his wife: *DB II*, 214b (Norfolk: 10, 28).

¹⁶⁶ See S1536/W17 for Wulfric’s bequest of land at Acton to Burton Abbey for two lives *ealswa þa foreword sprecað*.

¹⁶⁷ Both are preserved in the late eleventh-century cartulary compiled by Hemming (BM. Cotton Tiberius A. xiii; Davis, *Medieval Cartularies*, no. 1068).

¹⁶⁸ See S1533/R26 for a similar phrase in a multi-gift will from the Old Minster, Winchester.

records a lease of Bishop Oswald dated 963 [S1303/R35]: the disposition is in Latin, granting land at Cotheridge (Worcs) to the thegn Ælfric, and a maximum of two heirs (*duobus tantum heredibus*) after his death, with ultimate reversion to Worcester. The terms of the food-rent follow in the vernacular, with bounds and a witness list.

However, of particular interest in this document is a vernacular codicil following the witness list, possibly a contemporary endorsement:

Ic Ælfric cyðe minan leofan hlaforde þæt ic on Æþelsige minan suna þæs landes þe ic to þe gearnode æfter minan dæge to habbanne his dæg 7 æfter his dæge to syllane þæm þe him leofast seo 7 þæt sio on þa spere hand.

[I, Ælfric, inform my dear lord that I grant the estate which I have acquired from you to Æthelsige, my son, after my death, to hold during his lifetime, and at his death to grant to whomsoever he pleases, as long as it remains on the male side.]

Stylistically this is familiar from the *post obitum* documents discussed above: the direct address (the lord is not named – context suggests Bishop Oswald), and the use of the verbs *cyðan* and *geunnan* are characteristic. It should be noted that this clause makes no mention of the lease, nor of the ultimate reversion to Worcester. Separated from its context, it could be taken for a single-gift bequest. There seems no reason why similar arrangements should not have been incorporated, unacknowledged, in multi-gift wills.

For the purpose of the corpus on which this thesis is based, I have necessarily assumed the gift of personal property where there is no evidence to suggest that the donor is bequeathing the reversion of a leasehold. The common factor is the donor's intention to make – at least in part – *post obitum* disposition.

Problems of interpretation

Interpretation of the documents described here is hampered by the relatively small number of surviving texts, their uneven distribution and the absence of precise dating. Furthermore, as has been shown, the texts themselves may not be fully

representative of the original transactions underlying them, or of the full range of donors' dispositions. While this research is based primarily on the texts themselves, it also draws on a range of other evidence to provide a context within which the role of *post obitum* disposition in the tenth and eleventh centuries may be more clearly understood.¹⁶⁹

It has also been shown above that context-dependence is a feature of these texts. As a result, identification of donors and beneficiaries may be uncertain, and sometimes impossible. A limited pool of names often makes the construction of biographical links a tenuous process, and a number of individuals were of insufficient status to make a mark elsewhere in the documentary record. A similar problem arises with the identification of estates. Although in most cases place-names have been identified reasonably securely with their modern equivalents, the documents rarely make clear the extent of the land involved. As a result, it can be difficult to reconcile a number of references to a given place, either within the corpus of wills or across a range of documents, where details seem contradictory. This is exacerbated by the considerable activity in land transactions, which do not necessarily leave a trace in the documentary record, and which may divert estates in unexpected ways. For prosopography and identification of estates I have relied principally on the scholarship of the key editions, as cited in the Introduction, complemented by the published volumes of the British Academy charter series, and, for East Anglia, the invaluable work of Hart.¹⁷⁰

The nature and significance of individual bequests, and the interpretation of donors' intentions, may also pose problems. It has often proved necessary to draw on non-testamentary evidence to provide a context for a particular document or group of documents. However, it is often the case that, within the corpus, patterns may be

¹⁶⁹ I have drawn on narrative sources, archaeology and art history as well as other documentary evidence.

¹⁷⁰ In particular his *Early Charters*.

identified which allow clearer understanding of the principles underlying individual documents.

The vernacular texts have been supplemented by the evidence of two twelfth-century Latin chronicles, which preserve records of tenth-century and eleventh-century bequest. The argument for the integrity and significance of this material is developed in Chapter Four, where this additional evidence will be shown to provide valuable social context for late Anglo-Saxon bequest, as well as revealing important evidence of the process of will-making.

As has been demonstrated throughout this chapter, Anglo-Saxon wills are often enigmatic. However, the enigma stems in considerable part from their dependence on a shared understanding of their meaning by a contemporary audience. Remaining chapters of this thesis aim to reconstruct that shared understanding by placing the documents in their social context.

CHAPTER TWO

The emergence and development of the written vernacular will: the focus on transmission of land

Introduction

In the previous chapter it has been shown that gaps in the archival records may present a distorted picture of written bequest between the eighth and eleventh centuries, since it is uncertain how much material, which may originally have existed, has been lost. Such uncertainty makes an account of the emergence and development of the documents particularly hazardous. However, this chapter will demonstrate that written will-making was closely linked firstly to the transmission of bookland, secondly to developing royal power and administration in the tenth and eleventh centuries, and thirdly to the cultural changes associated with the religious reforms of the tenth century.

The approach will be chronological, beginning with the earliest evidence of written bequest from the eighth and ninth centuries, and going on to consider the emergence of the multi-gift will as a high-profile document in the reign of Alfred, and its wider use under King Æthelstan and his successors. However, since land is at the heart of all bequests, and since the term 'bookland' will feature throughout this chapter, and indeed throughout the thesis, a preliminary survey of the tenorial issues involved will be included here.

Bookland and folkland

It is generally agreed that the land bequeathed in the wills was bookland – that is to say, alienable property.¹ It was held by royal diploma (*boc*), with freedom from obligation other than the regular responsibilities of military duties and repair of fortifications and bridges; disposal was, in theory, at the discretion of the holder, although negotiation with

interested parties was likely and the permission of the king was frequently sought (as will be shown below).² This category of land is distinct from what is generally termed ‘folkland’: estates which seem to have constituted the inalienable landbase of kin groups, and which were subject to local custom in their transmission.³

Although bookland may have been acquired directly from the king, either by gift or purchase,⁴ the wills suggest that it could also be acquired in a number of other ways. Some donors inherited from parents.⁵ Marriage agreements, as shown in the previous chapter, may underlie a number of bequests, with both male and female donors transmitting estates. About the year 1000, for instance, Wulfgeat [S1534/W19] bequeathed to his daughter an estate ‘which was bought with her mother’s gold’ (*mid hire moder golde geboht*).⁶ Some donors also held land by right of office, as well as in their own right. The will could be used to distinguish between estates which were to be transmitted to a successor in that office, and those over which the donor had right of alienation. The clearest example of this process is found in the mid-tenth-century will of Bishop Theodred [S1526/W1]. Theodred was bishop of London and of Suffolk, and bequeaths a number of estates to his churches of St Paul’s and St Ethelberht’s, Hoxne. However, he also recognizes that certain land belonged

¹ The evidence is surveyed and discussed by Wormald, ‘Kingship and royal property’, pp. 267-68.

² See Susan Reynolds, *Fiefs and Vassals* (Oxford, 1994), pp. 328-29 for a survey of the tenurial implications of bookland. A good example of negotiation with an interested party is found in the tenth-century will of Æthelgifu [S1497], where the donor bequeaths land to a kinswoman on condition that the kinswoman relinquish by pledge further claims on the estate of the donor.

³ For various categories of tenure, see Reynolds, *Fiefs and Vassals*, pp. 330-31 (with discussion of the dubious validity of the term ‘folkland’ at p. 325). For valuable discussion of the bookland/folkland distinction, see Keynes, *Diplomas*, pp. 31-32, and Wormald, ‘Kingship and royal property’, pp. 264-68. Rosamond Faith, *The English Peasantry and the Growth of Lordship* (Leicester, 1997), pp. 89-90 links folkland with the later *feorm*.

⁴ Both Badanoth Beotting [S1510/R6, 845x853] and the Ætheling Æthelstan [S1503/W20, 1012x1015] refer to purchase.

⁵ This is made explicit in the will of Wulfgar [S1533/R26]. See also the will sequence of Ælfgar and his daughters 946x1002: S1483/W2; S1494/W14; S1486/W15. Wynflæd [S1539/W3] also seeks to bequeath to her daughter a homestead which she inherited from her own mother. Æthelgifu [S1497] appears to differentiate in her disposal of land between that acquired from her husband, and that acquired from her own kin (Whitelock, *Æthelgifu*, pp. 28-29).

to his *biscopriche* in each place over which he had no right of bequest: he stipulates that the stock which has accrued on these estates during his tenure should be divided in two, one half for the minster and one to provide alms for his soul.⁷ Land was also acquired by purchase in what was becoming, by the tenth century, an increasingly cash-based economy.⁸ A number of donors give details of the transaction. The Ætheling Æthelstan, for example, grants to the Old Minster, Winchester, two estates which he bought from his father for a specified amount of gold [S1503/W20, c. 1015], and Wulfgeat, whose bequest to his daughter is mentioned above [S1534/W19], refers by name to the owner of the land which he bought with his wife's gold.⁹ There is clearly an intention here to legitimize bequest through reference to the original transaction, which would have been carried out before witnesses.¹⁰

All extant wills are concerned with land, and in some the folkland/bookland evidence is made explicit. Two ninth-century wills may be mentioned here, although they will be discussed in more detail below. That of King Alfred [S1507/H11, 873x888] distinguishes between inherited property shared with his brothers, and acquired property. In a roughly contemporary will, Ealdorman Alfred [S1508/H10, 871x889] distinguishes between the *boclond* which he grants to his son, and the *folclond* which his son can only

⁶ Marriage agreements are discussed in more detail in the next chapter.

⁷ See also S1484/W8 and S1486/W15 for former queens returning to the king by bequest land held from the royal fisc in acknowledgement of their position; Pauline Stafford, *Queen Emma and Queen Edith: Queenship and Women's Power in Eleventh-Century England* (Oxford, 1997), p. 127.

⁸ Pauline Stafford, *Unification and Conquest* (London, 1989), p. 191; James Campbell, 'Some agents and agencies of the late Anglo-Saxon state', reprinted in his *The Anglo-Saxon State* (London and New York, 2000) pp. 201-207. See also James Campbell, 'England c. 991' and 'The sale of land and the economics of power in early England: problems and possibilities', both reprinted in *The Anglo-Saxon State*, at pp. 160-61 and 238 respectively. M.K. Lawson, 'The collection of Danegeld and heregeld in the reigns of Æthelred II and Cnut', *EHR*, 99 (1984), 721-38 argues for the general availability of coin and bullion for taxation.

⁹ See also S1489/W26 for bequest of purchased land.

¹⁰ See S1519/W34 for Ketel's assertion of his rights established before witnesses, and IV Edgar 6-8 for the legal requirement of purchase before witnesses.

inherit with the king's permission. In addition, the ninth-century will of Badanoth Beotting [S1510/R6, 845x853] refers to his *ærfe land*, which is then defined:

... ðe Ic et Aedeluulfe cyninge begæt 7 gebohte mid fullum friodome on æce ærfe ...

[... which I obtained and bought from King Æthelwulf with full freedom and perpetual inheritance ...]¹¹

From the tenth and eleventh centuries, there is evidence of a similar distinction: a number of wills refer to the *boc* of a particular estate, and that of Edwin [S1516/W33, s.xi^{med}] sums up the property he has granted to the church as *frescet* (free property).¹² The will of Wulfgar [S1533/R26, 931x939] reveals that the estate of Kintbury (Berks), bequeathed to the church in memory of Wulfgar's father and grandfather following a life interest for his wife, was first acquired (*ærest begeat*) by his grandfather.¹³ It is possible that a number of beneficiaries receiving estates under Wulfgar's will may be male kindred whose claims to a pool of acquired land must be satisfied. This is certainly implied in one clause:

7 ic cweþe on wordum be *Æscmere* on minum geongum magum swelce me betst gehierap.

[And I shall verbally bequeath *Æscmere* to such of my young kinsmen as obey me best.]

The purpose of the will is to indicate and publicise the donor's intentions for the *post obitum* disposition of property held by *boc*. As has been shown in Chapter One, information concerning the parameters or extent of estates is extremely limited; completion of the bequest relied on local knowledge, and the change of tenure was probably, in most

¹¹ Wormald, 'Kingship and royal property', pp. 265-67, with discussion of the term *ærf* at pp. 265-66; Harmer, *SEHD*, pp. 90-91; Reynolds, *Fiefs and Vassals*, p. 329.

¹² For the term *boc* used in tenth-century and eleventh-century wills see: S1524/W5; S1512/W7; S1506/R32; S1471/R101; S1511/W11; S1539/W3; S1497.

¹³ Later copies of two royal charters purporting to record original grants of land bequeathed in this will are probably spurious: S379, S336.

cases, signalled by the handing over of the *boc* itself, where this was available. The remainder of this chapter will consider the developing testamentary procedure.

The evidence for written bequest from the eighth and ninth centuries: reversionary grants¹⁴

The earliest evidence for written bequest suggests that it was closely linked with the transmission of individual estates acquired through royal grant (that is, *bocland*).¹⁵ These documents are limited in format and function, lacking the range of bequests characteristic of many tenth-century and eleventh-century wills. Because most of the surviving documents from this period are associated with Canterbury, it is difficult to know whether such practice was widespread, or the product of the assiduous fund-raising of ninth-century archbishops of Canterbury.¹⁶ However, these reversionary grants reflect a fundamental relationship in Anglo-Saxon society, between the king, the church and the aristocracy, based on land.¹⁷

It is striking that most eighth-century and ninth-century bequests are closely related to royal diplomas granting the land in question. The transactions represented by these documents appear straightforward: rights in single named estates were to be transferred on

¹⁴ This section is indebted to the discussion of inheritance by Wormald, 'Kingship and royal property'; for the term 'reversionary bequest', and identification of this category of bequest, see especially pp. 265-66.

¹⁵ Latin: *S1182/EHD I, no. 72 [762]*; *S153/Birch 289 [798]*; *S146/EHD I, no. 78* is probably a forgery (Patrick Wormald, 'Charters, law', pp. 296-97). Vernacular: *S1500/R3 [805x832]*; *S1482/H2 [833x839]*; *S1510/R6 [845/853]*; *S1514/R9 [c. 855]*; *S1200/H7 [867x870]*; *S1202/H8 [c. 871]*.

¹⁶ The exceptions are: *S1187/EHD I, no. 81* (Worcester); *S1514/R9* (Rochester); *S1507/H11* and *S1513/R17* (both Winchester). The joint bequest of Oswulf and Beornthryth endorsing *S153* is made in favour of Lyminge, whose charters were absorbed into the Christ Church, Canterbury archive (Brooks, *Early History*, p. 199); see Julia Crick, 'Church, land and local nobility in early ninth-century Kent: the case of Ealdorman Oswulf', *Bulletin of the Institute of Historical Research*, 61 (1988), p. 264, for the suggestion that this document was drafted at Christ Church.

¹⁷ This is clearly shown in Bede's concerns expressed in a letter to Archbishop Egbert in 735: C. Plummer, *Venerabilis Bedæ. Historiam Ecclesiam Gentis Anglorum. Historiam Abbatum. Epistolam ad Ecgberctum*, vol. I (Oxford, 1896), pp. 415-17 (transl. Whitelock, *EHD I*, no. 170, pp. 741-42).

the death of the donor to a named beneficiary – generally a specific church.¹⁸ The earliest extant text, dated 762, survives only in Latin in a fifteenth-century cartulary associated with St Augustine’s Abbey, Canterbury.¹⁹ This records that Dunwald, a thegn of the late King Æthelberht of Kent, bequeaths to the abbey a town property which had been granted to him, together with other properties, by the king, with free right of disposal. Dunwald and others had been entrusted with the payment of alms for the king to St Peter and St Paul at Rome, and the bequest seems to have been made in this context. The document also states that the bequest has been recorded on the original royal charter. A further two documents follow this practice of endorsing the royal charter with the *post obitum* reversion of the estate in question to the church.²⁰ In addition, Dunn’s bequest of an estate to his wife c. 855, with reversion to Rochester, is recorded in the twelfth-century *Textus Roffensis* immediately following the royal grant, indicating that the bequest had been appended to the original charter.²¹ In two further bequests, the survival of the original royal charters in single-sheet form granting the estates to the donors reinforces the close relationship between written bequest and land acquired from the king.²² However, in the documents under consideration here, there is no direct evidence that the royal charter necessarily changed hands at this point. In fact, Dunn [S1514/R9, c. 855] specifically states that he has handed the title-deed

¹⁸ Only in the case of Abba and Heregyth [S1482/H2, 833x839] is there no explicit link to a royal grant of land, although it has been argued that, since only one estate is bequeathed, this was also bookland (Wormald, ‘Kingship and royal property’, p. 266). This will is also classed as a multi-gift will, since it makes bequests to more than one beneficiary; however, additional bequests are made in support of the main disposition.

¹⁹ S1182/EHD I, no. 72; Cambridge, Trinity Hall MS. 1 (Davis, *Medieval Cartularies*, no. 198).

²⁰ *Oswulf and Beornthryth* [S153/Birch 289; Latin, dated 798]; *Æthelnoth and Gænborg* [S1500/R3; vernac. dated 805x832]. Both documents survive as single sheets.

²¹ S1514/R9; A. Campbell, *Charters of Rochester*, British Academy Anglo-Saxon Charter Series, 1 (Oxford, 1973), no. 23. The will refers to *pas boc* (this title-deed).

²² S1510/R6, 845x853 (the charter, S296, and the bequest were written by the same scribe: Wormald, ‘Kingship and royal property’, pp. 265-66); S1200/H7, 867x870 (the charter is S293).

to his wife for her life; on reversion of the land to the church, the title-deed and the will are to be kept together by the community in perpetuity.²³

The process of bequest is strongly linked to the church. The church is a beneficiary in each of these reversionary grants, and where witness-lists survive the transactions seem to have taken place in an ecclesiastical forum, in the presence of the archbishop and members of the religious community, perhaps with an ealdorman included among the laity.²⁴ The need for benefaction prompted churchmen such as Archbishop Ceolnoth (833-870) to establish strong links with the local nobility, whose patronage of Christ Church, Canterbury, was crucial.²⁵ The reversionary grants must be seen in this context. That of the king's reeve, Badanoth Beotting, for example [S1510/R6, 845x853], was witnessed by Ealhhere, a member of a powerful Kentish family whose close links with Christ Church have been convincingly demonstrated.²⁶ Badanoth made his bequest in return for confraternity with Christ Church for himself, and the protection of the archbishop and the community for his wife and children.

Although in most cases the land bequeathed was to revert to the church, donors consistently show concern that their families should benefit from tenure. Wives are expected to have a life interest in the property before it reverts to the church, as in the case of Dunn's bequest [S1514/R9, c. 855]. The rights of children are also protected: Badanoth Beotting reserves a life interest for his wife and children in the land (*min ærfeland*) which he bought from the king, before its reversion to Christ Church. Both Abba [S1482/H2,

²³ Sheehan, *The Will*, pp. 29-30. Dunwald's reservation of the right to hand the estate in question to the church during his lifetime also implies that he kept possession of the original charter [S1182/EHD I, no. 72, 762]. See Chapter I for discussion of the significance of the *boc* in bequest.

²⁴ S1482/H2; S1200/H7; S1202/H8; S1510/R6; S1500/R3; S1182/EHD I, no. 72. The exception is the endorsement of S153, which follows a witness list headed by the king.

²⁵ Brooks, *Early History*, pp. 147-49.

²⁶ Brooks, *Early History*, pp. 148-49.

833x839] and Æthelnoth and Gænborg [S1500/R3, 805x832] make provision for children who may yet be born to them to inherit the land in question. Cynethryth – widowed, and apparently childless – has the responsibility of transmitting the estate at Chart, in which she inherited a life interest from her husband, to his nearest male kin following the presumed death of the named male heir [S1200/H7, 867x870].²⁷

These early bequests, therefore, have their roots in bookland. They are closely linked to the royal charters which symbolized tenure, and show donors deploying a written format which ultimately provides for the reversion of the estates in question to the church. The documents therefore provide strong evidence that one stimulus to written bequest was the relationship between the nobility and the church, deliberately cultivated by some churchmen. However, it must also be noted that donors were anxious to ensure that the agreement reached with the church protected the interest of close dependants into the next generation; bookland was a means of supporting wives and daughters in particular, who had no access to the pool of folkland which, in general, passed in the male line. The multi-gift will may be regarded as a development from these straightforward reversionary grants, dealing with multiple bequests in a format distinct from the landbook which symbolized tenure: it is likely that the archive of a wealthy nobleman would contain title-deeds to a large number of estates, making individual endorsement a cumbersome procedure. It may also reflect the growing complexity of tenorial issues in the tenth and eleventh centuries.

²⁷ For the interest of the Christ Church community in this bequest, see Brooks, *Early History*, pp. 147-48 and S1471/R101, c. 1045. See also Abba's concern to assert the interest of his male kin: only when the line fails is

The earliest multi-gift wills: the ninth century

Three multi-gift wills survive from the ninth century, each arising from a high-profile forum held in the presence of the king and councillors.²⁸ The nuncupative will of Æthelric, son of Æthelmund, which can be dated to the first decade of the ninth century and was declared at a synod attended by the king,²⁹ is incorporated in a text associated with Worcester [S1187/EHD 81]. The will of King Alfred [S1507/H11, 873x888] arose from consultation with his council, as the preamble shows, and that of Ealdorman Ælfred [S1508/H10, 871x889] was addressed directly to the king and his councillors.

The earliest example, the will of Æthelric, son of Æthelmund, reveals the significance of written will-making in the case of dispute. It is recorded in the manuscript known as Hemming's Cartulary, in the section associated with the early eleventh-century Archbishop Wulfstan II of Worcester.³⁰ Æthelric states that he was summoned before a synod at *Clofesho* in 804, where he proved his title to the estate at 'Westminster' (i.e. Westbury-on-Trim, Glos) by producing his charter.³¹ Although the council, which included Archbishop Æthelheard and King Cenwulf of Mercia, confirmed his right to bequeath his land, there is already the suggestion of disputed tenure. Æthelric then left his land in trust with friends while he went on pilgrimage.³² The account goes on to record that, a few years after reclaiming his land, Æthelric attended another synod, also attended by the king, this

the land to revert to the church [S1482/H2].

²⁸ I have excluded here the will of Abba [S1482/H2]; although it is technically a multi-gift will, as described above, it is basically concerned with a single bequest.

²⁹ Although the document is dated 804, there is reason to believe that the multi-gift disposition was declared a few years later: see Wormald, 'Charters, law', p. 295 fn 26. Discussed further below.

³⁰ BM Cotton Tib. A xiii, folios 49-50; Davis, *Medieval Cartularies*, no. 1068. A shorter version is found in the late eleventh-century BM Cotton Nero E I pt. 2, folio 181^v.

³¹ See Wormald, 'Charters, law', pp. 292-98 for full discussion of the text in relation to the dispute which followed; for his comments on dating, see p. 295 fn 26.

³² The land appears to have been mortgaged, since, on his return, Æthelric repaid the money he owed to those holding his land. See a similar arrangement in the eleventh-century will of Ulf and Madselin [W39].

time at *Acleia*,³³ and declared his *post obitum* dispositions, granting land to the church of Deerhurst (Glos), where he wished to be buried; to Wærferth,³⁴ to Gloucester; and, most significantly, to his mother, Ceolburh. It is this latter bequest which indicates Æthelric's awareness of the vulnerability of his arrangements for the estate at Westbury, which had apparently already been the subject of dispute. His mother, who became abbess at what may have been the family monastery at Berkeley (Glos), is to hold it for her lifetime, together with land at Stoke (Glos), with reversion to the church of Worcester.³⁵ Æthelric places Ceolburh's claim to the land in the protection of Worcester. Æthelric's title to the land again came into question in 824, following his death, when the 'Berkeley people', whose encroachment on the Westbury estate Æthelric envisaged in his will, challenged the right of Worcester to the land.³⁶ The dispute was brought before a further council at *Clofesho*, which included Archbishop Wulfred and King Beornwulf. The Bishop of Worcester produced documents in support of his claim. The council found in favour of Worcester.

For the purpose of the present discussion, three factors are particularly significant. First, we are told that Æthelric produced his charter at *Clofesho* to support his right to bequeath. Second, the specific threat to his disposition of bookland is posed by kindred.³⁷ Third, Æthelric's will-making was an oral procedure, made in a high-profile forum, and subsequently recorded by the interested party – the church of Worcester. Although the complexities of the documentation surrounding the account of Æthelric's will suggest that

³³ For a summary of the dating issues surrounding these transactions, see Catherine Cubitt, *Anglo-Saxon Church Councils c. 650-c. 850* (Leicester, 1995), p. 281; Wormald, 'Charters, law', p. 295 fn. 26.

³⁴ Unidentified; the transaction is too early for this to be Bishop Wærferth of Worcester, 872-915.

³⁵ Wormald, 'Charters, law', p. 296.

³⁶ *S1433/EHD I, no. 84*; BM Cotton Tiberius A xiii fos. 47-48; Davis, *Medieval Cartularies*, no. 1068 (Hemming's Cartulary).

the written record of his dispositions may have been made retrospectively – possibly in 824 – and may even have been adjusted at the time of writing to strengthen Worcester’s claim to the disputed land, there is strong evidence to believe that the documentation of bequest was familiar enough in the early ninth century for this text to be regarded as admissible evidence of the donor’s intentions.³⁸ In other words, this sequence of documents possibly reveals more about early ninth-century expectations of the bequest process than it does about the original transaction.

Although Æthelric’s public declaration of his will in the royal presence may have been an individual response to a strong potential challenge to his dispositions, it seems possible that the inheritance of bookland was becoming increasingly a matter for dispute among the landed nobility as the ninth century progressed. Certainly, by the later ninth century transmission of bookland seems to have become a sufficiently important preoccupation of the aristocracy to find a place in law. An important clause regulating bequest of *bocland* is found in King Alfred’s *domboc*:

Cl. 41: [Be boclande]

Se mon se ðe bocland hæbbe, 7 him his mægas læfden, þonne setton we, þe hit ne moste sellan of his mægburge, gif þær bið gewrit oððe gewitnes, ðæt hit ðara manna forbod wære þe hit on fruman gestrindon 7 þara þe hit him sealdon, þæt he swa ne mote; 7 þæt þonne on cyninges 7 on biscofes gewitnesse gerecce beforan his mægum.

[We have further established, that a man who holds land by title-deed, which his kinsmen have left him, shall not be allowed to give it out of his kindred, if there is documentary or [other] evidence that the power to do so is forbidden by the men who first acquired it, or by those who gave it to him. [And he who contests such an alienation] shall make a declaration to this effect in the presence of his kindred, with the king and bishop as witnesses.]

³⁷ On the claims of kindred see Reynolds, *Fiefs and Vassals*, pp. 328-29. See also S1533/R26 for the claims of ‘young kinsmen’.

It is impossible to date this law-code securely, but there is a general consensus that it should be placed in the latter part of Alfred's reign – possibly c. 886.³⁹ However, clause 41 appears to be one of a series which Alfred himself introduced into his code, alongside legislation derived from his predecessors.⁴⁰ It is of particular significance for a number of reasons. First, it recognizes the claims of the wider kindred on bookland; second, it accepts the potential role of documentary evidence in regulation of bookland; and third, it asserts the interest of the king and bishops in the right of bequest – not only as a recourse for resolving dispute, but as arbiters of the legitimacy of *post obitum* disposition. The reversionary grants already discussed share common ground with this law: most obviously, the concern with transmission of bookland and, in a number of cases, acknowledgement of kindred claims. Clause 41, interestingly, indicates that bookland could be acquired indirectly through inheritance of the *boc*, as well as directly by royal charter in favour of the donor, referring to the bookland 'which his kinsmen have left him' (*him his mægas læfdan*). This provides additional support for the view that the boundaries were becoming blurred between bookland, which could be freely disposed of, and inalienable property *not* held by charter, passing according to custom within the kindred.⁴¹ It has been argued that, in compiling his *domboc*, Alfred drew on a range of sources and established practice. Even such a clause as 41 was probably not innovative:

Legislation, commitment of law to writing, showed what the law was,

³⁸ See Cubitt, *Church Councils*, pp. 95-96 for a review of the relationship between oral tradition and written evidence; Wormald, 'Charters, law', pp. 296-98 casts doubt on the integrity of the texts as they stand.

³⁹ For dating see Simon Keynes and Michael Lapidge, *Alfred the Great. Asser's Life of King Alfred and Other Contemporary Sources* (London, 1983), p. 304 and Patrick Wormald, *The Making of English Law: King Alfred to the Twelfth Century* (Oxford, 1999), pp. 281, 286 and 425-26. Also relevant is the date of Fulk's letter to Alfred, which may have influenced Alfred's preface to the code and suggests a link between Alfred and Hincmar of Rheims via Grimbald (see Keynes and Lapidge, *Alfred the Great*, p. 182 for dating to c. 886, and 182-86 for the translated text). For the interpretation of this clause see A.G. Kennedy, 'Disputes about *bocland*: the forum for their adjudication', *ASE*, 14 (1985), 179-80.

⁴⁰ Wormald, *English Law*, p. 282.

⁴¹ Reynolds, *Fiefs and Vassals*, p. 333.

whether in custom or as the result of royal adjudication or decree. It was not, at this stage, necessarily the same thing as *making law*.⁴²

It therefore seems likely that clause 41 encapsulates the contemporary preoccupation with transmission of bookland illustrated by the reversionary grants, and reflects the procedure followed by Æthelric.

This preoccupation is illustrated by two multi-gift wills from the later years of the ninth century: that of King Alfred himself, made between 872 and 888 [S1507/H11], and that of Ealdorman Alfred, made between c. 871 and 889 [S1508/H10]. These wills may be roughly contemporary with the *domboc*.⁴³ Both appear to have arisen from a similar process associated with the royal court, reflecting the emphasis on public declaration in clause 41. Ealdorman Alfred directs that ‘those persons to whom I am most anxious to grant my property and bookland ... be made known in writing to King Alfred and to all his councillors and adviser’ (*hatu writan 7 cyðan an ðissum gewrite Elfred regi 7 allum his weotum 7 geweotan ... þa men þe ic mines erfes 7 mines boclondes seolest onn*). Similarly, the agreements with his kinsmen detailed by King Alfred emphasise that decisions were made ‘with the cognizance of all the West Saxon council (*mid ealra Westseaxena witena gewitnesse*). His right to declare his own will was formally recognized by the council:

7 hy þa ealle to rihte gerehton 7 cwædon þæt hy nan rihtre riht geþencan ne mihtan ne on þam yrfege write gehyran. ‘Nu hit eall agan is þæron oð þine hand, þonne þu hit becweðe 7 sylle swa gesibre handa swa fremdre swaðer þe leofre sy.

[And then they all pronounced what was right, and said that they could not conceive any juster title, nor could they find one in [King Æthelwulf’s] will. ‘Now everything therein has come into your possession so you may bequeath it

⁴² Wormald, *English Law*, pp. 280-85.

⁴³ The parallels between King Alfred’s will and clause 41 of the *domboc*, quoted above, have prompted the suggestion that the law arose from the king’s own testamentary practice: Wormald, *English Law*, p. 282; but see Keynes and Lapidge, *Alfred the Great*, p. 309 fn 24 for the suggestion that it may have originated in Offa’s law-code. See Keynes and Lapidge, *Alfred the Great*, p 313 for the dating of S1507, and Harmer, *SEHD*, p. 88 for that of S1508.

and give it into the hand of kinsman or stranger, whichever you prefer.']

It also seems that the king's will was formally witnessed:

7 hi ealle me þæs hyra wedd sealdon 7 hyra handsetene þæt be hyra life
hit nænig mann næfre ne onwende on nane oðre wisan butan swa swa ic hit
sylf gecweðe æt þam nyhstan dæge.

[And they all gave me their pledge and their sign manual that no man, for
as long as they lived, would ever change it in any way other than as I declare
it myself at my last day.]

There may also have been a tradition of vernacular written record of royal bequests. The
will of King Æthelwulf (839-858) at least appears to have existed in writing; King Alfred
states in the preamble to his will:

... þa lædde ic Apulfes cinges yrfege writ on ure gemot æt Langandene 7
hit man arædde beforan eallum Westseaxena witum.

[... I brought King Æthelwulf's will to our assembly at Langandene, and it
was read before all the councillors of the West Saxons.]

The making of King Æthelwulf's will c. 856 is described by Asser in his *Life of King
Alfred*:

... cogitans de suo ad universitatis viam transitu, ne sui filii post patris
obitum indebite inter se disceptarent, hereditariam, immo commendatoriam,
scribi imperavit epistolam.

[... as he reflected on his going the way of all flesh, he had a testamentary –
or rather advisory – document drawn up so that his sons should not quarrel
unnecessarily among themselves after the death of their father.]⁴⁴

In the case of the West Saxon royal house there was, therefore, a tradition of documentation
in royal inheritance procedures.⁴⁵ Ealdorman Alfred's instruction that his will 'be made

⁴⁴ W.H. Stevenson (ed.), *Asser's Life of King Alfred* (Oxford, 1904), chap. 16, p.14; transl. Keynes and
Lapidge, *Alfred the Great*, p. 72.

⁴⁵ Such a tradition may be linked with Carolingian practice; the will was written shortly after King
Æthelwulf's return from his sojourn on the Continent. See Keynes and Lapidge, *Alfred the Great*, p. 237 and
Wormald, *English Law*, pp. 290, 423-27 for Frankish influence on Anglo-Saxon law-making. See Ann
Williams, 'Some notes and considerations on problems connected with the English royal succession, 860-
1066', *Proceedings of the Battle Conference* (1978), pp. 150-51 for William of Malmesbury's reference to a

known in writing' (*writan 7 cyðan*) not only to the king and his council, but also to his own kinsmen and associates (*minum me gum 7 minum gefeorum*) indicates that this practice of written documentation was adopted by at least one high-ranking nobleman associated with the royal court. It is likely that this document was intended to be read out before the king and council, as were the wills of King Æthelwulf and, at the beginning of the eleventh century, of the Ætheling Æthelstan [S1503/W20]. Furthermore, the witness list of the ealdorman's will includes the archbishop and members of the Christ Church community. In the preamble to his will, the king refers to consultations with Archbishop Æthelred, who also witnessed the ealdorman's will. Although it is tempting to link these two vernacular wills with traditions established at Canterbury during its 'nadir of illiteracy', represented by the reversionary bequests already discussed, neither document can be directly linked to the Canterbury scriptorium.⁴⁶ However, these wills are connected not only through the process from which they emerged, but through the similarity of their concerns.

Both wills are concerned with bequest of bookland. In the opening paragraphs of S1507/H11, King Alfred is concerned to assert his right to bequeath his *yrf* – that is, land which he acquired through inheritance from his father and brothers. The distinction between this private property and that which he may have held through right of office seems to underlie the detailed account of his title to alienable property and his claim to right of bequest.⁴⁷ The term *bocland* is used in this will to refer to estates in Kent which are to pass to Winchester, according to his father's intentions. Ealdorman Alfred's bequests also,

'testament' made by Edward the Elder. The will of King Eadred survives as S1515/H21, 951x955. Attention has been drawn to parallels between English royal wills and that of Charlemagne: Innes, 'Charlemagne's will', p. 834 fn 1. I hope to explore this relationship in a later study.

⁴⁶ S1507/H11 survives only as a copy in the eleventh-century *Liber Vitæ* of the New Minster, Winchester. S1508/H10 is a contemporary single sheet from the archive of Christ Church, Canterbury; see Brooks, *Early History*, p. 173 for the lack of evidence to link S1508/H10 to the Canterbury scriptorium.

in all probability, refer to bookland; in the opening clause Alfred refers to his disposal of *mines erfes 7 mines boclondes*, where the term *erf*, seen in the context of usage in reversionary grants, seems also to refer to acquired land (perhaps that acquired by a previous generation as opposed to that which Alfred himself acquired).⁴⁸ This will also distinguish between *bocland* and *folcland*:

Ond ic selle Eðelwalde minum sunu III hida boclondes ... 7 gif se cyning him geunnan wille þes folclondes to ðem boclonde, þonne hebbe he 7 bruce.

[And I give to my son Æthelwold three hides of bookland ... and if the king will grant him the folkland as well as the bookland, then let him have it and enjoy it.]

The implication here is that there is a body of inalienable land – *folclond* – which may be expected to pass by custom in the male line, apparently under the aegis of the king; if this is so, Alfred's son may expect to inherit substantial property aside from the meagre three hides of bookland bequeathed to him in the will.⁴⁹ There is, then, good reason for believing that written bequest was concerned *not* with a donor's entire landed property, but with that held by royal grant. Some urgency in the management of disposition may have arisen when – as apparently in King Alfred's case – the bookland was transmitted by inheritance to the next generation, perhaps blurring the distinction between alienable and non-alienable property.

A corollary of this transmission of bookland is the emphasis in both wills on the claim of the male line. In a famous passage, King Alfred makes this explicit:

7 ic wylle þa menn þe ic mine bocland becweden hæbbe, þæt hy hit ne asyllan of minum cynne ofer heora dæg, ac ic wille [ofer] hyra dæg þæt hit gange on þa nyhstan hand me butan hyra hwylc bearn hæbbe; þonne

⁴⁷ See Keynes and Lapidge, *Alfred the Great*, pp. 171, 314-15; the issue of Alfred's inheritance is discussed in detail by Wormald, 'Kingship and royal property', pp. 267-76.

⁴⁸ Wormald, 'Kingship and royal property', pp. 266-68.

⁴⁹ Harmer, *SEHD*, pp. 90-91; Wormald, 'Kingship and royal property', p. 267.

is me leofast þæt hit gange on þæt strynde on þa wæpnedhealfe þa hwile þe ænig þæs wyrðe sy. Min yldra fæder hæfde gecweden his land on þa sperehealfe næs on þa spinlhealfe. Þonne gif ic gesealde ænigre wifhanda þæt he gestrynde, þonne forgyldan mine magas, 7 gif hy hit be þan libbendan habban wyllan. Gyf hit elles sy, gange hit ofer hyra dæg swa we ær gecweden hæfdon.

[And I desire that the persons to whom I have bequeathed my bookland should not dispose of it outside my kindred after their lifetime, but I desire that after their lifetime it should pass to my nearest of kin, unless any of them have children; then I prefer that it should pass to the child in the male line as long as any is worthy of it. My grandfather had bequeathed his land on the spear side and not on the spindle side. If, then, I have given to anyone on the female side what he acquired, my kinsmen are to pay for it, if they wish to have it during the lifetime [of the holders]; otherwise, it is to go after their lifetime as we have previously stated.]

In making provision for his wife and daughter, Ealdorman Alfred's will shows how this might work in practice. He provides for them to have a life interest in seven named estates, with complex provision for reversion of the land in the male line:

Onð efter Werburge dege seo Alhdryðe [his daughter] þa lond unbefliten on Sondemstyre 7 on Selesdune 7 on Leanganfelda. Onð gif heo bearn hebbe, feo ðet bearn to ðem londum efter hire; gif heo bearn nebbe, feo ðonne an hire rehtfederen sio neste hond to ðem londe onð to ðem erfe. 7 swa hwylc minra fedrenmega swa ðet sio þ hine to ðan gehagige þ he þa oðoro lond begeotan mege 7 wille, þonne gebygge he þa lond et hire mid halfe weorðe.

[And after Werburg's time, the estates at Sanderstead and Selsdon and Longfield (?) are to go, without dispute, to Alhthryth. And if she have a child, the child is to succeed to these estates after her; if she have no child, then the next of kin descended from her direct paternal ancestry is to have the land and the stock. And whosoever among my kinsmen on my father's side shall chance (?) to have the power and the inclination to acquire the other estates, he is to buy these estates from her at half their value.]

Both donors bequeath property, including land, to a range of kinsmen, but Ealdorman

Ælfred envisages a factor which could pre-empt such dispositions:

Gif ðet ðonne God ællmehtig geteod habbe onð me þet on lene gelið ðet me gesibbra erfeward forðcymeð wepnedhades 7 acenned weorðeð, ðanne ann ic ðem ofer minne deg alles mines erfes to brucenne swa him leofust sio.

[If, however, Almighty God has ordained, and shall grant me as a gift, that a nearer heir shall be born to me on the male side, then to him I give all my property after my lifetime, to use as may be most agreeable to him.]

This suggests that, while his son by his previous marriage would inherit the inalienable property (*folclond*), any son born to Alfred and Werburg, his current wife, would inherit all the bookland, nullifying the claim of the wider male kin. That such a claim by Alfred's male kin could become importunate is implied by his bequest to his maternal relatives:

Ond ic sellu Eadrede minum mege ðet lond on Fearnlege efter Eðelredes dege, gif he hit to geearnian wile... ond sio ðis lond gewriten 7 unbefliten efter Eadredes dege in Aelfredes rehtmeodrencynn ða hwile þe fulwihte sio on Angelcynnes ealonde.

[And I give to my kinsman Eadred the land at Farley after Æthelred's time, if he is willing to earn it from him ... and after Eadred's lifetime, this land is to be assigned without dispute to Ælfred's direct maternal relatives, so long as Christianity exists in England]

The phrase *gewriten 7 unbefliten* may be conventional, but it is applied only to this bequest, and suggests that the donor envisages potential challenge to the alienation of this estate from his paternal line. The emphasis in clause 41 on the claims of the kindred may in itself limit the rights of women, since land held without restriction by a woman risked alienation from the kindred through her marriage.

It is perhaps for this reason that a further common concern in these two wills – shared with the reversionary grants discussed above – is that, despite emphasizing the male claim on acquired land, both king and ealdorman are concerned to protect the interests of women. The estates bequeathed by King Alfred to his wife and daughters may have been for their lives only, although this is not explicitly stated in the will: in 1066, most of the land remained in royal hands.⁵⁰ Ealdorman Alfred makes similar provision for his wife and daughter, as shown in the previous paragraph, with seven estates bequeathed to them for

their lives, three of them passing to his daughter on the death of her mother. The emphasis for these two donors was on allowing wives and daughters a life interest in alienable land, while minimizing the risk of its dispersal through marriage.

The reign of Edward the Elder (899-924): a hiatus

The hiatus in the issue of royal diplomas by Alfred and his son and successor, Edward the Elder, is difficult to explain.⁵¹ Further research is needed to explain the dearth of written bequest from the reign of Edward. Its absence may perhaps be related to the unsettled political situation at this time, which may have precluded alienation of land to the church; since survival of documents depended largely on their incorporation in church archives, transactions within the kindred which were of no interest to the church would go unrecorded.

Nevertheless, there is indeed evidence from Edward's first law-code that the issue of transmission of bookland remained significant. This code was directed specifically to reeves in the context of justice for which they were responsible:

Cl. 2: [Be ðone ðe oþrum rihtes wymb]

Eac we cwædon, hwæs se wyrðe wære þe oðrum ryhtes wyrnde aðor oððe on bocland oððe on folclonde; 7 ðæt he him geandagode of þam folclande, hwonne he him riht worhte beforan ðam gerefan.

§1: Gif he ðonne nan riht næfde ne on bocland ne on folclande, þæt se wære þe rihtes wyrnde scyldig xxx scell' wið þone cyning, 7 æt oðrum cyrre eac swa, æt ðriddan cyrre cyninges oferhrynesse, ðæt is cxxx scell', buton he ær geswice.

[Further, we have declared what [penalty] he is liable to, who withholds from another his rights either in bookland or in folkland. And with regard to folkland [we have declared] that he [the plaintiff] shall appoint a day when he [the defendant] shall do him justice in the presence of the reeve.

⁵⁰ Wormald, 'Kingship and royal property', pp. 272-73, Table 19.2.

⁵¹ This issue is beyond the scope of this thesis. For valuable reviews see Wormald, 'Kingship and royal property', pp. 274-76; Simon Keynes, 'Edward, King of the Anglo-Saxons', pp. 50-56; Simon Keynes, 'England c. 900-1016' in T. Reuter (ed.), *The New Cambridge Medieval History*, 3 (Cambridge, 1999), pp. 465-66; David Dumville, *Wessex and England from Alfred to Edgar. Six Essays on Political, Cultural and Ecclesiastical Revival* (Woodbridge, 1992), pp. 151-53.

§1: If, however, he [the plaintiff] does not obtain his rights either in bookland or folkland, he [the defendant] who withholds his rights shall forfeit a fine of 30 shillings to the king, and 30 shillings also on the second occasion, and on the third occasion the fine for insubordination to the king, that is 120 shillings, unless he has already desisted [from his wrong-doing]].

This clause builds directly on clause 41 in Alfred's *domboc*.⁵² The significant emphasis here is firstly on the reeve's responsibility – in the name of the king – to adjudicate in what were probably disputed attempts to alienate bookland, either *inter vivos* or *post obitum*;⁵³ and secondly, on the right of the king to command a penalty if the plaintiff's rights are upheld and the decision of the court ignored by the defendant. Not only do these clauses imply that tensions among the nobility concerning disposition of bookland remained a crucial issue, they also indicate potential blurring between alienable land held by book and that passing by custom.⁵⁴ Such blurring may also be implied by requests from landholders for the renewal of royal charters which had been lost – the need to clarify the status of land seems to be an increasing imperative.⁵⁵ Furthermore, as will be shown below, this assertion of the right of the king to intervene in the transmission of land was to influence the process of bequest as revealed in later wills, where the assumption is that the king has the power to endorse or reject the donor's dispositions.

Interestingly, during the reign of Edward the royal house itself provided a cautionary example of the problems which could arise from the injudicious disposition of bookland within the kindred. In his will, King Alfred bequeathed three estates to his nephew, Æthelwold, son of the brother from whom Alfred inherited the kingdom.

⁵² Wormald, *English Law*, p. 290 draws a comparison with Frankish capitularies, 'meant to advance on selected fronts established by an accepted *lex*'. See Kennedy, 'Disputes', pp. 180-81 for discussion of this clause.

⁵³ See S1462/R78, 'The Herefordshire Lawsuit' (1016x1035) for a good example of the role of local courts in such a dispute (discussed further below).

⁵⁴ Reynolds, *Fiefs and Vassals*, p. 333.

⁵⁵ For examples see Keynes, 'A charter of King Edward the Elder for Islington', pp. 307-14.

Æthelwold, it has been pointed out, may have had good reason to feel aggrieved: not only had he a claim to the throne in his own right, but, as a result of the agreements between Alfred and his brothers, the bulk of family property was Alfred's to dispose of freely – as the preamble to the will makes clear – and Alfred favoured his own direct line.⁵⁶ Following Edward's accession in 899, Æthelwold rebelled against his cousin. Edward was twice forced to march against Æthelwold and his supporters, and the matter was only resolved – possibly with some opprobrium attached to Edward – in 903, with the death of Æthelwold in battle.⁵⁷ Even when no throne was at stake, there can be no doubt that tenurial dispute within the kindred could have serious implications.

The sequence of vernacular wills beginning in the reign of Æthelstan (924-939)

The accession of Æthelstan and the events of his reign led to a significant change in the political climate. As *rex Anglorum*, Æthelstan presided over a period of stability unknown to his father and grandfather, establishing a strong government. This enabled him to build on the cultural and administrative foundations laid by his grandfather, King Alfred, and to develop wide-ranging foreign contacts.⁵⁸ In this section, the key developments of the tenth century will be related to the sequence of wills which begins under Æthelstan and continues under successive kings until the Conquest. It will be argued that the wider evidence for increasing written bequest reflects these developments, and the response of the nobility to them.

⁵⁶ These events are discussed briefly in Keynes and Lapidge, *Alfred the Great*, p. 172, and more fully in Keynes, 'England', pp. 460-61.

⁵⁷ The story is told in versions *ASC*, A, B, C, D, s.a. 901-903, with a particularly vivid account s.a. 903 blaming the Kentish forces for disobeying orders and staying behind to do battle when the king had ordered a retreat. For the suggestion of some stigma attached to Edward, see Keynes, 'England', p. 461.

⁵⁸ For a useful summary of the accession and reign of Æthelstan see Keynes, 'England', pp. 466-71. For foreign contacts see Keynes, 'King Athelstan's books' in Michael Lapidge and Helmut Gneuss (eds), *Learning and Literature in Anglo-Saxon England: Studies presented to Peter Clemoes* (Cambridge, 1985), 143-201, and Michael Wood, 'The making of King Æthelstan's empire: an English Charlemagne?' in Patrick

Royal interest in bequest

The evidence for more widespread use of written bequest is closely associated with the reappearance of the royal charter following the hiatus discussed above.⁵⁹ The scribe known as Æthelstan A, for example, was responsible for a series of charters made between 928 and 935, suggesting that 'King Æthelstan had taken an unprecedented degree of control over what had become an important aspect of royal activity'.⁶⁰ The earliest vernacular will of the new sequence of *post obitum* dispositions can be dated to this reign, and is closely linked to a charter, written by Æthelstan A, issued by King Æthelstan in 931 which granted land at Ham (Wilts) to Wulfgar *minister*.⁶¹ Between 931 and 939 Wulfgar made a multi-gift will bequeathing a number of estates, including Ham, to a range of beneficiaries [S1533/R26]. Both documents survive as single sheets; although the will was at some point stitched to the charter, the independent folds of the two documents indicate that they had originally been stored separately.⁶² Furthermore, although the charter was one of a sequence written by Æthelstan A, and was issued in Devon, the will was written by a scribe linked with the royal estate at Bedwyn (Wilts).⁶³ While there is no reason to link the two documents directly, the relationship between the royal grant and bequest reflects that already established in the reversionary grants of the ninth century. However, Wulfgar also makes other bequests – most significantly, he bequeaths the estate at Inkpen (Berks) to his wife Æffe, with reversion to the family monastery at Kintbury (Berks). The estate at Inkpen

Wormald, with Donald Bullough and Roger Collins (eds), *Ideal and Reality in Frankish and Anglo-Saxon Society* (Oxford, 1983), pp. 250-72.

⁵⁹ Only two wills can be dated with certainty to the reign of Æthelstan, but see Table II, following p. 34 above for the overall pattern.

⁶⁰ Keynes, 'England', p. 470.

⁶¹ S416.

⁶² BM facs. iii, 3. Lowe, *Vernacular Will*, no. 7, p. 11.

⁶³ Lowe, *Vernacular Will*, no. 7, p. 11; H.P.R. Finberg, *Early Charters of Wessex* (Leicester 1964), no. 231; M.B. Parkes, 'A fragment of an early tenth-century Anglo-Saxon manuscript', p. 137 fn 51.

was first acquired, as the will records, by Wulfgar's grandfather, Wulfhere. One of the few charters issued by Edward the Elder, dated 901, shows that Wulfhere incurred the king's displeasure and forfeited his lands.⁶⁴ Wulfgar's will may perhaps be seen in the context of this history, as an assertion of rights in the family bookland which had been confiscated at the beginning of the previous reign and, presumably, reinstated by the new king. The estate granted by Æthelstan was to revert to the Old Minster, Winchester following the death of Wulfgar and his wife, rather than to the New Minster founded by Edward; the extent to which this can be construed as a political gesture is uncertain, but there is some evidence to suggest tension between the New Minster community and Æthelstan.⁶⁵ There is here a hint of the political dimension which could underlie bequest, as donors sought to establish political alliances.⁶⁶

The right to hold and bequeath bookland was predicated on loyalty to the king. By the tenth century, the relationship between king and thegn was probably formalized by an oath of loyalty similar to that established by Charlemagne, reflected in the term *fidelis minister* in a number of charters.⁶⁷ Since land held by charter involved transfer of rights by the king rather than outright grant of ownership, the monitoring of its transmission was an important means by which the king could maintain a vested interest. Local courts provided a well-established process by which the king could reassert his sway over land which had to

⁶⁴ S362/EHD I, no. 100, pp. 499-500. Barbara Yorke, 'Edward as Ætheling' in Higham and Hill (eds), *Edward the Elder*, pp. 35-36.

⁶⁵ Alan Thacker, 'Dynastic monasteries and family cults: Edward the Elder's sainted kindred' in Higham and Hill (eds), *Edward the Elder*, pp. 255-56; Wormald, *English Law*, pp. 307-308; Barbara Yorke, 'Æthelwold and the politics of the tenth century' in Barbara Yorke (ed.), *Bishop Æthelwold: His Career and Influence* (Woodbridge, 1988), p. 73; Keynes, 'England', pp. 467-68.

⁶⁶ The influence of political allegiance on bequest is discussed further in later chapters, particularly in Chapter 4 below.

⁶⁷ Williams, 'Royal succession', pp. 154-55; J. Campbell, 'Observations on English government', reprinted in his *Essays in Anglo-Saxon History* (London and Ronceverte, 1986), pp. 162-63; Michael Lapidge, John Blair, Simon Keynes and Donald Scragg (eds), *The Blackwell Encyclopaedia of Anglo-Saxon England* (Oxford, 1999), under OATHS.

all intents and purposes passed out of royal control.⁶⁸ It was shown in the previous section that Edward's legislation placed responsibility upon his reeves to ensure that justice was done in cases of disputed land tenure.⁶⁹ They were instructed to hold an assembly (*gemot*) every four weeks for the purpose of hearing claims, with the threat of fines for insubordination if the king's will was not carried out (a threat which was reiterated by Æthelstan).⁷⁰ Under King Edgar (959-975), the tripartite court system was enshrined in law:

5. [Be gemotum]

7 sece man hundredes gemot swa hit ær geset wæs.

§1. 7 hæbbæ man þriwa on geara buruhgemot 7 tuwa scirgemot.

§2. 7 ðar beo on þære scire biscop 7 se ealdorman, 7 ðar ægðer tæcan Godes riht ge worldriht.

[And the hundred court shall be attended as has previously been ordained.⁷¹

§1. And the borough court shall be held three times in the year and the county court twice.

§2. And the bishop of the diocese and the ealdorman shall be present, and shall direct the observance of both ecclesiastical and secular law.⁷²

King Æthelred legislated against a variety of 'unjust practices' (*unlaga*), including matters of inheritance, suggesting that there was regular contention:

Ðridde is æt swigean, þæt man wolde sweogian 7 on æftergægan eft siððan sprecaþ þæt man on forgægan næfre becliopode.

[Thirdly, with regard to the practice of bringing forward, after long silence, claims against an heir which had never been made against his predecessor.]⁷³

The way in which the local courts adjudicated in cases of disputed inheritance is well demonstrated by the case known as the Herefordshire Lawsuit, dated to the reign of

⁶⁸ Kennedy, 'Disputes', pp. 190-94 argues for the autonomy of the local courts in hearing disputes concerning bookland, while acknowledging the king's right to intervene. Does he give enough weight to the role of the reeve in these adjudications?

⁶⁹ II Edward 2.1.

⁷⁰ II Edward 2, 8; II Æthelstan 25.

⁷¹ I.e. 4-weekly (I Edgar 1).

⁷² III Edgar 5 – 5.2.

⁷³ V Æthelred 32.2.

Cnut (1016-1035).⁷⁴ At a meeting of the Herefordshire court, Edwin son of Enniaun filed a claim against his mother, challenging her tenure of two estates. Among those attending the assembly were Bishop Æthelstan of Hereford, Ealdorman Ranig, Tofi the Proud, who was on the king's business (*Cinges ærende*), Bryning the shire-reeve and Thurkil the White, a local landowner. The bishop appears to have instigated an investigation into the matter by enquiring who would answer for Edwin's mother. Thurkil and three other named thegns were deputed to visit her, whereupon she made her declaration: all her property was to revert to her kinswoman, Leofflæd. This was reported to the court, which ratified the declaration. A record of the proceedings was entered in a gospel book at Hereford Cathedral. The role of local courts in witnessing bequest is also indicated by some surviving witness-lists; the will of Thurstan, for example, includes separate groups of witnesses from four counties.⁷⁵

The king might also intervene directly in monitoring inheritance. A well-documented case shows Æthelred taking an active role in one dispute – or perhaps *attempting* to take an active role would be more apposite, since he seems to have been singularly unsuccessful. A charter dated 996 recounts the sequence of events leading to the forfeiture of Wulfbald who, on his father's death, seized property held by his stepmother. He refused to comply with two demands from the king to return the property, in spite of the imposition of substantial fines. Wulfbald then seized property at Bourne (Kt) held by his kinsman, and defied a further two demands from the king for restitution. A great assembly (*b micel gemote*) in London declared Wulfbald's property forfeit, although he continued to

⁷⁴ S1462/R78. See also S1497 for the proceedings of the shire court at Hitchin (Herts), and S1454/R66 for the king's seal devolving responsibility onto the shire court for the resolution of a dispute.

⁷⁵ See also: S1224/R92; S1506/R32; S1234/R116*; S1495/W22*. (*indicates reference to the presence of the reeve). S1224/R92 and S1531/W31 include Ordgar among the witnesses – possibly the reeve of

hold it until his death. Finally, his widow killed the king's thegn Eadmær, Wulfbald's cousin, and fifteen companions on the disputed estate at Bourne. At this point, all of Wulfbald's property was seized by the king. This sequence of events demonstrates that the king reserved the right to intervene in transmission of bookland, and that the request for permission that the will might stand, frequently found in the texts, was no mere formality.⁷⁶

As the tenth and eleventh centuries progressed, it seems likely that 'the confirmation of wills must indeed have been part of the routine business of government'.⁷⁷ This is most clearly demonstrated by the series of writs issued by Edward the Confessor to local courts confirming publicly, probably on the death of the donor, the right to bequeath.⁷⁸ A good example is the writ confirming the joint bequest of Tole and her late husband, Urk, to their church at Abbotsbury (Dors):

+ Eadweard kyng gret Hermann .b. 7 Harold eorl 7 ealle mine þegenas on Dorsætan freondlice. 7 ic cyðe eow þ hit is min fulla unna þ Tole min mann Urkes lafe þ heo becweðe hire land 7 ehta into Sce Petre æt Abbodesbyrig swa swa hire loefest sy be minan fullan geleafan swa full 7 swa forð swa þa forewirde ær gewrhte wæran þ hit sceolde æfter heora begra dage hire 7 Urkes hire hlafordes for heora sawle gan into þam haligan mynstre. Nu wille ic þ heora cwide stande swa swa hit geforewird wes. on godre manna gewitnesse þe þar wið weran.

+ King Edward sends friendly greetings to Bishop Herman and Earl Harold and all my thegns in Dorset. And I inform you that Tole, my man, Urk's widow, has my full permission to bequeath her land and possessions to St Peter's at Abbotsbury, as best pleases her, with my full consent, as fully and completely as it was arranged by the agreements previously made, that it should pass after the death of both of them – her death and that of Urk her

Cambridgeshire (Robertson, *Charters*, p. 426; Whitelock, *Wills*, pp. 196-97). The Herefordshire Lawsuit is discussed further in Chapter 3.

⁷⁶ S877/R63 (*EHD* I, no. 120). This case is discussed by Simon Keynes, 'Crime and punishment in the reign of King Æthelred the Unready' in I. Wood and N. Lund (eds), *People and Places in Northern Europe* (Woodbridge, 1991), pp. 78-79. See also S939/W16² for Æthelred's refusal to allow the will of Æthelric of Bocking to stand. It also seems likely that royal authorization of the right to bequeath could be delegated: see the account of the will-making of Siferth of Downham, discussed in Chapter 4, where the powerful Ealdorman Æthelwine, rather than the king, endorses Siferth's dispositions (*LE* II, 11/*Lib.* 12).

⁷⁷ Keynes, 'Royal government', p. 254.

⁷⁸ Harmer, *Writs*, nos 2, 12, 17, 22, 111. Doubtful or spurious: 74, 84, 93, 112.

lord – pass into the possession of the holy monastery for [the benefit of] their souls. Now my will is that their bequest shall remain in force in accordance with the agreements made with the cognizance of good men who were present. [S1064/*Writs* 2, 1058x1066]⁷⁹

The death of Urk prompted a review of his *post obitum* dispositions, possibly in association with Tole's payment of his heriot.⁸⁰ The wording of the writ makes it very clear that the king claimed absolute power over the fulfilment of the donors' intentions. Furthermore, it seems likely that the previous agreement reached before witnesses, to which the writ refers, was the original declaration of those intentions – in other words, the bequest to St Peter's. The significance of the king's confirmation of bequest can be illustrated by an account in Domesday Book of evidence given by the jurors concerning an estate at Fawler (Berks):

Of this manor the Shire confirms that Eadric, who held it, delivered it to his son, who was a monk in Abingdon, to hold it at a revenue and to provide him [Eadric] with the necessities of life for as long as he lived; but that after his death, he should have the manor. Therefore the men of the Shire do not know what belongs to the Abbey, for they have not seen the King's writ or seal. But the abbot testifies that before 1066 he [Eadric's son?] put the manor in the [lands of the] church where it was, and has King Edward's writ and seal for it, which all his monks confirm.⁸¹

The abbey's claim to the land hinges, apparently, not on the possession of a landbook, nor on written evidence of the original bequest, but on the king's confirmation. By the mid-eleventh century at least, therefore, the royal writ confirming transmission of bookland continues to affirm the king's interest in, and power over, land originally granted by royal charter.

⁷⁹ Although this writ survives only in a post-Conquest copy, it is regarded as a copy of an authentic original by Harmer (*Writs*, pp. 117, 119).

⁸⁰ See S939/W16² for this procedure on the part of the widow, and *LE* II, 27/*Lib* 38.

⁸¹ *DB* I, 59b (Berks: 7, 38).

Heriot

Royal interest in bequest and inheritance of bookland is reflected in heriot payment. Although it first appears in legislation in the reign of Cnut, it is referred to explicitly for the first time in three multi-gift wills made between 942 and c. 951, a period spanning the reigns of Edmund and Eadred.⁸²

Since the origins and nature of heriot, with specific reference to the evidence of wills, have been fully explored elsewhere, only the key points will be summarised here.⁸³ Heriot payment has generally been seen as a derivation of the Germanic custom of the gift of arms to a retainer, with the return of the items on the death of the recipient.⁸⁴ For the later Anglo-Saxon period it has been argued that the heriot, consisting generally of an established quota of war-gear, mounts and coin according to the donor's status, 'take[s] us to the roots of the aristocratic society of late Anglo-Saxon England, to the bonds between the aristocracy and the king'.⁸⁵ The king bound men to him through the provision of equipment which symbolized their noble status – the helmet, the byrnie, the spear and the sword.⁸⁶ However, this was not merely a symbolic relationship: the aristocracy was expected to provide an armed retinue to fight in support of the king, as at the Battle of Maldon in 991.⁸⁷ On the death of such an arms-bearer, his war equipment was to be restored to the king, presumably for redistribution, together with the payment of coin.⁸⁸

⁸² Bishop Theodred S1526/W1 [942xc. 951]; Ealdorman Æthelwold S1504/H20 [946x947]; Ealdorman Ælfgar [S1483/W2, 946xc. 951].

⁸³ The definitive study is by N. Brooks, 'Arms, status and warfare in late-Saxon England' in David Hill (ed.), *Ethelred the Unready: Papers from the Millenary Conference*, B.A.R. British Series 59 (1978), 81-103.

⁸⁴ Brooks, 'Arms, status', pp. 90-92.

⁸⁵ Brooks, 'Arms, status', p. 93; for quotas, see pp. 85-90. The tariffs are set out in II Cnut 71-71.5.

⁸⁶ Brooks, 'Arms, status', pp. 82-83 and N. Brooks, 'Weapons and armour in the late tenth century' in Scragg (ed.), *The Battle of Maldon*, pp. 211-12.

⁸⁷ Richard Abels, 'English tactics, strategy and military organisation' in Scragg (ed.), *The Battle of Maldon*, pp. 146-47, and *Lordship and Military Obligation* (California and London, 1988), pp. 173-74.

⁸⁸ Brooks, 'Arms, status', pp. 92-93.

Twenty wills spanning the tenth and eleventh centuries include heriot, referring to it by name, or including payments which correlate with known tariffs.⁸⁹ Where heriot payments are itemized, comparison with the tariffs found in the law of Cnut, dating to c. 1020 and probably drawing on rates in operation under King Æthelred, reveals that almost all donors pay at the rate of king's thegns or ealdormen, indicating that they belong to the highest social rank.⁹⁰ The exception is Ketel [S1519/W34], whose heriot is that of an ordinary thegn and is owed to Archbishop Stigand. It has been suggested that the evidence of wills reveals successive increases in heriot rates from the reign of King Edmund (939-946) to that of Æthelred (978-1016), and that the rates enshrined in Cnut's law show a response to the increasing threat of Viking attack during Æthelred's reign. Byrnies and helmets, for example, first appear in the heriot of Ealdorman Æthelmær [S1498/W10], whose will can be dated between 971 and 973.⁹¹ These were substantial demands, both in coin and equipment: in the reign of Æthelstan, for example, one mancus could buy three pigs, while a byrnie might be worth about seven pounds in contemporary valuation.⁹²

However, it seems that, at least by the time of Æthelred if not before, heriot had become a form of taxation based on land tenure, and linked with the need to protect the realm. The text known as *Norðleoda Laga* emphasizes that the acquisition of weapons alone cannot confer thegnly status:

7 þeh he [*ceorlisc man*] geþeo, þæt he hæbbe helm 7 byrnan 7 goldfæted

⁸⁹ Ealdormen: S1483/W2; S1485/W9; S1498/W10*; S1504/H20*. Church: S1526/W1*; S1491/W4* (unspecified); S1492/N&S 10. Women: S1484/W8; S1535/W32* (unspecified). Thengs: S1490/W28*; S1501/W16¹; S1505/W12*; S1517*; S1519/W34*; S1528/W25* (unspecified); S1531/W31*; S1534/W19; S1536/W17; S1537/W27. Joint: S1511/W11. (* indicates that the term 'heriot' is mentioned in the will).

⁹⁰ II Cnut 71-71.5. Brooks, 'Arms, status', pp. 86-87, 90; Wormald, *English Law*, pp. 361-62 and fn 441; Pauline Stafford, 'The laws of Cnut and the history of royal promises', *ASE* 10 (1981), pp. 176-182.

⁹¹ Brooks, 'Arms, status', p. 90; Stafford, *Unification and Conquest*, p. 142. On the inadequacy of English armour in the tenth century see Brooks, 'Weapons and armour', pp. 214, 216-17.

⁹² Stafford, *Unification and Conquest*, p. 160; VI Æthelstan 6.2; *Blackwell Encyclopaedia* under TAXATION. For Wulfsige's bequest of a coat of mail to his brother's children see S1537/W27, 1022/1043.

sweord, gif he þæt land nafar, he byþ ceorl swa þeah.

[And even if [a *ceorl*] prospers so that he possess a helmet and a coat of mail and a gold-plated sword, if he has not the land, he is a *ceorl* all the same.]⁹³

Two clauses in Cnut's code explicitly link heriot, land tenure and military obligation:

78. Be ðam ðe toforan his laforde fealleð.

And se man ðe on fyrdunge ætforan his hlaforde fealle, sy hit innon lande, sy hit ut of lande, beon ða heregeata forgyfene, 7 fon ða yrfenuman to lande 7 to æhte 7 scyften hit swiðe rihte.

[78. Concerning the man who falls before his lord.

And the heriots of the man who falls before his lord during a campaign, whether within the country or abroad, shall be remitted, and the heirs shall succeed to his land and property and make a very just division of the same.]

79. And se ðe land gewerod hæbbe on scyppfyrd 7 on landfyrde be scire gewitnyse, habbe he unbesaken on dæge 7 æfter dæge to syllane 7 to gyfane ðam ðe him leofost sy.

[79. And he who, with cognizance of the shire, has performed the services demanded of a landowner on expeditions either by sea or by land shall hold [his land] unmolested by litigation during his life, and at his death shall have the right of disposing of it or giving it to whomever he prefers.]⁹⁴

The emphasis here is on the obligation to earn the right to possess and dispose of land through active service. The weapons due to the king as heriot may be seen in the context of the requirement of landholders to fulfil the common military obligation.⁹⁵ A tax including weapons might also be seen in the context of an additional levy of 1008 recorded in the *Anglo-Saxon Chronicle* for that year, which is also based on land values:

⁹³ F. Liebermann, *Die Gesetze der Angelsachsen* (3 vols, Halle, 1898-1916), vol. I, p. 460; transl. Whitelock, *EHD* I, p. 433. See Wormald, *English Law*, pp. 391-94 for a link with Archbishop Wulfstan. The issue of the status of donors will be explored further in Chapter 3.

⁹⁴ II Cnut 78-79. See also *DB* I, 56c (Berks: B10) for a similar link between heriot, land and military obligation in 1066.

⁹⁵ Reynolds, *Fiefs and Vassals*, p. 330; *Blackwell Encyclopaedia* under *TRINODA NECESSITAS*. Brooks, 'Military obligation' demonstrates the link between military service and land. N.P. Brooks, 'The development of military obligation in eighth- and ninth-century England' in Peter Clemons and Kathleen Hughes (eds), *England Before the Conquest* (Cambridge, 1971), pp. 70-72 argues for the link between the common burdens and bookland.

Her behead se cyng þ man sceolde ofer eall Angel cynn scipu feastlice
wircean. Þ is þonne [of] þrym hund hidum. 7 of .x. hidon ænne scegð. 7
of .viii. hidum helm 7 byrnan.

[The king gave orders that ships should be vigorously built throughout
the whole of England, namely a warship from 310 hides, and a helmet
and corselet from eight hides.]⁹⁶

It seems that, by the mid-tenth century, the king was able to demand evidence of minimal
military provision by landowners in order to ensure a well-equipped fighting force.

Two wills may provide some evidence, however tenuous, for the distinction
between heriot linked with land tenure and personal military obligation to the king. The
first is that of Ælfgar, ealdorman of Essex, made between 946 and c. 951 [S1483/W2], one
of the earliest to include a heriot clause.⁹⁷ The general bequests made in this will are
discussed elsewhere; of particular interest here is the opening clause:

þat is erst þat ic an min louerd tueye suerde fetelsade and tueye bege
ayther of fifti mancusas goldes. and þre stedes. and þre scheldes. and þre
speren. And me kidde þeodred bisscop and Edric Alderman þa ic selde
mine louerd þat suerd þat Edmund king me selde on hundtuelftian mancusas
goldes. and four pund silueres on þam fetelse þat ic moste ben mine quides
wirde.

[First, I grant to my lord two swords with belts,⁹⁸ and two armlets, each
of twenty mancuses of gold, and three stallions and three shields and three
spears. And Bishop Theodred and the Ealdorman Eadric told me, when I
gave to my lord the sword which King Edmund gave to me, which was worth
a hundred and twenty mancuses of gold and had four pounds of silver on the
sheath, that I might have the right to make my will.]

The valuable sword mentioned here may, as suggested in the discussion of swords above,
represent Ælfgar's high office, perhaps presented as a personal gift at an investiture

⁹⁶ Text from *Two of the Saxon Chronicles Parallel*, ed. J. Earle and C. Plummer (Oxford, 1892-99), vol. 1,
p. 138 (ASC E, s.a. 1008); the translation is based on Whitelock, *EHD* I, p. 219).

⁹⁷ For a summary of what is known about Ælfgar, see C.R. Hart, 'The Ealdorom of Essex' reprinted in his
collected essays, *The Danelaw* (London and Rio Grande, 1952), pp. 127-31.

⁹⁸ Transl. 'sheaths' by Whitelock (see discussion of swords in Chapter 5).

ceremony.⁹⁹ The return of this sword to the current king – perhaps in abdication of office – is explicitly linked to the donor’s right to make a will: it is clearly differentiated from the heriot payment, which has no apparent connotations of a special bond between Ælfgar and the king, and which would be due after Ælfgar’s death at a time when his bequests should be fulfilled. The second, a will made roughly twenty years later [S1484/W8, 966x975], is that of the former queen Ælfgifu, who similarly requests the right to make her will, and includes a detailed statement of heriot:

And ic ann minæn cinæhlafordæ þæs lændæs at Weowungum and æt Hlincgeladæ. and æt Hæfæresham. and æt Hæðfælda. and æt Mæssanwyrðæ and æt Gyssic and twegea bæagas æigþær ys on hundtwælfþigum. mancussum and anræ sopcuppan and syx horsa and swa fala scylda and spæra.

[And I grant to my royal lord the estates at Wing, Linslade, Haversham, Hatfield, Masworth and Gussage; and two armlets, each of a hundred and twenty mancuses, and a drinking-cup and six horses and as many shields and spears.]

This heriot approximates to the rate for an ealdorman during the reigns of Eadred and Edgar, although without the swords.¹⁰⁰ Since it is unlikely that Ælfgifu’s relationship with the king was based on personal military obligation or the tenure of high office, it is possible that heriot payment was required of her in her capacity of landholder: she grants six estates to the king (probably part of the endowment for royal women in which Ælfgifu may have had only a life interest),¹⁰¹ five estates to the church and a further three to other beneficiaries.

⁹⁹ Brooks, ‘Arms, status’, p. 93, referring to the Bayeux Tapestry representation of Duke William bestowing arms on Earl Harold; see F.M. Stenton, *The Bayeux Tapestry* (London, 1957), plate 27; Abels, *Lordship*, pp. 173-74.

¹⁰⁰ Brooks, ‘Arms, status’, pp. 88-90. Women are not included in the tariffs listed in II Cnut, possibly because the law is primarily concerned with male intestacy. Wulfgyth [S1535/W32, 1042x1053] stipulates payment of her *riyte heriot*.

¹⁰¹ Stafford, *Queen Emma and Queen Edith*, p. 131.

Wider contextual evidence suggests that the heriot payments of late Anglo-Saxon England should also be linked with the right to bequeath and inherit land. In the early twelfth century, for example, a potential heir in the Cambresis was required to hand over to the lord his father's horse and weapons before inheriting, and in Normandy a hauberk and stirrups (or a cash payment) was paid to the Bishop of Bayeux by a knight on the death of his father.¹⁰² In England, by the time of Domesday Book, heriot was equated with *relevium*, payment made by an heir to a lord for the right to inherit land:

If anyone wished to have his dead father's land he paid 40s death duty [*releuabat*]; if he did not wish to, the King had his dead father's land and all his goods.¹⁰³

In some cases the rate appears to be linked to the size of an estate rather than to the status of an individual: the shire customs for Derbyshire, for example, distinguish between men who held more than six manors, and who paid eight pounds to the king, and those who held six or fewer, who paid six silver marks to the sheriff.¹⁰⁴

The presence of the heriot clause, usually in a prominent position, in the earliest written wills of the tenth century acknowledges the power of the king to intervene in the inheritance of land.¹⁰⁵ A number of donors, including Ælfgar, whose heriot is discussed above, not only request the king's permission to make their will, but also recognize his influence over their dispositions. Ælfgar's will ends with such a clause:

And ic wille Bidden suilc louerd so þanne beth for godes luuen and for alle hise halegen. werken min bern þat he werken þat he nefre ne mugen

¹⁰² Cited by Brooks, 'Arms, status', pp. 81-82, with other examples. See also Reynolds, *Fiefs and Vassals*, p. 49.

¹⁰³ *DB I*, 269d (Cheshire: R1, 40g).

¹⁰⁴ *DB I*, 280c (Derbs: S3). See *DB I*, 298d (Yorks: C40) for a similar distinction. Abels, *Lordship*, pp. 137-38 and see *Blackwell Encyclopaedia* under HERIOT; Eric John, *Land Tenure in Early England* (Leicester, 1964), pp. 56-58; Stafford, 'Laws of Cnut', pp. 177-78, *Unification and Conquest*, pp. 159-60; Reynolds, *Fiefs and Vassals*, p. 336 and fn 64. See also *CR* 63 for a twelfth-century Latin gloss on the term 'heriot'.

¹⁰⁵ The earliest example is that of Ealdorman Æthelwold [S1504/H20, 946x947]. There is no reference to heriot in ninth-century wills.

forwerken mine quide þe ic for mine soule cueden habbe.

[And I beseech whoever may then be king, for the love of God and all his saints, that let my children do what they may, they may never set aside the will which I have declared for my soul's sake.]

This is followed by an anathema. In claiming his right to bequeath, Ælfgar is also placing the responsibility for fulfilment of his bequests on the shoulders of the king. In the case of Wulfgar [S1534/W19, c. 1000] the relationship between heriot and protection is made explicit:

7 he geann his hlaforde .II. hors. 7 .II. sweord 7 .III. scyldas 7 .III. spera.
7 .x. mæran. mid .x. coltan. 7 he bit his hlaford for godes lufan þe he beo his
wifes freond 7 his dohter.

[And he grants to his lord two horses and two swords and four shields and four spears and ten mares with colts. And he prays his lord for the love of God that he will be a friend to his wife and daughter.]

An even stronger plea is expressed by Ælfhelm [S1487/W13, 975x1016]:

Nu bydde Ic þe leof hlaford. þ min cwyde standan mote. 7 þ þu ne
geþauige. þ hine man mid wuo wende. god is min gewyta ic wæs þinum
fæder swa gehyrsum swa ic firmest myhte. 7 fullice hold on mode. 7 on
mægene. 7 þe æfre on fullon hyldon hold. 7 on fulre luue. þæs me is god
gewyta. se man se þe minne cwyde wende. buton þu hyt sy leof. 7 ic hæbbe
geleauan þ þu nelle. god afyrre hine of his rice buton he þe hraþor ongen
wende.

[Now I pray you, dear lord, that my will may stand, and that you will not permit it to be wrongfully altered. God is my witness that I was obedient to your father as ever I could be, and thoroughly loyal in thought and deed, and was ever faithful to you with perfect loyalty and devotion; of this God is my witness.

The man who shall alter my will (unless it be you, Sire, and I am confident that you will not), may God drive him from his kingdom, unless he quickly alter it back again.]

As has already been shown, such a plea was not a formality.¹⁰⁶ Æthelred's claim to jurisdiction over those holding bookland was encapsulated in law and reiterated by Cnut in the clause following that related to a man's desertion of his lord, quoted above:

7 gyf he bocland hæbbe, ga þæt þam cingce to handa.

[And if he has land held by title-deed it shall pass to the king's hands.]¹⁰⁷

There seems no doubt, on the basis of this evidence, that the context for heriot payment lies less in the Germanic warrior tradition than in the growing power of the state.¹⁰⁸

Payment of heriot was the responsibility of the heirs. It is the arrival of Æthelric's widow at Cookham, where the king was holding council, which prompts consideration of whether her late husband's will should be allowed to stand:

þa wæs he þisse spæce ægþer ge on life. ge æfter ungeladod ge ungebett oð his laf his hergeatu þam cingce to Cocham brohte þær he his witan widan gesomnod hæfde. þa wolde se cing ða spæce beforan eallon his witan uphebban. 7 cwæð þ Leofsig ealdorman. 7 mænige men þære spæce gecnæwe wæron.

[Then, both during his life and afterwards, he was neither cleared of this charge, nor was the crime atoned for, until his widow brought his heriot to the King at Cookham, where he had gathered his council from far and wide. Then the king wished to bring up the charge before all his council, and said that the Ealdorman Leofsig and many others were cognizant of the charge.]

Other texts show donors naming those responsible for heriot payment, and in some cases making provision for the raising of the necessary resources. Ælfhelm [S1487/W13, 975x1016] provides for the sale of an estate to subsidise his heriot:

7 ic gean (Leofsig) 7 his wiue þæs landes æt Stoctune. wið an hund mancusa goldes. 7 ic wylle þ man selle minum hlaforde þ gold. to minum heregeatum.

¹⁰⁶ See King Æthelred's initial refusal to allow the will of Æthelric of Bocking to stand on the grounds of his treachery: S1501/W16¹; S939/W16².

¹⁰⁷ II Cnut 77.1. See I Æthelred 14; III Æthelred 11; (and II Cnut 13.1).

¹⁰⁸ Stafford, 'The laws of Cnut', p. 189 and *Unification and Conquest*, p. 141.

[And I grant to (Leofsig) and his wife the estate at Stockton for a hundred mancuses of gold, and I wish that the gold be given to my lord in payment of my heriot.]

Ælfric Modercope's brother is made responsible for paying the one mark of gold he bequeaths for his heriot [S1490/W28, ?1042x1043]. Although Leofgifu's bequest of two marks of gold to the king is not designated as heriot, it is directly linked with inheritance:

and ic an þan kinge to marc goldes for min eruenumen to 7 gealaeste þat gold.

[And I grant the king two marks of gold – my heirs are to succeed to the inheritance and pay the gold.] [S1521/W29, 1035x1044]

Such a close correlation between payment of heriot and inheritance indicates that, by the mid-eleventh century at the latest, a payment to the king was required to ensure fulfilment of the donor's bequests.¹⁰⁹

Further evidence that by the later tenth century heriot was closely linked with land tenure is found in an account of a dispute involving Bishop Æthelwold, dated 975x984.¹¹⁰ The dispute is, needless to say, convoluted, but the relevant passage is near the beginning of the account:

Eadricus longus de Estsexe, cum moreretur, dimisit regi Ædgaro Havekestune et omnem pecuniam que ibi habebatur vitæque adhuc comite misit regi cyrographum testamenti sui. Defuncto autem eo, multi eandem terram a rege petierunt, e quibus unus erat venerabilis pontifex Æðelwoldus. Qui, ut in omnibus negotiis prudens erat et industrius, prevenit alios atque ad opus Dei sancteque Æðeldriðe emit a rege iiii hydæ et dimidiam apud Havekestune et iii hydæ apud Newetun, datis regi ducentis aureis. Deinde vero infra unum mensem, priusquam episcopus et abbas cyrographa de Havekestune et de Newtune habuissent et antequam relevationes date fuissent de illis terris, exiit hominem Ædgarus rex. Tunc disposuit Aluuoldus, frater Ædrici, et nonnulli ex cognatis suis discerpere ac seorsum facere ab Havekestune iii

¹⁰⁹ See also S1521/W31 and S1488/W18 for provision for the payment of heriot. CR 63 records Godric's bequest of an estate to Ramsey on condition that his brother, the abbot, should pay his heriot (*servitio quod heregeat Anglice*).

¹¹⁰ LE II, 27/ Lib 38; Patrick Wormald, 'A handlist of Anglo-Saxon lawsuits', reprinted in his *Legal Culture*, no. 122.

hydás de Neuetune, que terra procul dubio pertinet ad Havekestune acra sub acra posita.

[On his death, Eadric the Long of Essex left to King Edgar Hauxton and all which belonged to it, and sent the king a chirograph of his will while he was still alive. However, after his death many people petitioned the king for the land, and one of them was the venerable Bishop Æthelwold. The bishop, who was prudent and diligent in all business affairs, arrived before the others and bought from the king four and a half hides at Hauxton and three hides at Newton for the work of God and St Æthelthryth, giving two hundred mancuses to the king. Then within a month King Edgar died, before the bishop and the abbot had obtained charters for Hauxton and Newton, and before the heriots for the estates had been paid. Then Eadric's brother, Ælfwold, and some of his kinsmen, set out to separate the three hides at Newton from Hauxton, although every single acre of this land belongs without doubt to Hauxton.

The juxtaposition of the *cyrographa* and *relevationes* as part of the completion process for Eadric's will is tantalizingly allusive, but the implication appears to be that, although Bishop Æthelwold had paid for the land, the claimants to part of the property were refusing to pay the heriot or hand over the title-deeds as a means of forcing a public dispute. In this they were successful: we are told that 'a great controversy and dispute followed between them, which lasted for many years' (*lis et altercatio permaxima orta est et multa annos habita inter eos*). Ely finally acquired the documents, through the mediation of Ealdorman Byrhtnoth, by the expedient of offering Eadric's brother another estate in exchange; unfortunately we are not told at what point the heriot was paid.¹¹¹

Churchmen do not feature in the law of Cnut concerning heriot, but two bishops and refer to heriot in their wills, and others specify payment which includes war-gear, horses and ships.¹¹² Although the epilogue of the *Regularis Concordia* records that King Edgar had exempted abbots and abbesses from payment of heriot, 'which it is usual to offer the

¹¹¹ In a separate transaction, land was also lost to Ely through non-payment of heriot. This time, the heriot appears to have been due to the bishop himself (*LE II, 49a/ Lib 60*).

king on the death of notable persons of this country', it seems that this did not apply to bishops.¹¹³ They also had considerable secular responsibility, and were expected to play a significant part in the defence of the realm.¹¹⁴ King Eadred's will is explicit in placing large sums of money into the hands of his bishops for the protection and relief of the people of each diocese.¹¹⁵ Archbishop Ælfric [S1488/W18, 1000x1004] specifies coin, his best ship and appropriate tackle, sixty helmets and sixty byrnies as heriot payment, and in addition makes bequests to the people of his diocese: he grants a ship each to the people of Kent and Wiltshire, and writes off debts owed to him by the people of Kent and Middlesex – perhaps money he had paid in tribute to the Viking army.¹¹⁶ The significant payments itemized in this will reflect the secular role of leading churchmen.

It is difficult to know whether bequests made to the king by women, itemizing luxury goods including horses, *beagas* (rings), vessels, robes, deerhounds and gold coins, should be regarded as a form of heriot, or as informal gifts intended both to reflect the donor's noble status and gain protection for the will.¹¹⁷ The vulnerability of women's dispositions will be discussed in the next chapter; for them, engagement of the king's interest may have been particularly expedient. However, given the fact that two women *do* appear to be liable for heriot payment, and given the role of women in land tenure and

¹¹² S1526/W1; S1491/W4; S1492/N&S10; S1488/W18. Bishop Ælfric [S1489/W26, 1035x1040] bequeaths two gold marks to the king, which may constitute a commuted heriot payment.

¹¹³ ... *quem indiginae Heriatua, usualiter uocitant, qui pro huius patriae potentibus post obitum regibus dari solet* ... T. Symons (ed.), *Regularis Concordia Anglicae Nationis Monachorum Sanctimonialiumque* (London, 1953), p. 69; Stafford, *Unification and Conquest*, p. 198.

¹¹⁴ Abels, *Lordship*, pp. 156, 180; Stafford, *Unification and Conquest*, p. 112; Barlow, *The English Church 1000-1066*, p. 98 and fnn.

¹¹⁵ S1515/H21, 951x955: 'that they may be able to purchase for themselves relief from want and the heathen army' (*ðæt hi mege magan hungor and hæþenne here him fram aceapian*).

¹¹⁶ Brooks, *Early History*, p. 283. Both bishops Theodred and Ælfwold itemise war-gear and horses as part of their heriot, with Bishop Ælfwold adding the bequest of a newly-built ship: S1526/W1; S1492/N&S10. See Keynes, *Diplomas*, pp. 202-203 on the increasing financial pressure.

¹¹⁷ S1494/W14; S1486/W15; S1497; S1521/W29. Only S1484/W8 bequeaths war-gear; S1535/W32 refers to payment of the *ryte heriet*. Stafford, *Unification and Conquest*, p. 160 suggests that heriot was negotiable.

transmission, it may be that these bequests represent a commuted form of heriot payment.¹¹⁸ It has been suggested above that exclusion of women and churchmen from the heriot tariffs specified in II Cnut 71-71.5 may reflect the immediate concern of these clauses with male intestacy.¹¹⁹

The heriot payments in tenth-century and eleventh-century wills are a reflection of the power of the monarchy to monitor and intervene in the bequest of bookland. However far such land may have travelled from its royal origin, through inheritance, sale or gift, heriot reasserts the royal interest and the right of the king to reclaim estates held by royal diploma. Heriot, by the tenth century, had become in effect a tax on the inheritance of land, since the donor's gifts could not be completed until the payment had been made. Here, the wills provide evidence of the importance of land in the relationship between the late Anglo-Saxon kings and the nobility.

Increasing vernacular documentation

The written will must also be seen in the context of the increasing interest in vernacular documentation for which evidence begins to accumulate from the early years of the tenth century. It is possible that this is, in part, a testament to the success of Alfred's education programme, for which evidence is given by Asser.¹²⁰ It is also a reflection of the close relationship between church and laity; the majority of extant vernacular documents are associated with church archives, yet use of the vernacular rather than Latin implies a

¹¹⁸ See Chapter 3 for women's role in land transmission, and Chapter 5 for bequest of movable wealth to royalty.

¹¹⁹ See fn 100 above.

¹²⁰ Stevenson, *Life of King Alfred*, chaps 75, 76, 102 and 106. See also Alfred's letter prefacing his translation of Gregory's *Cura Pastoralis* (*Sweet's Anglo-Saxon Reader in Prose and Verse*, revised Dorothy Whitelock (Oxford, 1967), pp. 4-7, and Keynes and Lapidge, *Alfred the Great*, pp. 124-26 for translation). For discussion of Alfred's educational programme see Keynes, 'Royal government', p. 231, and the remarks of Wormald, *English Law*, p. 304 on its impact. Kelly, 'Lay society', pp. 54-55 summarises evidence for vernacular literacy before Alfred.

recognition of the needs of the laity. A range of surviving vernacular documents imply a degree of pragmatic literacy among the nobility or, at least, access to written communication perhaps through a household chaplain.¹²¹ Use of the vernacular to record marriage agreements, dispute settlements, gild statutes, estate inventories and law presumes an interest in the wide accessibility of the documents, not least to the hundred and shire courts likely to be involved in adjudication when dispute arose.¹²² There is clear evidence for written communication between central government and the localities, much of it concerned with the administration of law. For example, it is likely that written directives were sent by Edward the Elder and Æthelstan to their reeves. That a two-way correspondence could take place is illustrated by the text now known as III Æthelstan, surviving only in an early twelfth-century translation into Latin, which is a missive addressed to the king from the shire court of Kent, outlining the implementation of royal edicts.¹²³ The sealed writs which survive only from the mid-eleventh century may also have had a longer history, as is suggested by the well-known reference to the lord's letter and seal (*ærendgewrit and insegel*) in King Alfred's translation of St Augustine's

¹²¹ Chaplains are named in a number of lay wills: see S1503/W20; S1494/W14; S1521/W29; S1531/W31.

¹²² Kelly, 'Lay society', pp. 50-53 discusses the range of vernacular documents of this type. See Susan Reynolds, *Kingdoms and Communities in Western Europe 900-1300* (2nd edition, Oxford, 1997), pp. 23-31 and 113-16 on collective judgement in local communities.

¹²³ Keynes, 'Royal government', pp. 234-39 and 240-41 for a survey of the evidence. For III Æthelstan see Wormald, *English Law*, p. 296, with discussion of translation and transmission at pp. 236-37.

Soliloquies.¹²⁴ Wills must therefore be seen in the context of ‘documents generated by the routine procedures of Anglo-Saxon law’.¹²⁵

One type of document generated by legal procedures is correspondence, with which the vernacular will has some similarity of form and style, suggesting that the wills might be placed in the epistolary tradition of late Anglo-Saxon England.¹²⁶ This can be most clearly demonstrated by a comparison of wills with the early tenth-century Fonthill letter, written as evidence in a dispute. The letter is addressed to King Edward the Elder between 900 and 924 by Ealdorman Ordlaſ, concerning the history of the disputed estate at Fonthill (Wilts).¹²⁷ The letter outlines a sequence of events involving the estate which began in the reign of King Alfred, culminating in the current lawsuit between the Bishop of Winchester, who held the estate, and Æthelhelm Higa, who claimed it.¹²⁸ The document survives in the archive of Christ Church, Canterbury, as a single sheet written in a hand roughly contemporary with the date of the transaction.¹²⁹ Several formal parallels can be identified between this text and a number of vernacular wills. The first parallel may be drawn by focusing on the opening address of the Fonthill letter:

+ Leof, ic ðe cyðe hu hit wæs ymb ðæt lond æt Funtial ða fif hida ðe Æðelm
Higa ymb spycð ...

¹²⁴ Cited in Harmer, *Writs*, pp. 10-19, at p.10, in the context of evidence for use of the writ in Anglo-Saxon England. Keynes and Lapidge, *Alfred the Great*, p. 141, with comments on p. 300, n.10. For a definition of the writ as a hybrid with the charter, see Richard Sharpe, ‘The use of the writ in the eleventh century’, *ASE*, 32 (2003), pp. 248-54. For the view that the writ protocol represented oral communication, see Pierre Chaplais, ‘The Anglo-Saxon chancery: from the diploma to the writ’, reprinted in Felicity Ranger, *Prisca Munimenta: Studies in Archival and Administrative History* (London, 1973), pp. 53-61. This view is convincingly challenged by Kennedy, ‘Disputes’, pp. 191-93, esp. fn 67.

¹²⁵ Simon Keynes, ‘The Fonthill letter’ in M. Korhammer (ed.), *Words, Texts and Manuscripts. Studies in Anglo-Saxon Culture presented to Helmut Gneuss* (Cambridge, 1992), p. 54.

¹²⁶ Asser uses the term *epistola* for King Æthelwulf’s will: Stevenson, *Asser’s Life of King Alfred*, chap. 16 (p. 14). See Chapter 1 above for general discussion of the form and language of wills.

¹²⁷ S1445/H18, and transl. Whitelock, *EHD* I, no. 102. The discussion here is based on the text, translation and analysis by Keynes, ‘The Fonthill Letter’. For reservations regarding the written letter form see Chaplais, ‘Chancery’, pp. 57-60.

¹²⁸ Keynes, ‘Fonthill’, p. 56.

¹²⁹ ‘Fonthill’, pp. 58-63 for manuscript details, and pp. 94-95 for the suggested date of c. 920.

+ Sir, I will inform you what happened about the land at Fonthill, the five hides which Æthelhelm Higa is claiming ...

A direct comparison may be made to the second clause of the will of Ælfgifu [S1484/W8 966x975]:

þonnæ cyð heo þæ leof bæ þinre geþafiunga hwæt heo for þæ and for þyræ sawlæ to godæs ciricean don wylæ ...

[Then she makes known to you, Sire, by your consent what she wishes to give to God's church for you and for your soul ...]

Although attention has been drawn to the relatively frequent use of *leof* in addressing the king,¹³⁰ other linguistic parallels have not been explored. It should also be noted, for example, that both texts use the verb *cyðan* (to make known); this is a common usage not only in wills, but in mid-eleventh-century writs. A good example is the writ of King Edward cited above, confirming the bequest of Tole and Urk.¹³¹ The same term is used in Queen Ælfthryth's letter to Archbishop Ælfric and Ealdorman Æthelweard [S1242/*Writs*, 108, 995x1002] giving evidence in a dispute over land at Taunton (Som). It seems that the verb *cyðan* was a conventional epistolary form, introducing the subject of the communication. The link between the writ form and the vernacular will gains further support from the use of a conventional writ greeting using the third person in the will of Leofgifu [S1521/W29, 1035x1044]: *Leofgifu gret hyre leuedi* (Leofgifu greets her lady).¹³²

¹³⁰ Keynes, 'Fonthill', p. 63 fn 45. For wills, see particularly S1494/W14; S1486/W15; S1504/H20. The term is also used in S1534/W19 to address the donor's executor, and may also underlie the Latin *domino dilectissimo* of the opening address of Leofflæd's will, preserved in *LE II*, 88.

¹³¹ S1064/*Writs*, 2. For wills, see S1539/W3; S1498/W10; S15001/W16¹; S1538/W21; S1523/W23; S1528/W25; S1530/W30; S1531/W31; S1516/W33; S1499/W35. See Harmer, *Writs*, pp. 63-64 for discussion of the relevant opening formulae in writs.

¹³² See also the will of Mantat the Anchorite [S1523/W23, 1017x1035]. For greetings, see Harmer, *Writs*, pp. 61-62. King Alfred's letter prefacing his edition of Gregory's *Cura Pastoralis* also uses the writ formula: see Sweet's *Anglo-Saxon Reader*, p. 4.

A further stylistic parallel between the Fonthill letter and certain wills is the use of the first person. The change from first to third person in a short section of the letter is also typical of some wills.¹³³ Again the will of Ælfgifu is a case in point, where the opening address and the dispositions to the church which follow are made in the third person, with a change to the first person for the remainder of the text.¹³⁴ It has been suggested, in the case of the Fonthill letter, that one explanation for the change of person is that the text was dictated. This is certainly possible – even likely – in the case of wills.¹³⁵ A further possibility in the case of wills is that the compilation of such documents may have required the collation and synthesis of a number of other texts – marriage agreements, individual grants, or royal diplomas, for instance – which may have varied in form, grammatical usage or even language. The phenomenon of change of grammatical person does not necessarily imply ineptitude on the part of the scribe: it may simply indicate that such switches were of no contemporary significance.

A final point of formal similarity between the Fonthill letter and the vernacular will may be found in the valedictory clause. In the letter it reads thus:

Ðonne, leof, is me micel neodðearf ðæt hit mote stondan swa hit nu gedon
is 7 gefyrn wæs. Gif hit elleshwæt bið, ðonne sceal ic 7 wylle beon gehealden
on ðon ðe ðe to ælmæssan ryht ðyncð.

[Now, Sir, it is very necessary for me that it may remain as it now is
arranged and was before. If it shall be otherwise, then I must and I will be
satisfied with what seems to you right in charity.]

A particularly close parallel can be found in the penultimate clause of the will of Ælfhelm

[S1487/W13, 975x1016]:

¹³³ Keynes, 'Fonthill', section 12, p. 85.

¹³⁴ A further parallel can be drawn with writs, where the greeting is conventionally in the third person, with a change to the first person for the announcement.

¹³⁵ Keynes, 'Fonthill', p. 7. An interesting case is the joint will, W39, which changes from first person for the male voice, to third person for the female. See the account of Siferth's will-making in Chapter 4.

Nu bydde Ic þe leof hlaford. þ min cwyde standan mote. 7 þ þu ne gepauige.
þ hine man mid wuo wende. god is min gewyta ic wæs þinum fæder swa
gehyrsum swa ic firmest myhte. 7 fullice hold on mode. 7 on mægene. 7 þe
æfre on fullon hyldon hold. 7 on fulre luue. þæs me is god gewyta.

[Now I pray you, dear lord, that my will may stand, and that you will not
permit it to be wrongfully altered. God is my witness that I was as obedient
to your father as ever I could be, and thoroughly in thought and in deed, and
was ever faithful to you with perfect loyalty and devotion; of this God is my
witness.]

Both texts use an adverbial (*þonne, nu*) to signal the concluding clause, and use the polite form (*leof*) in addressing the king, and both use terms which indicate submission to the king's will (*wylle gehealden, bydde*) alongside language which asserts the writer's case (*micel neodðearf, mid wuo wend*). The fact that Ælfhelm goes on to assert his loyalty to the current king and his father gives as strong an impression of a personal voice in the text as that of Ordlaaf in the letter.¹³⁶

Wills should therefore be seen not simply as information texts, but as part of an ongoing correspondence between the king and the powerful men who represented him in the shires. As such, they reflect the close relationship between the monarchy and the nobility; there is a strong sense in a number of wills of an element of persuasion directed at the king, drawing on a personal history. Both Ælfgar and Æthelstan refer to messages from the king, which may have been in writing, permitting them to make their wills.¹³⁷ Æthelstan expected the document to be read out before the *witan*, and addressed them accordingly. In at least two cases, wills were sent to the king with the assumption that they would be filed in the royal archive until required.¹³⁸ The wills thus represent an effective administrative

¹³⁶ See also Keynes, 'Fonthill', section 8, p. 76 for an equally fervent appeal.

¹³⁷ S1483/W2, 946xc. 951; S1503/W20, 1012x1015.

¹³⁸ See Chapter I; the wills in question are S1521/W29; *LE* II, 88. See also the bequest of Eadric the Tall quoted above.

system, with well-established lines of communication between central government and the localities.

Religious and cultural change

The fact that the sequence of vernacular wills begins before the full flowering of the Reform in the reign of King Edgar (959-975) accords with the view that momentum in lay piety had been established in the early years of the tenth century.¹³⁹ The disruption to the structures of religious life, including education of the clergy, caused by the Viking wars, was recognized and addressed by King Alfred in the prose preface to his translation of Pope Gregory's *Regula Pastoralis*.¹⁴⁰ The education programme which followed, the beginnings made in establishing religious houses and the importation of both foreign scholars and Latin manuscripts laid important foundations for the resurgence of religious life under Alfred's successors.¹⁴¹ Diocesan reconstruction was carried out by Edward the Elder.¹⁴² The political consolidation of Æthelstan's reign enabled him not only to expand the intellectual and religious life at court and in religious institutions, but also to disseminate the tenets of Christianity more widely through local churches with – perhaps – better educated clergy.¹⁴³ As has been recognized, it was this period of activity which produced the reformers of the later tenth century, especially active under King Edgar.¹⁴⁴

Two factors in the religious climate of Æthelstan's reign were particularly likely to have contributed to the emergence of the sequence of vernacular wills which span the

¹³⁹ Dumville, *Wessex and England*, pp. 192-93, 203.

¹⁴⁰ *Sweet's Anglo-Saxon Reader*, pp. 4-7; transl. Keynes and Lapidge, *Alfred the Great*, pp. 124-26. The discussion which follows is indebted to the series of essays by Dumville, *Wessex and England*, pp. 141-205.

¹⁴¹ Dumville, *Wessex and England*, pp. 193-195.

¹⁴² Dumville, *Wessex and England*, p. 162; Alexander Rumble, 'Edward the Elder and the churches of Winchester and Wessex' in Higham and Hill (eds), *Edward the Elder*, pp. 238-44.

¹⁴³ Dumville, *Wessex and England*, pp. 162-63.

remainder of the Anglo-Saxon period. First, the piety demonstrated by Æthelstan himself set a precedent for the behaviour and attitudes of the aristocracy. Æthelstan was an avid collector of books and relics, and was generous in his gifts to a range of churches.¹⁴⁵ Such piety may have had a political motive: Æthelstan's adherence to the cult of royal saints may have been deliberate policy to advance the influence of the royal house, and appears to have been continued by his brother and successor, King Edmund.¹⁴⁶ Æthelstan seems also to have been more generous with gifts of land to the church than either of his predecessors.¹⁴⁷ The second factor likely to have impinged strongly upon the aristocracy was the resurgence of the religious community, with particular emphasis on monasticism. The appointment of monastic bishops and abbots, first under Æthelstan and then under his successor, Edmund, provided the impetus towards the reforms which would be brought to fruition in the reign of Edgar.¹⁴⁸

There is evidence that these religious reforms permeated the laity. Gild statutes provide further evidence of burgeoning lay piety in the mid-tenth century: statutes survive from Exeter and Bedwyn in hands of the first half of the tenth century, stipulating commemorative and burial practice which will be discussed in more detail in Chapter Six.¹⁴⁹ The motivation for the formation of the gilds arose from the laity, and the

¹⁴⁴ Dumville, *Wessex and England*, pp. 164-65. A succinct account of the Carolingian reforms of the eighth and ninth centuries and their implications can be found in Julia M.H. Smith, 'Religion and lay society' in R. McKitterick (ed.), *The New Cambridge Medieval History*, 2 (Cambridge, 1995), 654-78.

¹⁴⁵ J.A. Robinson, *The Life and Times of St Dunstan* (Oxford, 1923), pp. 51-80; David Rollason, *Saints and Relics in Anglo-Saxon England* (Philadelphia, 1982), pp. 160-63; Wood, 'The Making of King Æthelstan's empire'; Keynes, 'King Æthelstan's books', pp. 143-47.

¹⁴⁶ Thacker, 'Dynastic monasteries', pp. 255-56.

¹⁴⁷ Thacker, 'Dynastic monasteries', pp. 252-55. But see the doubts of Dumville as to the integrity of some of the grants ascribed to Æthelstan (*Wessex and England*, p. 163, fn 148).

¹⁴⁸ Dumville, *Wessex and England*, pp. 164-65, 175-76.

¹⁴⁹ For the dating of the gild statutes see N.R. Ker, *A Catalogue of Manuscripts Containing Anglo-Saxon* (Oxford, 1957), nos. 194 (Exeter: sx¹) and 6 (Bedwyn: sx¹-sx^{mod}).

membership was predominantly lay.¹⁵⁰ Furthermore, it should be noted that the building of estate churches (discussed in Chapter Three as an indicator of thegnly status) was under way in the early years of the tenth century: archaeological evidence from the estate of Raunds Furnell (Northants) has shown that the first church was built at the end of the ninth or beginning of the tenth century, with the addition of a chancel and graveyard in the middle of the tenth.¹⁵¹ By the accession of King Edgar in 959 the building of estate churches was so widespread that his Andover law code sought to regularize the relationship between estate churches and the old minsters to which tithes were owed, explicitly recognizing the establishment of local cemeteries:

Gif hwa þonne þegna sy þe on his boclande circan hæbbe þe legerstowe on sy, gesylle þonne þridan dæl his agenra teoðunga into his circan.

[If, however, there is a thegn who, on the land which he owns by title-deed, has a church to which is attached a graveyard, he shall pay the third part of his own tithes to his church.]¹⁵²

That lay piety was being promoted by churchmen before the middle of the tenth century has also been recognized.¹⁵³ Bishop Theodred, appointed to the see of London by King Æthelstan, and possibly disposed to monastic reform,¹⁵⁴ made his will at some point between 942 and c. 951 [S1526/W1]; in it he refers to ‘the souls of all the men for whom I intercede, and from whom I have received alms, and for whom it is fitting that I should

¹⁵⁰ See Gervase Rosser, ‘Anglo-Saxon gilds’, in Blair (ed.), *Minsters and Parish Churches*, p. 31; Ann Williams, ‘Thegnly piety and ecclesiastical patronage in the late Old English kingdom’, *ANS*, 24 (2001), pp. 22-23.

¹⁵¹ Andy Boddington, *Raunds Furnells: The Anglo-Saxon Church and Churchyard*, English Heritage Archaeological Report, 7 (1966), pp. 5-8; Julia Barrow, ‘Survival and mutation: ecclesiastical institutions in the Danelaw in the ninth and tenth centuries’ in Dawn Hadley and Julian Richards (eds), *Cultures in Conflict: Scandinavian Settlement in the Ninth and Tenth Centuries* (Turnhout, 2000), p. 167 and fn.

¹⁵² II Edgar 2; clause 2.1 stipulates that where there is no cemetery, the priest must be paid by the lord out of the remainder of his income (*of þam nigoðan dæle*). See John Blair, ‘From minster to parish church’ in John Blair (ed.), *Minsters and Parish Churches: The Local Church in Transition* (Oxford, 1988), Introduction, at pp. 7-8; Williams, ‘Thegnly piety’, p. 7. These issues will be explored further in Chapter 6.

¹⁵³ Dumville, *Wessex and England*, especially at pp. 164-5, 175-76.

pray' (*and for alle mannes soule þe ic forþingiaē. And ic almesne vnderfongen habbe and me sie rithlike for to biddan*). This reveals a high-ranking churchman actively promoting and responding to lay pious benefaction.

The religious reforms reached their apogee in the reign of Edgar (959-975). Three aspects of the Reform movement are particularly significant in relation to increasing use of the written will. First, the increased emphasis on obedience to a strict monastic rule within religious foundations contributed to the renewed sense of spiritual authority vested in them. Vows of poverty and chastity, and commitment to the regular cycle of prayer characterized these communities, whose role of intercession with the divine on behalf of the laity exerted considerable ideological power.¹⁵⁵ Second, increased popular interest in relics led to the vigorous promotion by religious houses of saints' cults.¹⁵⁶ Spectacular ceremonies accompanied the translation of relics to purpose-built shrines, and the influence of the saints percolated into lay life through the use of relics in judicial procedures, the occurrence of saints' festivals throughout the year, penitential processions and the dedication of churches.¹⁵⁷ The prestige of a religious house was in part commensurate with its cult status.¹⁵⁸ Third, there was an increased interest in and sense of responsibility for the welfare of the dead, reflecting the belief that effective intercession on the part of those dedicated to

¹⁵⁴ Dumville, *Wessex and England*, pp. 164, 175; Dorothy Whitelock, *Some Anglo-Saxon Bishops of London* (London, 1975), pp. 16-21.

¹⁵⁵ McLaughlin, *Consorting With Saints*, pp. 227-30; Pauline Stafford, 'Queens, nunneries and reforming churchmen: gender, religious status and reform in tenth-century England', *Past and Present*, 163 (1999), pp. 6-10; Catherine Cubitt, 'Virginity and misogyny in tenth- and eleventh-century England', *Gender and History*, 12.1 (2000), pp. 3-4; Mayke De Jong, *In Samuel's Image: Child Oblation in the Early Medieval West* (Leiden, New York and Köln, 1996), pp. 140-42.

¹⁵⁶ Dumville, *Wessex and England*, p. 161 with references.

¹⁵⁷ Rollason, *Saints and Relics*, pp. 174-95. For processions, see M. Bradford Bedingfield, *The Dramatic Liturgy of Anglo-Saxon England* (Woodbridge, 2002), pp. 195, 206-207. For the dedication of churches, see John Gage 'The Anglo-Saxon ceremony of the dedication and consecration of churches, illustrated from a pontifical in the public library at Rouen', *Archaeologia*, 25 (1834) and David Rollason, 'Two Anglo-Saxon rituals: the dedication of a church and the judicial ordeal', Fifth Brixworth Lecture (1988).

God would assist in absolving the sins of the departed. The reformed monastic communities committed to a life of prayer bore responsibility for rituals surrounding commemoration of the dead, creating a spiritual milieu which gathered power, in many cases, from the physical presence of its saints. The liturgy reflected a concern for the rituals surrounding the dying and the dead, and for the process of long-term intercession for the souls of the departed.¹⁵⁹ The names of benefactors were recorded in commemorative books: *libri memoriales* were used during the daily liturgy, and necrologies organized the names in calendar format, so that donors could be commemorated in the monastic Chapter on the appropriate anniversary of their death.¹⁶⁰ Similarly, the records of guilds surviving from the tenth and eleventh centuries, as already mentioned, suggest a strong concern with burial rites and commemoration.¹⁶¹ The emphasis on penitence reflected in the legislation of Wulfstan was intended to influence the laity, and impress individuals with a sense of responsibility for their souls' welfare.¹⁶² Furthermore, it seems likely that the development of a vernacular penitential system exerted a powerful influence on the eschatological thinking of both the laity and the clergy outside the reformed religious houses.¹⁶³ The

¹⁵⁸ Thacker, 'Saint-making and relic collecting', 244-45; Patrick Geary, *Furta Sacra: Thefts of Relics in the Central Middle Ages* (Princeton, revised 1990), pp. 15-22.

¹⁵⁹ Paxton, *Christianising Death*, pp. 196-200 on the availability of rites for the laity.

¹⁶⁰ Catherine Cubitt, 'The tenth-century Benedictine Reform', p. 81 and refs; McLaughlin, *Consorting With Saints*, pp. 91-96; Simon Keynes, *The Liber Vitae of the New Minster and Hyde Abbey, Winchester, British Library Stowe 944* (Early English Manuscripts in Facsimile, Copenhagen, 1996), Introduction pp. 49-57.

¹⁶¹ Translated in *EHD* I, pp. 557-560. Those for Exeter and Abbotsbury are printed and translated in D. Whitelock, M. Brett and C.N.L. Brooks (eds), *Councils and Synods with other Documents Relating to the English Church* (Oxford, 1981), pp. 57-60 and 516-20 respectively. The text of the Cambridge statutes can be found in B. Thorpe, *Diplomatarium*, pp. 610-13; for Bedwyn, see Herbert Meritt, 'Old English entries in a manuscript at Bern', *Journal of English and Germanic Philology*, 33 (1934), pp. 344-45.

¹⁶² Allen J. Frantzen, *The Literature of Penance in Anglo-Saxon England* (New Jersey, 1983), pp. 144, 146.

¹⁶³ Frantzen, *Literature of Penance*, p. 150. For Continental evidence, see Sarah Hamilton, *The Practice of Penance 900-1050* (Woodbridge and New York, 2001), chap. 6, esp. at pages 182-83.

frequent use of charcoal burial at Winchester in the tenth and eleventh centuries has also been linked with a more penitential spiritual climate.¹⁶⁴

These were momentous cultural developments, which had profound implications for *post obitum* disposition generally, and written bequest in particular. Attention has been drawn to the active role of the lay nobility in establishing and endorsing the new ideology, emphasizing the symbiotic relationship between the wealthy laity and the church.¹⁶⁵ It has been pointed out that 'a society in which rural elites were increasingly prepared to invest in a local church or a family monastery was one in which they might also be prepared to make donations to large-scale monastic foundations to build up their local prestige'.¹⁶⁶ Furthermore, the church's interest in recording the generous gifts of benefactors in all likelihood contributed to the increase in documentation. This relationship between church and laity, with its implications for bequest, will be considered further in Chapter Six.

Conclusion

The evidence presented in this chapter demonstrates how the political, administrative and religious changes of the late ninth and tenth centuries created a cultural climate within which use of the written will developed. The increasing significance of documentation in secular as well as religious affairs, together with the increasing momentum in transfer of bookland to the church, made the written will a valuable means by which wealthy landowners could manage the complexities of *post obitum* disposition.

¹⁶⁴ Birthe Kjølbye-Biddle, 'Dispersal or concentration: the disposal of the Winchester dead over two thousand years' in Stephen Bassett (ed.), *Death in Towns* (Leicester, London and New York, 1992), pp. 228-33; Thompson, *Dying and Death*, pp. 118-22.

¹⁶⁵ Cubitt, 'Tenth-century Benedictine Reform', p. 86 with references. See also Bouchard, *Sword, Miter and Cloister*, p. 43.

¹⁶⁶ Matthew Innes, *State and Society in the Early Middle Ages: Social Power in the Middle Rhine Valley 400-1000* (Cambridge, 2000), p. 25.

The following chapter will focus on the social groups upon which these changes impinged, establishing a social profile of the donors. It will identify the broad criteria upon which donors based their decisions concerning bequest of land. Since wills may be regarded as snapshots of a donor's affairs at a given point in the life-cycle,¹⁶⁷ the dispositions will be examined in the context of a range of key social relationships.

¹⁶⁷ For this metaphor, see Pauline Stafford, 'La mutation familiale: a suitable case for caution' in Joyce Hill and Mary Swan (eds), *The Community, the Family and the Saint: Patterns of Power in Early Medieval Europe* (Leeds, 1998), p. 110.

CHAPTER THREE

Donors and their decisions: the bequest of land

Introduction

The previous chapter drew on the full range of wills, including those from the ninth century, to show that written will-making developed in response to cultural change, and was concerned mainly with transmission of bookland.

This chapter focuses primarily on the wills of the tenth and eleventh centuries, identifying donors as members of the landed social elite influenced by these changes. It will be shown that wills reflect the complex social network to which donors belonged, and that their bequests reveal them acknowledging a range of responsibilities and obligations. It will be argued that will-making may be seen as a response to changes associated with the life-cycle, as donors adjust their affairs to take account of changing circumstances. Finally, donors' concerns will be demonstrated through consideration of their bequests to royalty, within the kindred, and in the context of the local community. The main focus is on lay bequest, although since the bequests of churchmen in many ways reflect the influences on lay donors, they will be included in the discussion where relevant.¹ The emphasis here will be on secular issues influencing bequest; pious bequests will be discussed in Chapter Six.

The social status of donors

Where details of payment are given, the heriot clause is a useful indicator of the status of donors.² Although exact correlation between the heriot payments stipulated by

¹ Bequests of churchmen need detailed consideration as a separate category, for which there is no space here. I hope to pursue this at a later date. Chapter 6 will consider the close links between the laity and churchmen.

² See the account of heriot in the previous chapter, and the lists in Appendix I for social groupings.

donors and the tariffs set out in II Cnut 71-71.5 is rare, thirteen lay male donors may be assigned to the social groups identified by the law:

<i>Ealdorman/earl:</i>	<i>Date of will:</i>
Æthelmær S1498/W10	971x983
Æthelwold S1504/H20	946x947
 <i>King's thegn:</i>	
Ælfgar S1483/W2	946xc.951
Wulfric S1536/W17	1002x1004
Ælfhelm S1487/W13	975x1016
Brihtric/Ælfswith S1511/W11	973x987
Eadwine of Caddington S1517	c. 1050
Wulfgeat S1534/W19	c. 1000
 <i>King's thegn close to the king (in the Danelaw):</i>	
Wulfsige S1537/W27	1022x1043
Thurstan S1531/W31	1043x1045
Æthelric S1501/W16	961x995
Æthelwold S1505/W12	after 987
 <i>Lesser thegn:</i>	
Ketel S1519/W34	1052x1066 ³

A number of donors refer simply to their lord as recipient of heriot; for ealdormen and king's thegns, that lord was likely to be the king, but Ketel, as a lesser thegn, specifically states that his is to be paid to his lord, Archbishop Stigand.⁴

The payment of what appears to be a form of heriot by widowed women, although not codified in law, and identified by the term in only one will, is a further indication of their high social status.⁵ The payments do not correlate with the pattern of male heriot, but may be the equivalent in terms of treasure: only one includes horses or war-gear.⁶ Of the

³ See Brooks, 'Arms, status', p. 86 for a full summary of heriot in tabular form.

⁴ See Robin Fleming, *Kings and Lords in Conquest England* (Cambridge, 1991), p. 72, fn 61 for discussion of this point. Whitelock, *Wills*, pp. 201-202.

⁵ S1486/W15; S1494/W14; S1521/W29; S1484/W8; S1497; S1535/W32 (although this does not specify the content, referring to the *riyte heriot*). S939/W16² shows the widow of Æthelric of Bocking arriving at court to pay her husband's heriot. See Chapter 2 for discussion of women's heriot payments.

⁶ S1484/W8.

five women's wills where heriot is specified in detail, four refer to an additional gift to the queen (or, in the case of Ælflæd [S1486/W15], to Queen Ælfthryth, the king's mother). That women could be regarded as holding a thegn's status is indicated by the wording of a writ of King Edward issued between 1058 and 1066, which refers to Tole, widow of Urk, as *min mann*.⁷ Certainly, such women could be enormously wealthy. In 1066 Æthelgyth, widow of Thurstan [S1531/W31, 1043x1045], was holding land in three counties totalling about sixty hides and valued at about 120 pounds.⁸

Where donors were still holding land in 1066, the evidence of Domesday Book may also be a useful indicator of social position. For example, Edwin [S1516/W33, s.xi^{med}] is identified as a demesne thegn (*teinus dominicus*) of King Edward.⁹ Leofwine, son of Eadwine of Caddington [S1517, c. 1050], was still holding land inherited from his father in 1066 and is described in Domesday Book as a thegn of King Edward.¹⁰ Multiple commendation linked to land tenure was not uncommon. Ketel [S1519/W34, 1052x1066] is described in the Norfolk Domesday survey as a thegn of Stigand, but the Suffolk account records him as a thegn of King Edward.¹¹

Some male donors held high office. For example, a number of donors were ealdormen.¹² Ælfheah [S1485/W9, 968x971] and Æthelmær [S1498/W10, 971x983] are given this title in the *notificatio* of their wills, and were probably successive ealdormen of

⁷ Harmer, *Writs*, no. 2 and note p. 427 for other examples of this usage in Domesday Book.

⁸ Figures taken from M.A. Meyer, 'Women's estates in later Anglo-Saxon England: the politics of possession', *Haskins Society Journal*, 3 (1991), pp. 118-19. See also Pauline Stafford, 'Women in Domesday', *Reading Medieval Studies*, 15 (1989), pp. 75-77.

⁹ See Whitelock, *Wills*, p. 199.

¹⁰ Keynes, 'St Albans', p. 278.

¹¹ Whitelock, *Wills*, pp. 201-203. See Ann Williams, 'Land and power in the eleventh century: the estates of Harold Godwinson', *ANS*, 3 (1980), pp. 176, 180 for personal commendation, and p. 179 for multiple commendation; Abels, *Lordship and Military Obligation*, pp. 87-88, 120-21.

¹² Tenth century: S1485/W9; S1498/W10; S1483/W2; S1535/R26; S1504/H20. Ninth century: Alfred [S1508/H10, 871x889] is given the equivalent Latin title *dux*; see Harmer, *SEHD*, p. 88 for this usage elsewhere.

Hampshire; Ælfgar [S1483/W2, 946xc. 951] appears to have been ealdorman of Essex, although his title does not appear in his will. Wulfgar [S1535/R26, 931x939] almost certainly held an ealdordom in southern England, possibly by inheritance from his grandfather Wulfhere, whose acquisition of land is acknowledged in the will.¹³ A further eight donors held high office in the church.¹⁴

A number of women donors belonged to this stratum of society. Æthelflæd [S1494/W14, 962x991] was the widow of King Edmund, and her sister Ælfflæd [S1486/W15, 1000x1002] was the widow of Ealdorman Byrhtnoth who died in 991 at the Battle of Maldon; they were also daughters of Ealdorman Ælfgar whose will is mentioned above. Ælfgifu [S1484/W8, 966x975] was most likely the divorced wife of King Eadwig, and herself belonged to a family which claimed royal descent (see below).

Some donors acquired status and wealth from service to the aristocracy. Among the wills from the ninth century, Abba [S1482/H2, 833x839] and Æthelnoth [S1500/R3, 805x832] are described as reeves. Leofgifu [S1521/W29, 1035x1044] was in the service of Queen Emma, and belonged to a family which gained wealth through royal service.¹⁵

The bulk of male donors are likely to have achieved the status of king's thegn according to the qualifications described in the early eleventh-century text known as *Gebyncðo*, or a 'Compilation on Status':

7 gif ceorl gepeah, þæt he hæfde fullice fif hida agenes landes, *cirican*

¹³ See Whitelock, *Wills*, pp. 121-22 and 125-26 for a summary of the evidence for Ælfheah and Æthelmær respectively, and pp. 104-105 for Ælfgar. For Wulfgar, see Robertson, *Charters*, p. 308.

¹⁴ Theodred [S1526/W1] bishop of London; Ælfsige, bishop of Winchester and archbishop designate [S1491/W4,], who died on his journey to collect the pallium; Ælfric [S1489/W26] and Æthelmær [S1499/W35], bishops of the East Anglian see of Elmham; Stigand [S1224/R92], bishop of Elmham and Winchester, and subsequently Archbishop of Canterbury, Archbishop Ælfric [S1488/W18]; Ælfwold [S1492/N&S10], bishop of Crediton. Leofric, bishop of Exeter made his will between 1069 and 1072: Robertson, *Charters*, Appendix 1, no. 1 and David A.E. Pelteret, *Catalogue of English Post-Conquest Vernacular Documents* (Woodbridge, 1990), no. 91.

¹⁵ Stafford, *Queen Emma and Queen Edith*, pp. 112, 181 fn 95.

7 *kycenan*, bellhus 7 burhgeat, setl 7 sundernote on cynges healle, þonne
wæs he þanon forð þegenrihtes weorðe.

[And if a ceorl prospered, that he possessed fully five hides of land of his
own, (a church and a kitchen), a bell(tower) and a gatehouse, a seat and a
special office in the king's hall, then was he henceforth entitled to the rights
of a thegn]¹⁶

The context of this account has led to doubts as to what extent this text reflects the realities
of social mobility in late Anglo-Saxon England, or an attempt by Archbishop Wulfstan to
'restore past proprieties'.¹⁷ However, the bequests of this group can be shown in general to
meet or exceed the land requirement of five hides. A number of donors bequeath a
residence, in two cases the term *heafodbotl* suggesting that it was the principal residence of
an estate.¹⁸ There is documentary and archaeological evidence that such residences were
defended, hence the reference to the *burh-geat*.¹⁹ It has been noted that Thurstan's will
[S1531/W31, 1043x1045] refers to a division of his estate at Shouldham (Nfk) into two
halls: the *Midelhalle* and the *Northhalle*, suggesting that these were the main residences of
the estate.²⁰ As indicated above, only one version of *Gepyncðo* stipulates possession of a
church for the status of king's thegn, but both versions refer to a belfry. The link between
the belfry and a church tower as part of the defences of a principle residence has been made
at Barton-upon-Humber (Humberside) and Earl's Barton (Northants), while the chapel at

¹⁶ Liebermann, *Gesetze*, vol. I, p. 456. The italicized sections are found only in the twelfth-century *Liber Roffensis*. The translation is taken from *EHD* I, p. 432, although I have amended Whitelock's 'castle gate' to 'gatehouse'.

¹⁷ E.g. Wormald, *English Law*, p. 394. But see Ann Williams, 'A bell-house and a burhgeat: lordly residences in England before the Norman Conquest', *Medieval Knighthood*, 4, ed. Christopher Harper-Bill and Ruth Harvey (1992), pp. 221-40 for evidence that this text describes the residence at the heart of what Domesday surveyors regarded as a manor.

¹⁸ Residences are bequeathed in: S1234/R116, 1052x1070 (*homstal*); S1538/W21, 984x1016 and S1522/N&S9, 998 (both *heafodbotl*); S1497, c. 985x1002 (*staðol*); S1593/W3, c. 950 (*worþige*).

¹⁹ Summarised by Williams, 'Bell-house', pp. 277, 230-32. See also *CR* 25 (*domos suas et curiam*).

²⁰ Williams, 'Bell-house', p. 228.

Deerhurst (Glos) may have been associated with the manorial residence.²¹ There are references to, and bequest of, estate churches in vernacular wills and the Ramsey Chronicle.²² Siflæd [S1525/W37, s.x²-s.xi¹], for example, refers to *her* church and priest. Brihtmær [S1234/R116, 1052x1070] links his bequest to Christ Church, Canterbury of his *homstal* with that of the church of All Saints, which he and his family have endowed, suggesting that it is integral to the estate.²³ The will of Edwin [S1516/W33, s.x^{med}] distinguishes between the *ealde kirke* (which is not named) and other, presumably estate, churches referred to simply as *kirke*. The will of Thurstan [S1531/W31, 1043x1045] refers three times to a *tunkirke*, presumably an estate church, which in each case is to receive land reserved from a main bequest:

And ic an þat lond at Wetheringsete into Ely buten þat lond þat Aylri
 haueð habbe he þat fre his day and his wiues. and after here bothere day
 into þe tunkirke.

[And I grant to Ely the estate at Wetheringsett, except the land that
 Æthelric has. He is to hold that freely for his life and his wife's, and
 after the death of them both, it is to go to the village church.]²⁴

These references are so consistent with the terms of *Gebyncðo* that it is difficult not to accept the text as reflecting a strong sense of the identity of the thegnly class. In their wills many donors are asserting that identity.

Some wills allow glimpses of the complex social network to which these high-ranking donors belonged. Two well-documented examples reveal how donors were linked

²¹ Williams, 'Bell-house', p. 234; R. Morris, *Churches in the Landscape* (London, 1997 edition), pp. 252-55 for Barton-upon-Humber and Earls Barton, and pp. 457-58 for Deerhurst. See also Peter A. Clarke, *The English Nobility under Edward the Confessor* (Oxford, 1994), pp. 121-22 for a brief summary of church-building by lay lords in the reign of Edward the Confessor.

²² Bequest of churches: S1234/R116, 1052x1070; S1521/W29, 1035x1044; S1497, c. 985x1002; S1525/W37, sx²-sxi¹. CR 25, 54, 55.

²³ In the Ramsey Chronicle the term *advocatus* is used to describe the relationship of both Ælfgar [CR 25] and Ælfwaru [CR 54] with the churches they grant to Ramsey, suggesting a proprietary interest, and in the case of Ælfgar the gift explicitly includes *domos suas et curiam* (his house and courtyard) as well as land.

to royalty, to the church, and to a powerful kindred. Ælfgifu [S1484/W8, 966x975] was most probably the former wife of King Eadwig (955-959), set aside in 958 on grounds of consanguinity.²⁵ She bequeaths property to her brother Æthelweard, likely to have been the ealdorman of the Western Shires who, in his Latin version of the *Anglo-Saxon Chronicle*, himself claims descent from King Æthelred I, older brother of King Alfred from whom Eadwig was descended.²⁶ It is also likely that Ælfheah, the ealdorman of Hampshire whose will [S1485/W9, c. 968x971] is roughly contemporary with that of Ælfgifu, was connected to Ælfgifu's family: he too bequeaths property to a kinsman likely to be Æthelweard.²⁷ Added to this, Ælfgifu's generous bequests to the religious foundations associated with Bishop Æthelwold,²⁸ as well as a personal bequest to the bishop with a request for prayers, support the view that in the political factionalism of the time, they were closely allied.²⁹

Thurstan, too, was widely connected, although his will [S1531/W31], made 1043x1045, gives little direct information about his social connections beyond a reference to his father, Wine. He pays the heriot of a king's thegn, and his lands in Norfolk, Suffolk, Cambridgeshire and Essex were considerable: in his will he refers to fifteen estates.³⁰ However, his social network can be reconstructed from the evidence of the *Liber Eliensis* and Ramsey Chronicle, and is shown schematically overleaf. Thurstan's links with royalty are more distant than those of Ælfgifu, but through the family of his mother and

²⁴ S1531/W31, p. 80 lines 14, 17; p. 82 line 8. Whitelock's translation of *tun* as village should probably be amended to 'estate' in this context.

²⁵ See for example Andrew Wareham, 'Transformation of kinship', pp. 383-84; Yorke, 'Æthelwold', p. 76; Stafford, *Unification and Conquest*, p. 175, although her opinion is revised in *Queen Emma and Queen Edith*, p. 134 fn 197. See genealogy overleaf.

²⁶ See A. Campbell (ed. and transl.), *The Chronicle of Æthelweard* (London, 1962), pp. 2, 39.

²⁷ Yorke, 'Æthelwold', p. 77; she also points out that the foundation charter of Eynsham Abbey describes Ælfheah's son, Godwine, as a kinsman of Ealdorman Æthelweard's son Æthelmær.

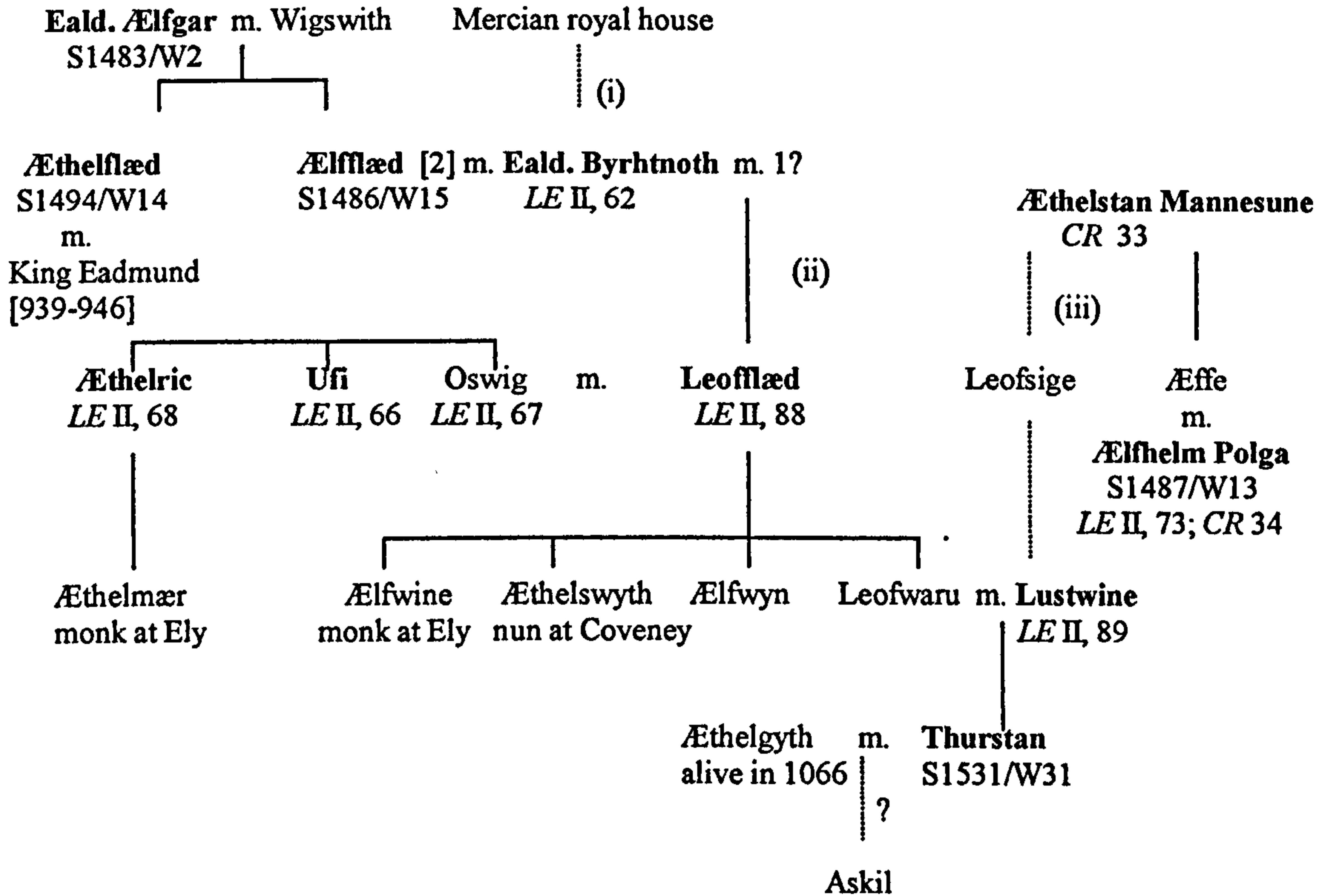
²⁸ The Old and New Minsters, Winchester, and Abingdon.

²⁹ Yorke, 'Æthelwold', p. 80, 86-87, where Ælfgifu's significance in contemporary politics is linked to Bishop Æthelwold's stance. See also Stafford, *Unification and Conquest*, p. 52 at fn 15.

³⁰ See Whitelock, *Wills*, p. 193 for discussion of this payment in relation to Cnut's law on heriot.

Schematic representation of the kinship networks of Thurstan [S1531/W31 1043x1045] and Ælfgifu [S1484/W8 966x975].

Thurstan



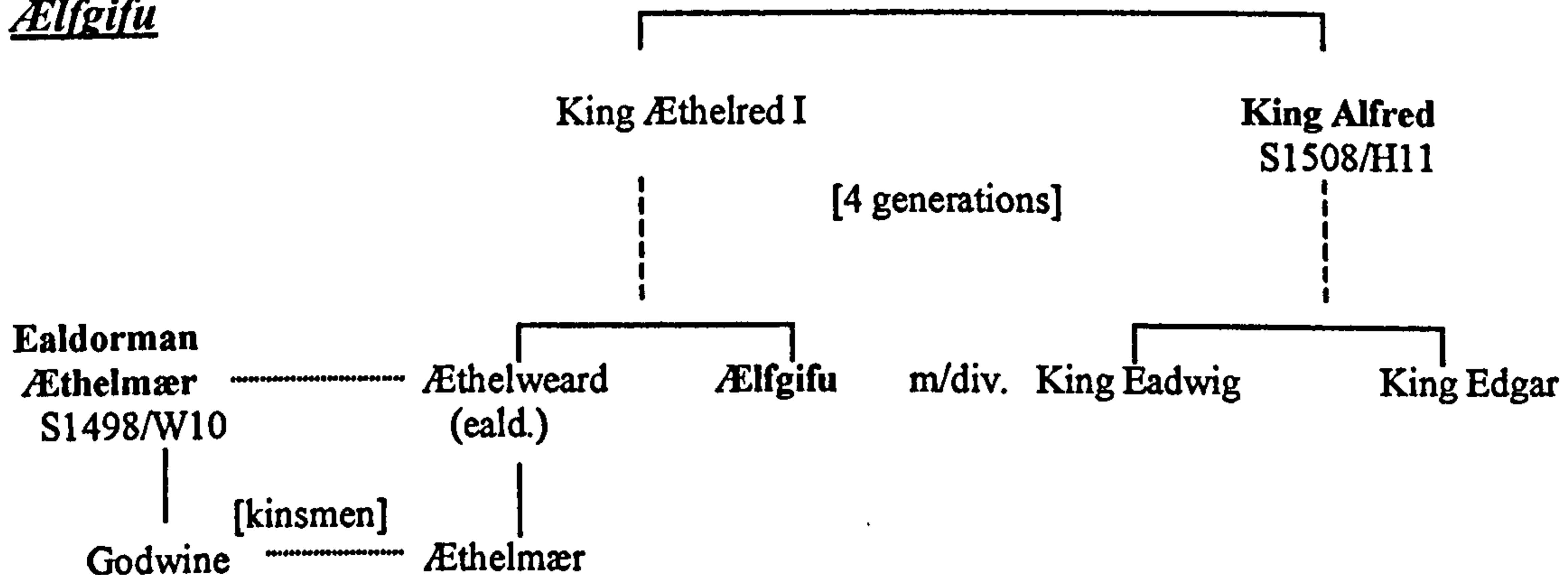
Bold = extant wills

(i) see Hart, 'The Ealdordom of Essex', p. 131 for this theory.

(ii) see Margaret A.L. Locherbie-Cameron, 'Byrhtnoth and his Family' in Scragg (ed.), *The Battle of Maldon*, p. 255 for discussion of Leofflæd's legitimacy.

(iii) the kinship postulated here is based on the transmission of an estate at Knapwell, Cambs. The evidence is summarized by Locherbie-Cameron, 'Byrhtnoth', p. 261 fn 17.

Ælfgifu



grandmother he could claim kindred with Ealdorman Byrhtnoth, whose descent from the Mercian house has been postulated; through Byrhtnoth's marriage to Ælfflæd, Thurstan could claim affinity with the family of Ealdorman Ælfgar, whose older daughter was the second wife of King Eadmund. Through his father Lustwine, he may have been linked to the powerful East Anglian family of Æthelstan Mannesune. His local status is reflected in the witness lists appended to the will: it was apparently read before prestigious gatherings in the four counties where his lands lay. In Norfolk and Suffolk at least the meetings may have been those of the shire, the lists headed by Earl Harold and Ælfgar, the son of Earl Leofric of Mercia, respectively. The Suffolk list is headed by the deacon and community of Bury, and the Cambridgeshire list by the abbot and community of Ely. Where other names on the lists can be identified, they are those of prominent men.³¹

Many donors must have belonged to similar high-status networks, although evidence for them can be elusive.³² Where donors did not belong to this aristocratic group, they are even more difficult to identify. Nevertheless, the evidence suggests that the pattern of social networks remains similar lower down the social scale.³³ Ketel, for instance [S1519/W34,1052x1066], is a lesser thegn whose will states that his heriot is due to Bishop Stigand.³⁴ His dispositions reflect his involvement in family land strategies, referring to his inheritance from his mother and his agreements with his uncles, sisters and step-daughter concerning the tenure of fifteen estates in Norfolk, Suffolk and Essex, a number of which

³¹ The will is preserved in a thirteenth-century Bury cartulary, and is one of few to retain a witness list. There seems no reason to doubt its authenticity, and the forthcoming edition of the Bury charters will no doubt elucidate the context which it represents, as well as the individuals whose names appear. Whitelock provides brief notes (*Wills*, pp. 196-7).

³² See Fleming, *Kings and Lords*, p. 24 for a genealogy of tenth-century and eleventh-century ealdormen and their families. One of the problems is the limited name-stock: differentiation of individuals will be facilitated by the forthcoming prosopographical survey.

³³ The best evidence of lower-status donors is found in Ely and Ramsey chronicles, and will be discussed in Chapter 4.

were to revert to local religious foundations. It may be that such donors were at the social level of those who featured as jurors in the Domesday survey: 'the men best qualified by local land-ownership, status, residence, and personal qualities to speak on behalf of others, [who] may often have had connections with the great barons and churches of their shire'.³⁵ It has been pointed out that, since fewer than half of the Domesday jurors can be identified as landowners in 1066, they were most likely to have held land by temporary tenure or as under-tenants, and as such they held no interest for the Domesday surveyors.³⁶

This section of the chapter has established what might be termed a profile of the donors. It has been shown that the identity of these social groups – lay or religious, male or female, king's thegn or lesser thegn – was vested in tenure of land, and that for some groups bookland was a key factor in defining that identity. It has also been shown that donors belonged to extensive social networks, within which they established a range of relationships and acquired a range of obligations. These factors were fundamental to the decisions they made concerning *post obitum* disposition. The remainder of the chapter will consider how wills reflect donors' concerns attendant on these complex circumstances.

Bequest in relation to the life-cycle.

As Chapter Two has shown, although some wills probably represent dispositions made *in extremis*, it seems likely that deathbed disposition for these donors became increasingly a confirmation or adjustment of dispositions previously established, and perhaps a final distribution of additional items.³⁷ This section of the chapter will begin by showing how some wills were indeed a response to impending death, examining how this

³⁴ See above for the possibility of dual commendation.

³⁵ C.P. Lewis, 'The Domesday Jurors', *Haskins Society Journal*, 5 (1993), p. 18.

³⁶ Lewis, 'Domesday Jurors', esp. at pp. 19, 33. It has been argued in Chapter One that some texts classed as wills may silently reflect this type of agreement.

³⁷ See the will-making of Siferth of Downham [*LE II*, 11/*Lib 12*] discussed in Chapter 4.

circumstance is reflected in the nature of the dispositions and aspects of the form. However, it will go on to suggest that, for the wealthiest groups in society, written record of their intentions as to *post obitum* disposition of their property was, in general, a response to circumstances other than impending death, and was strongly linked to other aspects of the life-cycle.

The deathbed will

Three extant wills are likely to represent such deathbed dispositions. The most convincing evidence comes from the will of Ealdorman Æthelmær [S1498/W10, 971x983] which begins:

Æðelmær ealdorman cyð on dysum gewrite his cynehlaforde and eallum his freondum his cwyde wæs to his nyhstan dæge ...

[The ealdorman Æthelmær in this document informs his royal lord and all his friends (what) his will was on his last day ...]

The complexity of tenses in vernacular wills has been discussed in previous chapters, but the conflation of present and past in this text is explicable if the donor expects his illness to be mortal, or the amanuensis drawing up the text respects the convention of the first person address but recognises (and indicates) that the donor is now dead.³⁸ It should also be noted that this donor refers specifically to a previous agreement made with his wife – presumably a marriage agreement – lending support to the idea that wills could incorporate or ratify earlier dispositions.³⁹ The evidence for the imminent death of the ætheling Æthelstan, eldest son of King Æthelred, arises principally from a clause near the end of the will:

Nu þancige Ic minon fæder mid ealre eadmodnesse on godes ælmihtiges naman þære andsware. þe he me sende on frigedæg. æfter middessumeres

³⁸ For use of the phrase *æt þam nyhste dæge*, possibly in the sense of ‘the day of the will-making’ see S1507/H11 (King Alfred).

³⁹ *To þam forewordun þe wit mid wedde unc betweenan gefæstnodon* (according to the terms which we settled by compact between us). For further discussion of marriage agreements see below.

mæssedæge. be Ælf gare. Ælffan suna. þ wæs. þ he me Cydde. mines fæder worde. þ ic moste be godes leafe. 7 be his. geunnan minre are. 7 minra æhta. swa me mæst ræd þuhte.

[Now I thank my father in all humility, in the name of almighty God, for the answer which he sent me on the Friday after the feast of Midsummer by Ælfgar, Æffa's son; which, as he told me in my father's words, was that I might, by God's leave and his, grant my estates and my possessions as seemed to me most advisable.] [S1503/W20]

There is some evidence that Æthelstan may have died in 1014. His diploma subscriptions end in 1013. His *obit* was commemorated at Christ Church, Canterbury, on 25 June, the day after the Midsummer feast; in 1014 this date fell on a Friday, perhaps linking it to the 'Friday after the Feast of Midsummer' mentioned in the will as the day on which he received his father's permission. It may be that this was also the day of his death.⁴⁰ The third example is Bishop Ælfwold's will [S1492/N&S10], which was made between 1011, the date of his final attestation of a royal charter, and 1015, when his successor's signature first appears.⁴¹ The phrasing of his bequest to the king seems to imply that his death is imminent:

... ænne scegð . LXIII . ære he is eall gearo butan þam hanon he hine wolde ful gearwian his hlaforde to gerisnum gif him god uðe.

[... a sixty-four-oared ship; it is all ready except for the rowlocks. He would like to prepare fully in a style fit for his lord if God would allow him.]⁴²

These three texts have factors in common which might be regarded as characteristic of the deathbed will. Two of the wills include short witness lists: that of Ælfwold was witnessed by five men, all beneficiaries of the will, two of whom were kinsmen, two priests

⁴⁰ Keynes, *Diplomas*, p. 267; see Frank Barlow, *Edward the Confessor* (London, 1970), pp. 30-31 for an alternative view of the evidence and an opinion in favour of 1012. See also S1483/W2, where Ealdorman Ælfgar refers to having received permission from the king to make his will; this may suggest similar circumstances – serious or mortal illness.

⁴¹ See Keynes, *Diplomas*, p. 121 fn 123 for dating evidence which supersedes that of the editors.

⁴² Translation from *EHD* I, p. 536.

and one a monk;⁴³ that of Æthelstan names as witnesses his brother Edmund, Bishop Ælfsige of Winchester, Abbot Brihtmær of the New Minster, Winchester, and Ælfmær, Ælfric's son, all of whom are beneficiaries.⁴⁴ A second factor linking these wills is the inclusion of bequests of a range of movable wealth: Æthelstan bequeaths swords, horses and a trumpet, for instance; Ælfwold bequeaths stock, furnishings, coin and books; Æthelmær grants coin to a range of religious foundations. Both Æthelstan and Ælfwold recognize outstanding debts and make arrangements for them to be dealt with.⁴⁵ Further, all three acknowledge members of their household: Æthelmær intends five pounds to be divided among his servants; Æthelstan names, among others, his sword polisher (*swurdhwitan*) and staghuntsman (*headeorhunton*) as beneficiaries; Ælfwold designates, among others, a scribe, and his retainers (*hiredmen*) are to be given the horses which he has loaned them. These bequests look remarkably like the final winding up of a man's affairs, including the distribution of personal wealth and possessions.⁴⁶

Will-making by widows

It seems likely that the factor which prompted women's will-making was not impending death, but widowhood. In an analysis of the evidence of women's bequests in chronicle and other sources as well as vernacular wills, it has been convincingly argued in

⁴³ For the ritual surrounding a bishop's death-bed see Georg Scheibelreiter, 'The death of the bishop in the early Middle Ages' in David Loades (ed.), *The End of Strife* (Edinburgh, 1984), p. 37.

⁴⁴ This ritual may be seen in terms of the social aspect of the monastic deathbed: Catherine Cubitt, 'Monastic memory and identity in early Anglo-Saxon England' in William O. Frazer and Andrew Tyrrell (eds), *Social Identity in Early Medieval Britain* (London and New York, 2000), p. 269. The New Minster receives treasure; Ælfmær is probably the *discþegn* who is mentioned in the body of the will. The similarity of personnel in these witness lists with the account of those attending Siferth's deathbed is noteworthy (see Chapter 4).

⁴⁵ For the deathbed distribution see Timothy Reuter, 'Testaments, hoards', p. 18. Bequest of movable wealth is discussed in Chapter 5.

⁴⁶ See Cuthbert's description of Bede's deathbed distribution of his personal possessions: Bertram Colgrave and R.A.B. Mynors, *Bede's Ecclesiastical History of the English People* (Oxford, 1969), p. 585. For chronicle evidence of wills made *in extremis* see *LE* II, 11, 21 59, 61, 81, 83 (*Lib* 32); *CR* 28 (pp. 53, 54), 51, 53, 103 (p. 169), 107 (pp. 175-76).

an important study that most of the women donors were likely to have been widows.⁴⁷ On the evidence of the corpus under consideration here, the majority of women can be certainly or reasonably described as widows at the time of will-making. Of the vernacular corpus of thirteen, covering the ninth to the eleventh centuries, six women were certainly widowed.⁴⁸ A further four make bequests to children with no reference to a husband; it seems reasonable to assume that they were widowed.⁴⁹ Of the remaining three,⁵⁰ no evidence can be adduced for Siflæd, who mentions neither a husband nor children; Æthelflæd makes a bequest for her husband's soul, implying that she was a widow; and from the ninth century, Heregyth's endorsement of her husband's will may imply that she had outlived him. A similar pattern can be seen in the women's bequests recorded in the Ely and Ramsey chronicles: nine of the fourteen donors were widowed.⁵¹ Further evidence comes from a writ of King Edward the Confessor, which, in the context of confirming her right to bequeath, describes Tole as Urk's widow (*lafe*).⁵²

For women, it seems that widowhood was a key stimulus for will-making: it was at this point that a woman's marital agreements matured, and a variety of interests could be brought to bear upon her.⁵³ She became subject to the law, which required her to forfeit her morning-gift if she remarried within a year of widowhood.⁵⁴ She was subject to kindred pressures, as in the case of Æthelstan Mannesune's widow who, on the anniversary of his

⁴⁷ Crick, 'Women, posthumous benefaction', pp. 407-10. This study includes a valuable list of bequests, indicating evidence for widowhood (Appendix, pp. 419-21).

⁴⁸ *Ceolwynn* [S1513/R17]; *Cynethryth* [S1200/H7]; *Ælflæd* [S1486/W15]; *Æthelflæd* [S1494/W14]; *Ælfgifu* [S1484/W8]; *Æthelgifu* [S1497].

⁴⁹ *Wynflæd* [S1539/W3]; *Wulfwaru* [S1538/W21]; *Wulfgyth* [S1535/W32]; *Leofgifu* [S1531/W29].

⁵⁰ *Siflæd* [S1525/W37,38]; *Æthelflæd* [S1495/W22]; *Heregyth* [S1482/H2].

⁵¹ See Appendix Two, numbers: 1, 3, 6 (and 40: same donor), 12, 16, 19, 38, 46, 60. A further two mention children, but no spouse (numbers 7, 14). Three donors have living husbands (43, 44, 57).

⁵² S1064/Harmer, *Writs*, no. 2.

⁵³ For a portrait of a ninth-century Frankish widow see Nelson, 'The wary widow', pp. 82-113. See also Julia Crick, 'Posthumous obligation and family identity' in Frazer and Tyrrell (eds), *Social Identity*, pp. 203-205.

⁵⁴ See II Cnut 73-73a.

death, renegotiated the terms of his will with the Ramsey community *parentum inducta* (at the instigation of relatives).⁵⁵ Æthelgifu assembled 2,000 oaths at Hitchin to defend her rights in her late husband's property.⁵⁶ The widow of Æthelric of Bocking bartered her morning-gift to protect her disgraced husband's dispositions from royal rapacity.⁵⁷ Individual women only begin to appear in records of public activity in widowhood: for example, in the *Liber Eliensis* the widow Æscwyn of Stonea attends a meeting of two hundreds at Ely, along with relatives and neighbours, to declare her grant of land to Wulfstan of Dalham, the powerful East Anglian reeve, and the wife of Ælfwold the Fat enters the record because of her unsuccessful attempt to sell land inherited from her previous husband.⁵⁸

Fundamentally, it must be said that a woman's right to land could be tenuous. Accounts of disputes from the tenth and eleventh centuries attest to the potential vulnerability of the widow's position.⁵⁹ In two tenth-century cases the challenge to a widow's inheritance from her husband is mounted by the late husband's kindred. The will of Æthelgifu [S1497] recounts that her right to bequeath freely land inherited from her husband was disputed by his kin, forcing her to produce an oath to defend her claim:

... hit becwæð hire hlaford hire to sellane þam þe hyo wolde þe ne gelefde hire. hire hlafordes magas.

[... her lord bequeathed it for her to give to whom she wished, which her lord's kinsmen did not allow her.]

⁵⁵ CR 33. Crick, 'Posthumous obligation', p. 204.

⁵⁶ S1497.

⁵⁷ S939/W16². See Stafford, 'Women and the Norman Conquest', pp. 238-39.

⁵⁸ LE II, 18/Lib 27; LE II, 11/Lib 14.

⁵⁹ S1462/R78 [1016x1035]; S877/R63 [996]; S1497 [985x1002]; *S1511/W11 [973x987]; S1454/R66 [990x992]; LE II, 11a / Lib 14. See also *S1187 [804], transl. EHD I, no. 81, pp. 471-73. See Wormald, 'Charters, Law', pp. 292-98, 298-306, for detailed discussion of items marked *.

In spite of the successful oath-bringing, her husband's nephew appears to have occupied (*ærdo.de*) her land at Standon, necessitating Æthelgifu's appeal to the king, and her attempts to safeguard her dispositions by commending her will to both king and queen. Æthelgifu's will may be seen as an assertion of her hard-won rights, documentation of the dispute process by which she won her right to bequeath land which she obtained from her husband; the penultimate clause of the will sums up her right to dispose of the disputed land:

þa lædde heo að to hyccan. .xx. hund aða þær wæs ælfere on 7 ælfsige .ld 7 byrnric wæs þa gerefa 7 ealle þa yldestan men to bedanforda. 7 to heortforda 7 heora wif. Ufonan þone cwide 7 þær [...] þa of ærdo[.]de eadelm hire hlafordes swustur sunu hire lond hire æt standune þa sohte ic þæne cing 7 gesealde hym .xx. punda þa agef he me myn lond on his unþonc.

[Then she produced an oath at Hitchin, twenty hundred oaths: there were included Ælfere and Ælfsige *Cild* (?) and Byrnric who was then reeve and all the chief men belonging to Bedford and Hertford, and their wives. In spite of the will and [...], Eadelm, the son of her lord's sister, [dispossessed] her of her land at Standon. Then I appealed to the king, and gave him twenty pounds; then he gave me back my land against his will.]⁶⁰

The pressure that could accrue is vividly illustrated by the account known as the Herefordshire Lawsuit.⁶¹ In this text we are told of a dispute which took place during the reign of Cnut between a mother and son concerning land at Wellington and Cradley (Hfds). Edwin, Enniaun's son, claimed the land held by his unnamed mother; three thegns were dispatched by the shire court to discover her claim to the land. She refuted her son's claim roundly, according to the account, and forthwith declared before the thegns and her kinswoman Leofflæd that the latter would inherit all her lands and possessions. As has been

⁶⁰ S1497. See also the dispute S877/R63 for Wulfbald's challenge to his step-mother's tenure.

⁶¹ See S1462/R78 for text and translation. Also translated by Whitelock, *EHD* I, p. 556. The original text was written into an eighth-century gospel book at Hereford in a script contemporary with the transaction: see R.A.B. Mynors and R. M. Thompson (eds), *Catalogue of Manuscripts of Hereford Cathedral Library* (Cambridge 1993), p. 65. See also CR 33 for the pressures of kin on the widow of Æthelstan Mannesune.

pointed out, the beneficiary, Leofflæd, was the wife of Thurkil the White, who represented the woman in the shire court, and ensured that the transaction was entered in the gospel book at Hereford:⁶²

þa astod Ðurcil hwita up on þa gemote . 7 bæd ealle þa þægnas syllan
his wife þa landes clæne . þe hire mage hire ge-uðe . 7 heo swa dydon . 7
Ðurcill rad ða to sce Æthelberhtes mynstre be ealles þæs folces leafe . 7
gewitnesse . 7 let settan on ane Cristes boc.

[Then Thurkil the White stood up in the meeting and asked all the thegns to give his wife the land unreservedly which her kinswoman had granted her, and they did so. Then Thurkil rode to St Æthelbert's minster, with the consent and cognizance of the whole assembly, and had it recorded in a gospel book.]

This account represents, on the surface, a woman asserting her rights in land. Alternatively, the bequest to Leofflæd may have been the price of strong advocacy, since the reversion of the land would benefit Leofflæd's husband, Thurkil. This is reminiscent of the case of the widow of Æthelric of Bocking, who granted her morning-gift to Christ Church, Canterbury, in return for the archbishop's advocacy on her behalf in persuading King Æthelred to allow her late husband's will to stand.⁶³ In each case, the widow stands to lose substantially if judgement goes against her, and needs strong male support to establish her case.⁶⁴

Circumstances other than the threat of (or actual) dispute may have prompted will-making on the part of widows. It is possible, for example, that Wynflæd's disposition of land and goods was her response to her entry into a religious community, probably Shaftesbury. There is uncertainty about who Wynflæd actually was, but the rather garbled

⁶² Stafford, 'Women and the Norman Conquest', pp. 241-42. Twelve hides at Cradley were in the hands of the cathedral chapter in 1066, and Thurkil held Wellington: *DB I*, 182a, 187b (Hfds: 2, 30, 29, 11). The significance of this text for the role of the shire court is discussed in Chapter Two.

⁶³ S939/W16². Crick, 'Posthumous obligation', pp. 202-203.

⁶⁴ See also S1454/R66 [990x992], which may also show a woman defending her right to land and wealth inherited from her husband: Wynflæd adduces powerful witnesses to her claim against Leofwine, who appears to have seized the land in contention. It is likely that he was a kinsman – perhaps the son – of her late husband. The case is discussed by Kennedy, 'Disputes', pp. 187-88.

reference in the damaged manuscript to King Edward's grant to her mother suggests a royal connection:

7 hio an Æþelflede hyre hy ... ppe 7 þara andlumena 7 ealra þera getæsa
þet þærbinna beoð 7 eac ðæs worþiges gif his hyre se cing an swa swa
Eadweard cing ær his Bryhtwynne hyre meder geuþe.

[And to Æthelfæd she grants her ... and the utensils and all the useful things that are inside, and also the homestead if the king grant it to her as King Edward granted it to Byrhtwyn her mother.] [S1539/W3, ?c. 950]

Her substantial bequests to her children and grandchildren, the detailed ordering of her affairs, and her bequest of nun's clothing and other religious items are as commensurate with departure from secular life as they are with preparation for death.⁶⁵ Women of high rank were also likely to find their circumstances influenced by political change: Ælfgifu's will [S1484/W8, 966x975] takes account of two estates, Newnham (Oxon) and Linslade (Bucks), which were granted to her by King Edgar in 966, the charters referring to her as his kinswoman. It may be that these grants acknowledge the reinstatement of her family at court following the political upheavals which followed the accession of King Eadwig.⁶⁶ Ælfgifu bequeathed to the royal family, and to religious foundations with strong royal connections, land which she may have held in recognition of her former position as queen: she returned Linslade to the king himself, and Newnham to the Ætheling.⁶⁷ Such renewed recognition of her status may have prompted a will which allied her strongly to the royal family and the Winchester churches associated with it.

A further important factor prompting will-making by a widow was the widow's responsibility for her husband's commemoration and the implementation of his will. The

⁶⁵ S1539/W3, c. 950. See Whitelock, *Wills*, p. 109 and Kelly, *Charters of Shaftesbury Abbey*, p. xvi n. 17, and p. 56. See Chapter 5 below for further discussion of bequest of movable wealth by women. This text will be edited in the final volume of the British Academy charter series.

⁶⁶ S738, 737. See Stafford, *Unification and Conquest*, p. 52 and fn 15.

⁶⁷ Stafford, *Queen Emma and Queen Edith*, pp. 127, 131.

widow of Æthelric of Bocking is shown delivering his heriot payment at court, and pleading for her husband's will to stand in the face of accusations of his treachery.⁶⁸ The widow's responsibility for commemoration is made explicit in the will of Wulfgar [S1533/R26, 931x939]; his widow Æffe is to have a life interest in the estate at Inkpen:

7 ic wille þ Æffe feormige of þæm þrim dælum æt Ingepenne þa Godes þeowas æt Cynetanbyrig þrie dagas on twelf monþum ænne dæg for me oþerne for minne fæder þridan for minne ieldran fæder.

[And I desire that from the three parts at Inkpen Æffe shall provide the servants of God at Kintbury with a three days' food-rent in the twelve months, one day for me, the second for my father, and the third for my grandfather.]

The will makes clear that Inkpen was first acquired by Wulfgar's grandfather, Wulfhere, and is to revert to what is probably a family estate church with a community at Kintbury (Berks).⁶⁹ In return for her life interest, Æffe takes on responsibility not only for her husband's commemoration, but also for that of his ancestors.⁷⁰

Factors influencing male will-making

Male will-making, however, seems to have been prompted by factors other than the death of a spouse. In an interesting and important examination of widowhood in pre-Conquest England, a preliminary trawl of the evidence for widowed men in pre-Conquest England has revealed a group of ten male donors who make grants or wills as widowers.⁷¹ Three of them make wills referring to daughters, but without mention of wives or sons. This may suggest a correlation between 'irregular inheritance' – that is to say, the absence

⁶⁸ S939/W16².

⁶⁹ See the bequests of Ælfgar and his daughters to a similar foundation at Stoke-by-Nayland (Sfk): S1483/W2; S1494/W14; S1486/W15.

⁷⁰ For similar arrangements in a ninth-century will see S1510/R6 [845x853]. For later wills, see S1535/W32 [1042x1053] and S1497 [985x1002] for the commemoration of husbands. For the role of women in commemoration in a Carolingian context see M. Innes, 'Keeping it in the family: women and aristocratic memory 700-1200' in Elisabeth van Houts, *Medieval Memories: Men Women and the Past, 700-1300* (Harlow, 2001), pp. 23-29.

of a son and no expectation that one will be born – and male will-making. The absence of an apparent heir may have created an imperative for the making of a written will in order to protect the donor's *post obitum* dispositions.⁷² Since women donors are demonstrably widows, it is suggested that wills 'should perhaps be seen as special documents, designed to curb the usual forces of family acquisitiveness'.⁷³

It is undoubtedly the case that family acquisitiveness was a crucial factor influencing bequest, as has already been shown, and that some wills were made by widowers, perhaps in an attempt to protect the inheritance of daughters. Wulfric Spott [S1536/W17 1002x1004], one of the donors cited in the above study, is a good example. Wulfric bequeaths vast estates, endowing his new foundation at Burton (Staffs) and making relatively minor bequests to his 'poor daughter' (*earman dehter*). Collateral kin benefit significantly, possibly *because* there was no direct male heir. A summary of his dispositions may be given as follows:

Daughter:	1 estate (usufruct) plus lordship of Tamworth
Brother (Ælfhelm)	3 estates in own right
Ælfhelm's son (Wulfheah)	3 estates in own right
Ælfhelm + Wulfheah	share lands between Ribble and Mersey, & in Wirral
Ælfhelm's son (Ufegeat)	1 estate (linked to better support for Burton)
Ealdgyth (?sister's d.)	1 estate
Morcar*	11 estates
Ælfhelm (k/m ?sister's s.)	1 & 'that which Scegth bequ. to Wulfstan' ⁷⁴

* Morcar was the husband of Ealdgyth, and thus possibly Wulfgar's nephew by marriage.

These bequests must be seen in the context of approximately fifty estates which form Wulfric's endowment of Burton. What seems to be intended here is a balance between maintaining kindred rights in the land, protection of the rights of his daughter, and

⁷¹ Crick, 'Men, women and widows', pp. 30-31.

⁷² Crick, 'Men, women and widows', pp. 31-32.

⁷³ Crick, 'Men, women and widows', p. 32.

protection for a new monastic foundation associated with the family heartlands.⁷⁵ At least one member of the kindred – Ufegeat – seems to lack enthusiasm for the project: in the will he is granted a single estate ‘in the hope that he may be a better friend and supporter of the monastery’ (*on þ gerad þ he freond. 7 fultum þe betere sy into þære stowe*).

However, when the evidence of this sample of male donors is placed in the context of the full corpus of vernacular wills, it seems unlikely that the death of a spouse was the key factor in male will-making that it seems to have been for women. Of thirty-two lay male donors from the ninth to the eleventh centuries (excluding royalty), seventeen bequeath land to their wives.⁷⁶ A further text [S1471/R101 c. 1045] records an agreement between Æthelric and Archbishop Eadsige concerning land which is granted by the donor to Christ Church, Canterbury, reserving life interest for himself and his son: no wife is mentioned, but in the context of what amounts to a business agreement there is no reason why she should be. Additionally, three lay male donors recorded in the Ramsey Chronicle refer to wives.⁷⁷

Although the absence of a son might be one factor in male will-making, it was not necessarily the crucial factor.⁷⁸ Nine donors (including two from the ninth century) make bequests to sons. However, since so little land was involved, it was clearly not the prime

⁷⁴ See Wareham, ‘Transformation of Kinship’, pp. 390-391 and P. Sawyer (ed.), *Charters of Burton Abbey*, British Academy Anglo-Saxon Charter Series, 6, pp. xxi-xxiii for discussion of these relationships.

⁷⁵ See Chapter 4 for an account of the endowment of Ramsey, which provides a context for Wulfric’s bequests.

⁷⁶ *S1482/H2*; *S1508/H10**; *S1509/R27*; *S1538/R26*; *S1496/W6*; *S1501/W16¹*; *S1534/W19*; *S1531/W31*; *S1527/W24*; *S1528/W25*; *S1487/W13**; *S1234/R116** *S1510/R6*; *S1517**; *S1498/W10**; *S1485/W9**; *S1505/W12**. (See also *S1507/H11**, the will of King Alfred). The asterisk indicates that the donor refers to a son. I have excluded here Bishop Ælfsige [S1491/W4] whose ‘kinswoman’ was probably his wife: see Williams, ‘*Princeps Merciorum gentis*’, p. 149. I have also omitted Wulfwyn, beneficiary of Wulfsige [S1537/W27] who is likely to be Wulfsige’s wife although there is no direct evidence.

⁷⁷ CR 33, 34, 53 (Æthelstan Mannesune, Ælfwold, Godwine).

⁷⁸ *S1482/H2* and *S1508/H10* (from the ninth century) seek to protect the inheritance of sons who may yet be born; *S1500/R3* (also from the ninth century) refers to the possible birth of a *bearn*.

purpose to endow an heir.⁷⁹ This apparent neglect of sons by male donors is most readily explained by the likelihood that sons could expect to inherit a share in the *folcland* – the family patrimony – and were thus already provided for, allowing the acquired land (*bocland*) to be disposed of elsewhere.⁸⁰ In three cases, estates are to be held in usufruct, with reversion to the church.⁸¹ Æthelwold's son is to have only one hide, together with a *lecge* (possibly a scabbard) [S1505/W12]; this is in the context of a grant to Æthelwold's wife of a life interest in ten hides at Manningford (Wilts), an estate granted to Æthelwold by King Æthelred in 987 and which, on her death, reverts to the church rather than Æthelwold's son.⁸² Even the two ealdormen, Ælfheah and Æthelmær, bequeath only one estate to each of their two sons; Ælfheah's younger son is to have in addition the reversion of an estate held by his mother for her life, with sequential reversion to his paternal uncles and the church.⁸³ The exception is Eadwine of Caddington [S1517, c. 1050], who bequeaths seven estates, one as usufruct, to his son, Leofwine. Since the child was clearly still a minor, the purpose of the will was to transfer the responsibility for his son's property to his brother in the event of his widow's remarriage. If the child dies, his estates (except one, which is to return to Abingdon) are to pass in the male line (*on þa sperhand*) of Eadwine's family.⁸⁴

It seems likely, therefore, that although the imminence of death, the death of a spouse or the absence of an heir may lie behind the wills of some male donors, male will-

⁷⁹ Male donors bequeathing land to sons: S1471/R101; S1539/W13; S1234/R116; S1508/H10; S1507/H11; S1498/W10; S1485/W9; S1517; S1505/W12.

⁸⁰ See Chapter 2 above for full discussion.

⁸¹ S1234/R116: Brihtmær's wife, son and daughter hold the homestead and church with reversion to Christ Church, Canterbury; S1471/R101: Æthelric's son has a life interest in two estates and a message with reversion to Christ Church, Canterbury; S1539/W13: Ælfhelm's son is to have two estates and may choose to which foundation they should revert on his death.

⁸² S865. The will can only be dated in relation to this charter.

⁸³ S1485/W9 968x971 (Ælfheah); S1498/W10 971x983 (Æthelmær).

making in general was prompted by other considerations. First, the responsibility of marriage and the potential vulnerability of women's inheritance seem to have been a key stimulus to lay male will-making. Eight donors bequeath usufruct in land to their wives.⁸⁵ All estates revert ultimately to the church, except those held by the widow of Wulfgeat of Donington [S1534/W19 c. 1003], which revert to Wulfgeat's kindred, 'those who are nearest' (*þa ðær nehste syn*), and those held by the widow of Eadwine of Caddington [S1517 c. 1050], which are to revert to his son.

However, six wills show male donors acknowledging and asserting the rights of their wives most clearly, identifying the property concerned and the terms on which the wife's claim is based.⁸⁶ Such terms are likely to have been based on marriage agreement. A contemporary account of marriage agreement survives, known as *Be Wifmannes Beweddunge*, dating to the time of Wulfstan, possibly to the early eleventh century.⁸⁷ In this text, the prospective groom is to make a gift in return for the woman's acceptance of his offer of marriage, and then state 'what he grants her if she should live longer than he' (*hwæs he hire geunne gif heo læng sy ðonne he*). Furthermore, the wife is to be entitled to half the *yrfe* on widowhood (all of it if they should have a child) unless she remarries.⁸⁸ It is unclear on what terms the woman is to hold this land.

Two contemporary marriage agreements are also extant, representing individual negotiations which would depend on the relative wealth and status of the families

⁸⁴ In fact, Leofwine held three of these estates in 1066: Keynes, 'St Albans', p. 278.

⁸⁵ S1509/R27; S1535/R26; S1496/W16¹; S1234/R116; S1505/W12; S1534/W19; S1496/W6; S1517. Four wills date to the ninth century, and involve widows holding land in usufruct: S1510/R6; S1482/H2; S1508/H18; S1507/H11. The will of King Alfred [S1507/H11] does not stipulate usufruct, but at least two estates bequeathed to his wife were designated for the support of royal women and would revert to the crown on her death (Lambourne and Wantage, Berks); see Stafford, *Queen Emma and Queen Edith*, p. 129, and Keynes and Lapidge, *Alfred the Great*, p. 323 fnn 88, 89).

⁸⁶ S1498/W10; S1528/W25; S1527/W24; S1531/W31; S1487/W13; S1485/W9.

⁸⁷ Wormald, *English Law*, p. 386; edited and translated Whitelock, *C&S*, pp. 427-29.

concerned. Some combination of land held freely or for life, with movable wealth, would be bestowed upon the bride by her family and by the groom. One [S1461/R77, 1016x1020] amalgamates two stages of an agreement. The first, made at Kingston before an assembly including King Cnut, the community of Christ Church, Canterbury and lay witnesses, records that the groom, Godwine, offered gold as an inducement to the woman to accept him, and two estates, thirty oxen, twenty cows, ten horses and ten slaves, presumably as her endowment. Following the witness list, the pronoun changes to the first person, representing the bride's father, Brihtric.⁸⁹ In this second stage of the proceedings when the marriage takes place, he affirms what he has granted to the couple (which is unspecified), to be held by the surviving partner (*7 swa hwæðer heora læng libbe fo to eallan ætan ge on ðam land þe ic heom gaf ge o ælcon þingan*). There is no indication on what terms Godwine's grant of land to his prospective wife was made: the implication is that if she survived him, she would hold land from both her husband and her father freely. The second marriage agreement to survive [S1459/R76, 1014x1016] asserts that the woman is to have free disposal of one estate as well as a life interest in others. It records the agreement made between Archbishop Wulfstan and Wulfric, who offered marriage to the archbishop's sister. Wulfric promises his wife two estates for her lifetime, a leasehold estate for three lives from the abbey at Winchcombe, and an estate in her own right to dispose of freely (*to gyfene 7 to sylenne ðam ðe hire leofest wære on dæge 7 æfter dæge ðær hire leofest wære*); he also promises her (*behet hire*) fifty mancuses of gold, thirty men and thirty horses. A

⁸⁸ See Wormald, 'Kingship and royal property', pp. 264-67 for discussion of the term *yrfe*.

⁸⁹ The manuscript has been lost, the text surviving only in an eighteenth-century version. The change of pronoun may indicate the amalgamation of two separate documents representing different stages of the transaction.

woman's security in widowhood was, therefore, the subject of negotiation at the time of marriage and could involve endowment of land by her husband and her own kindred.

In four wills there is reference to such an agreement. Thurketel of Palgrave [S1527/W24 s.xi¹] grants to his wife, among other estates, 'all the other which I received when I married her; and half Roydon ... on those terms which we have agreed' (*7 þat oþer þat ic mid hire nam and half Reydone ... to þat forwarde þat we spreken habben*). Ælfhelm [S1487/W13 975x1016] specifies land which he gave to his wife as a marriage gift (*to morgengyue*), and that which he gave her 'when we first came together' (*þa wit ærest togædere comon*). Ealdorman Æthelmær refers to the *wedde* (agreement) made with his wife [S1498/W10, 971x983].⁹⁰ It seems possible that such agreements involved freedom of disposition, as is made explicit in a fifth will, made by Thurketel Heyng [S1528/W25 s.xi]:

an mine wyues del euere unbesaken to gyfen and to habben þer hire leuest be.

[And my wife's portion is to be ever uncontested, for her to hold or give where she pleases.]⁹¹

These clauses seek to deflect the predatory claims which the donor can clearly envisage, since the terms of the agreements may mean alienation of land from his kindred.

A second consideration for male donors seems to have been not only to protect the interests of wives, but also those of daughters. Six tenth-century and eleventh-century donors bequeath land to daughters.⁹² In general this constitutes small amounts, often shared with the donor's wife, or with siblings, and for life only. These bequests cannot be

⁹⁰ S1531/W31, the will of Thurstan, also refers to a contract (*to mund and to maldage*) concerning his wife's right to land; Whitelock's interpretation of this as 'a marriage payment' may be accurate.

⁹¹ It is possible that a similar agreement underlies Ealdorman Ælfheah's bequest of the residue of his estate to his wife's care: S1485/W9, c. 968x971. Certainly, he places enormous confidence in her ability to administer the land.

specifically linked to the marriage portion, although in one case the donor's daughter was living as a recluse attached to St Benedict-at-Holme, and the bequest of an estate for her life with reversion to the abbey may have formed part of her endowment.⁹³ In two cases male donors bequeath usufruct in estates to their daughters with provision made for the next generation: Ealdorman Ælfgar [S1483/W2, 946xc. 951] bequeaths one estate to each daughter which is to revert to a child, should one be born;⁹⁴ and Wulfgeat of Donington [S1534/W19 c. 1000] bequeaths an estate to his grandson. This awareness of family responsibility is not the prerogative of male donors; it is shared by women, as will be shown below. Nevertheless, it is less likely to be associated with the widowed state; for example, of the six male donors making bequests to daughters, four also mention wives.⁹⁵

For male donors, a further consideration in will-making seems to have been the opportunity for the ratification of affairs. Inheritance procedures could be complicated by a number of factors including remarriage of a widower, the need to endow children, or the acquisition of new land whether by *boc*, through office, or inheritance from the previous generation. Each of these factors will now be considered in turn, showing how male donors can be seen responding to specific circumstances.

Remarriage of a male donor is most clearly seen in the ninth-century will of Ealdorman Alfred [S1508/H10, 871x889], who distinguishes 'the child of us both' (*uncum gemenum bearnum*) in referring to his daughter, but makes no such distinction in referring to his son (*minum sunum*). This suggests that he had remarried, and that his son was born

⁹² S1487/W13; S1234/R116; S1528/W25; S1536/W17; S1483/W2; S1534/W19. From the ninth century: S1507/H11; S1202/H8; S1508/H10. Male bequest to daughters will be discussed further in the context of bequests within the kindred (below).

⁹³ See Chapter 4 for similar instances in chronicle sources.

⁹⁴ The terms used are *child* and *bern*; it is unclear whether a male child is intended, although the phrase *buten Atelfled her wille him his vnen* (unless Æthelflæd wishes to grant it to him[?] before) could suggest that this might be the case. See Whitelock, *Wills*, p. 6 line 18.

from the previous marriage.⁹⁶ The tensions which could arise in such circumstances are apparent in the account of a dispute between Wynflæd and Leofwine c. 990, where Leofwine is most probably a stepson challenging the tenure of his father's second wife.⁹⁷

The need to endow children is attested by the evidence of the Ramsey Chronicle and *Liber Eliensis*, where donors are shown granting land when a son enters the monastery.⁹⁸ As suggested above, the bequest of a life interest in land by Thurketel Heyng to his daughter, with reversion to St Benedict-at-Holme, may be linked to her entry into the community as a recluse.⁹⁹ It is difficult to make a precise link between bequests and the requirements of marriage agreements, particularly dowry, but there are two examples where bequest of land to daughters involves the interest of the husband: two estates bequeathed by Ælfgar to his younger daughter are to revert on her death to her husband, Byrhtnoth, and then (if they have no child) to the church [S1483/W2, 946xc. 951]; and Ælfhelm's bequest of land to 'Godric and my daughter' implies that they are husband and wife.¹⁰⁰

The acquisition of land – particularly by *hoc*, with freedom of disposition – in all likelihood required donors to consider its ultimate destination, and is therefore likely to have prompted will-making. It has in fact been shown in Chapter Two that will-making was closely associated with the royal diploma, granting land. In some cases, land was acquired by right of office, and had to be distinguished from that which could be freely disposed of by the donor. This could apply to ealdormen, churchmen or king's thegns with special

⁹⁵ S1234/R116; S1487/W13; S1528/W25; S1534/W19. From the ninth century: S1508/H10; S1507/H11.

⁹⁶ Harmer, *SEHD*, pp. 90-91.

⁹⁷ S1454/R60. See also S877/R63. But see S1462/R78 [1016x1035] for tension between mother and son over rights to land.

⁹⁸ *LE II*, 67; *CR* 106. For Ælfhild's gift with her grandson see *CR* 35. For the gift of land with an oblate, see De Jong, *In Samuel's Image*, pp. 28-29, 127.

⁹⁹ S1528/W25 [s.x¹], and Whitelock, *Wills*, p. 180.

¹⁰⁰ S1487/W13 [975x1016]; see Whitelock, *Wills*, p. 136

responsibilities. The clearest example of such a process taking place in a will is provided by Bishop Theodred [S1526/W1, 942xc.951]. The will begins with a preamble:

Ic Peodred Lundeneware Biscop wille biquethen mine quiden mines erfes.
þe ic begeten habbe 7 get bigete godes þankes and his halegan for mine
soule 7 for min louerde þat ic vnder bigeat.

[I, Theodred, Bishop of the people of London, wish to announce my will concerning my property, what I have acquired and may yet acquire, by the grace of God and his saints, and for my soul and for that of my lord under whom I acquired it.]

The bishop goes on to make a series of bequests to various churches (including his sees of St Paul's, London and Hoxne, Suffolk) and to kindred. However, he identifies very clearly estates which he holds by right of office, since he can only dispose of stock accrued during his tenure, rather than the land itself:

7 on Denesige let stondon so mikel so ic þeron fond. And dele it man
on to half into þe minstre 7 half for mine soule.

[And at Dengie let there be left as much as I found on the estate and
let the rest be divided in two, half for the minster and half for my soul.]¹⁰¹

Land could also be acquired by inheritance from parents and other kin, and with it came responsibility for disposition in the best interests of the family. This is most clearly seen in the wills of Ælfgar and his daughter Alfflæd. Ælfgar's bequest of property to his daughters [S1483/W2, 946xc. 951] requires them to transmit it to the church for the souls of their ancestors (*aldre*). Alfflæd, in her turn, refers in her will to the estates which her ancestors bequeathed, listing those designated for the church [S1486/W15, 1000x1002]. Wulfgar

¹⁰¹ A similar process may be taking place in the will of Archbishop Ælfric, S1488/W18 [1003x1004]. See Williams, *Princeps Merciorum gentis*, p. 151, for an example of lands endowing ealdormen.

[S1533/R26, 931x939] acknowledges land inherited from his father and grandfather ‘who first acquired it’ (*þe hit ærest begeat*).¹⁰²

A further factor which may have prompted male will-making must also be taken into account. Male donors had active lives which could involve travel, even danger, on the king’s business, ‘occupying his seat in the king’s hall’ or ‘riding in his household band’, or ‘on his missions’.¹⁰³ Just as Ketel ordered his affairs as he set out on pilgrimage [S1519/W34, 1055x1066], envisaging dangers ahead, so may other male donors have been aware of the potential dangers nearer home:

and gif unc ban fordsith sceot on Rome wey. þanne go þat land ... into
seint Eadmundes biri ...

[And if death befall us both on the way to Rome, the estate is to go to
Bury St Edmunds ...]

Bishop Ælfsige [S1491/W4] died on his journey to Rome to collect the *pallium* c. 958, and it is tempting to see his will in relation to this journey – particularly as it makes a heartfelt plea to Ealdorman Ælfheah to protect his kindred:

...þonne bidde ic minnan leofan freond Ælfheah þæt bewite ægþer ge þe
land ge mine mgas [*sic*] sien, and þæt þu ne geþafige þæt man þis on ænig
oper wænde.

[Then I pray you, my dear friend Ælfheah, that [you] will watch over both
the estates and those who are my kinsmen, and that you will never permit
anyone to alter this in any way.]

It is particularly significant in that the ‘young kinsman’ and the ‘kinswoman’ mentioned in his will were most probably his son and wife.¹⁰⁴

¹⁰² The responsibility for commemoration placed on women has been discussed above, and will be pursued in Chapter 6.

¹⁰³ See *Gehyncdo*, Liebermann, *Die Gesetze*, I, p. 456; transl. Whitelock, *EHD* I, p. 432. The fate of Harðacnut’s tax-collectors at Worcester should not be forgotten (*ASC*, C, s.a. 1041).

Joint wills: a response to specific circumstances

The donors considered so far have been shown responding as individuals to circumstances related to life-cycle changes: widowhood in the case of women, family responsibilities in the case of men. However, the group of donors considered here might be regarded as representative of the conjugal unit. They are not apparently envisaging imminent death, nor are they concerned with wider familial issues. These texts show donors making decisions according to circumstances which impinge upon them directly as a married couple. Six texts need to be considered where husbands and wives make joint dispositions.¹⁰⁵ Attention has been drawn to the fact that none of the joint wills refers to children, thus supporting the possibility that the making of wills may have been linked to unusual or complex descent of property in the absence of a direct line:

It is extremely tempting to link the creation of such joint wills with the absence of direct heirs – whether through childlessness, death or the incapacity of children to inherit.¹⁰⁶

A ‘distinctive profile’ for the texts may be identified: they deal with ‘relatively modest grants’, and the church is the key beneficiary, some of them making funerary arrangements with a beneficiary church.¹⁰⁷ However, while it is possible that the absence of children influenced the donors’ decisions, joint donors may be seen reacting to a range of circumstances which affected them both and which need not directly have involved an heir.

The first group of joint wills to be considered consists of those recording a specific transaction: the *post obitum* grant of a limited amount of land (one or two estates) to the

¹⁰⁴ See Whitelock, *Wills*, p. 114; Miller, *Charters of the New Minster*, p. 83. See also S1525/W38, W39 for other wills made in the context of impending pilgrimage.

¹⁰⁵ S1511/W11; S1235 (see Crick, *Charters of St Albans*, forthcoming); S1529/W36; W39; S1524/W5; S1608 (Hart, *Early Charters*, pp. 86-91). (Ninth century: S1500/R3). I have excluded from consideration the Latin bequest appended to S153 because of its early date (758). I have also omitted S1482/H2 since it consists of Abba’s will with his wife’s bequest as a separate endorsement.

¹⁰⁶ Crick, ‘Women, posthumous benefaction’, p. 406.

church, in return for commemoration or confraternity.¹⁰⁸ The bequest of two estates by Oswulf and Leofrun [S1608 1044x1062] is preserved in a fifteenth-century manuscript in both Latin and Old English. As it stands, the text is corrupt, but seems to preserve an original transaction: the bequest to Bury is made in return for the singing by designated priests of twelve masses weekly in memory of the donors.¹⁰⁹ Oswulf and Æthelgyth [S1235 1053x1056] grant land and coin to the community of St Albans, in return for confraternity (*brodorsæddene*; Latin *fraternitas*). This is a complex agreement, involving the donors retaining a life interest in the estate, and building a church on it with wood supplied by the abbot.¹¹⁰ The bequest of Ordnoth and his wife to the Old Minster at Winchester is particularly significant, since it refers to ten hides (with the relevant *boc*) which are to revert to the church after the death of both donors, together with ‘such portion of their goods as they have specified’ (*swylcne del heora æhta swylce hy gecwedan*) for distribution among the poor, and any surplus. The community, in return, is to provide burial for them both. This is only part of the donors’ disposition: the text states clearly that this agreement was made in the presence of the community, and included a statement of their disposition to friends (*on his freonda hand*), not included in the present text.¹¹¹ These documents refer to specific transactions concerning the donors’ investment in their own spiritual welfare, while at the same time their own joint and reversionary tenure of the land and benefit from it during their lifetime are protected.

¹⁰⁷ Crick, ‘Women, posthumous benefaction’, pp. 405-406.

¹⁰⁸ S1608; S1235; S1524/W5. The single-gift will of Æthelgyth and Thurkill granting land to Bury [S1529/W36] may be an extract from a longer text: see Chapter One for discussion of the single-gift bequest.

¹⁰⁹ See Hart, *Early Charters*, pp. 86-91 for text and translation, with commentary.

¹¹⁰ I am grateful to Dr. Julia Crick for supplying me with a draft of her text and commentary in advance of publication in the British Academy *Charters of St Albans Abbey* volume, forthcoming.

¹¹¹ In a ninth-century text [S1500/R3] Æthelnoth and his wife Gænborg make an agreement with Archbishop Wulfred concerning their property (*hiora erfe*); the archbishop is to succeed to the land after the death of both of them and distribute alms for their souls, unless they have a child, in which case the child will inherit. It is

Reasons other than childlessness can also be adduced to account for the making of the multi-gift wills of Brihtric and Ælfswith [S1511/W11, 973x987] and Ulf and Madselin [W39, 1066x1068], which mention a range of kindred, but no children. The will of Ulf and Madselin announces in the preamble:

Þis is seo feorewearde þe Vlf 7 Madselin his gebedda worhtan wið
[*lacuna*] 7 wið sce PETER. þa hig to Ierusalem ferdan.

[This is the agreement which Ulf and Madselin made with [God] and St Peter when they went to Jerusalem.]

The tone of the will is business-like, recording exchange and distribution of land, with contingency plans in case they should fail to return. The will of Brihtric and Ælfswith emerges from a long-running and bitter dispute concerning land at Bromley, Fawkham and Snodland (Kt). The minutiae of the dispute are not relevant here; the key issue is the tension that existed between the kindred of the original donor, who persistently asserted their claim to the land, and the community of Rochester Cathedral.¹¹² The will is a careful disposition of land and other property which the donors ‘declared at Meopham in the presence of their relatives [listed] ... and Bishop Ælfstan [probably of Rochester]’ (*ðe hi cwædon on Meapaham on heora maga gewitnæsse ... 7 Ælfstan bisceop*). This has all the appearance of a transaction intended to resolve the dispute: the land at issue is to revert to Rochester following the death of the current holder, Brihtwaru, daughter-in-law of the original donor. The presence of kindred, presumably with a potential claim on the land, suggests that the disposition of the property in the will was the subject of negotiation: most of the witnesses receive estates other than those in dispute.

made explicit that ‘whichever of them [the donors] lives the longer shall succeed to the estate and all the property’ (*suæ hueðer hiora suæ leng lifes were foe to londe 7 to alre æhte*).

¹¹² See Chapter 2. The details of the dispute are succinctly summarized, with references to relevant documents, by Wormald, ‘Charters, Law’, pp. 298-300.

This evidence indicates that, while the absence of a direct heir and concomitant difficulties in the transfer of property *may* have been a factor in stimulating the making of joint wills, the *demonstrable* factor is the response to specific circumstances. A similar pattern emerges from five joint bequests recorded in the Ramsey Chronicle and *Liber Eliensis*, which will be discussed further in Chapter Four.¹¹³

Bequest of land: the social network

While bequest was prompted by specific circumstances in donors' lives, decisions concerning the disposition of property were influenced by a range of factors. It has been suggested above that donors belonged to wide-ranging, complex social networks. In this section, the key secular dimensions will be explored: obligations to royalty and to kindred, and the relationship with the local community. Evidence will be taken largely from will texts; Chapter Four will place these issues in the wider narrative context of the Ely and Ramsey chronicles, while Chapter Six will discuss the relationship between the laity and the church as seen through bequest.

Bequest of land to royalty

The previous chapter has considered the role of heriot in the relationship between the nobility and the king. Bequest of land to the king is rare. Where it does occur, it is possible that special circumstances apply. It has already been noted that Æthelflæd [S1494/W14, 962x991] and Ælfgifu [S1484/W8, 966x975] were probably returning estates to the king held as part of the royal endowment of queens. Similarly, Bishop Ælfsige [S1491/W4] returns land let to him by the king (*þe he me ær to let*).¹¹⁴

¹¹³ *LE* II, 15; *CR* 34, 37, 38, 107 (p. 174).

¹¹⁴ Stafford, *Queen Emma and Queen Edith*, pp. 132-35. Wills granting land to the king: S1526/W1; 1491/W4; 1484/W8; S1485/W9; 1494/W14; 1486/W15; S1503/W20.

However, in two cases where land is bequeathed to the queen the gift seems to reflect a personal relationship. The first example is Ealdorman Ælfheah [S1485/W9, c. 968x971], who refers in his will to Queen Ælfthryth, third wife of King Edgar, as his *gefædere*, a term which links them through sponsorship at baptism and establishes liturgical kinship;¹¹⁵ he grants her an estate, and makes further bequests to the two *æpelings*, the older of whom is identified as *þæs cyngæs suna. and hire* (the king's son and hers). This distinction establishes Ælfheah's support for the son of Ælfthryth and Edgar in the succession, as opposed to Edgar's son from his previous marriage. The political implications of this bequest are clear: Ælfheah is reinforcing an alliance with Ælfthryth, who could also command the support of Bishop Æthelwold.¹¹⁶ The second donor for whom a personal link with the queen can be postulated is Leofgifu, [S1521/W29, 1035x1044], who was probably a member of the household of Queen Emma. Her bequest of land to the queen is perhaps to be seen as the formal return of royal land held for her life only as the queen's servant.¹¹⁷ This suggestion is reinforced by the fact that Leofgifu's will, uniquely in the corpus, is addressed to the queen rather than the king.¹¹⁸

The limited bequest of land to the king and queen suggests that it was rather through bequest of movable wealth that the nobility articulated their relationship with the monarchy. This will be discussed further in Chapter Five.

¹¹⁵ See Whitelock, *Wills*, p. 123; B&T under *gefædere*.

¹¹⁶ For the political implications of this, see Yorke, 'Æthelwold', pp. 84-5. Ælfheah's kinswoman, Ælfgifu [S1484/W8], also makes a bequest to the queen, probably Ælfthryth, at about the same time [966x975], reinforcing the family allegiance; see Whitelock, *Wills*, p. 119 for the family connection. Yorke also draws attention to the kinship of Ælfheah and Ælfgifu ('Æthelwold', p. 84).

¹¹⁷ Stafford, *Queen Emma and Queen Edith*, pp. 112, 181-82 fn 95.

¹¹⁸ This will begins in the characteristic style of the royal writ: *Leofgiue gret hyre leuedi godes gretinge. And ic kithe þe...* See Harmer, *Writs*, pp. 14-15 for writ protocol, and 29-21 for its use by the non-royal laity. Chapter 2 above discusses the stylistic links between writs and wills.

Bequest within the kindred

It has already been shown that the potential claims of male kindred on bookland were important in prompting written will-making.¹¹⁹ It has been suggested that these claims may have become increasingly significant as bookland was transmitted across generations, blurring the distinction between alienable land, at the free disposition of the holder, and that which was non-alienable, on which the kindred might have a legitimate claim. Two specific aspects of bequest of land within the kindred will be discussed here: the preference of the male line, and the role of women in transmitting property.

Preference of the male line in bequest of land.

Although there is limited bequest of land to sons in late Anglo-Saxon wills, the evidence shows that one of the factors influencing donors was preference of the male line in disposing of acquired property.¹²⁰ The principle is set out in the late ninth century by King Alfred's will [*S1507/H11*]; when referring to the transmission of the bookland which he has bequeathed he directs that it is to pass in the male line within his kindred:

... þonne is me leofast þæt hit gange on þæt strynde on þ wæpnedhealfe þa hwile þe ænig þæs wyrðe sy. Min yldra fæder hæfde gecweden his land on þa sperehealfe næs on þa spinlhealfe. Þonne gif ic gesealde ænigre wifhandas þæt he gestrynde, þonne forgyldan mine magas, 7 gif hy hit be þan libbendan habban wyllan ...

[... then I should prefer that it should pass to the child born on the male side so long as there be any capable of holding it. My grandfather bequeathed his land in the male line, and not in the female line. If, then, I have given to any woman what he acquired, and my kinsmen wish to have it in the lifetime (of the holders), they are to buy it back ...]

¹¹⁹ See Chapter 2, and the vulnerability of women's inheritance discussed above.

¹²⁰ See Chapter 2 for the argument that sons' inheritance of non-alienable land was not included in written wills.

The process of male kindred buying back land from a widow is mentioned in the roughly contemporary will of Ealdorman Ælfred [S1508/H10], who stipulates that his kinsmen on his father's side may buy the estates at half their value (*mid halfe weorðe*).¹²¹

Only twelve donors overall refer to sons.¹²² This may not necessarily imply that donors did not have sons, since the bulk of heritable property seems to have passed to heirs without leaving a trace in the written wills, where donors are concerned principally with acquired land.¹²³ However, it can be demonstrated that both male and female donors made choices in bequeathing land which favoured the male line, although not necessarily the direct line: where bequests are made to collateral kindred, brothers and nephews tend to be preferred. This may reflect the operation of the agnatic principles for inheritance which have been recognized as a factor in the tenth and eleventh centuries, with preference of the male line intended to limit alienation of land from the kindred through the marriage of daughters.¹²⁴

Where sons are mentioned, only one or two estates are bequeathed to them by either parent, sometimes with reversion to the church. In Ælfhelm's will, which has been discussed above in relation to marriage agreements, [S1487/W13, 975X1016], both wife and son appear as beneficiaries. Ælfhelm's son, Ælfgar, is granted two estates in usufruct, with the proviso that he in turn bequeath them to a religious foundation of his choice; this is paltry indeed, compared with Ælfhelm's bequests to his wife Æffe:

¹²¹ The ninth-century Frankish widow Erkanfrida makes a similar stipulation for her husband's kindred; see Nelson, 'Wary Widow', pp. 96-97, 105-106.

¹²² Ninth century: S1507/H11; S1508/H10. Tenth and eleventh centuries: S1505/W12; S1485/W9; S1498/W10; S1538/W21; S1487/W13; S1539/W3; S1517; S1471/R101; S1535/W32.

¹²³ Keynes and Lapidge, *Alfred the Great*, pp. 325-26 and Chapter Two above.

¹²⁴ See discussion of marriage agreements above, and La Rocca and Provero, 'The dead and their gifts', p. 230. Intestacy could lead to a similar risk: see II Cnut 70, 70.1. For agnatic principles see Pauline Stafford, 'La mutation familiale: a suitable case for caution' in Joyce Hill and Mary Swan (ed.), *The Community, the*

Her morning-gift:

Baddow (Ex)
Burstead (Ex)
Stratford (Sfk)
Enhale: 3 hides (Cambs)

Land he gave her 'when they first came together':

Wilbraham: 2 hides (Cambs)
Rayne (Ex)

By agreement:

Half stock at each estate (*tun*) irrespective of holder, 'as it was granted to her'.

Additional bequests:

Carlton (Cambs)
Gestingthorpe (Ex): *heafodbotl with mete 7 mannum*
 woodland and open land shared with daughter and her husband
 reserved bequest to priest
Conington (Cambs): half the estate shared with daughter, reserving 4.5 hides
Troston (Sfk): stud shared with 'my companions who ride with me'
 'what is on woodland' shared with daughter.¹²⁵

Other wills mentioning both wife and son are less extreme, but the pattern is consistent.¹²⁶

Nevertheless, preference of sons can be demonstrated in three of the five tenth-century and eleventh-century wills which make bequests to both sons and daughters.¹²⁷ The most marked distinction is made by Wynflæd [S1539/W3, c. 950]. Her daughter Æthelflæd is entitled to one estate with title deed (*boc*) 'as perpetual inheritance to dispose of as she pleases' (*on æce yrfe, to ateonne swa hyre leofosð sy*), while her son is granted two estates, with the additional reversion of the estate at Faccomb (Hants) which was his mother's morning-gift, and which only reverts to his sister on his death.¹²⁸

Family and the Saint. Patterns of Power in Early Medieval Europe (Leeds, 1998), pp. 103-108; Wareham, 'Transformation of kinship', pp. 375-77, 391-94.

¹²⁵ This will has been discussed by Wareham, *Aristocracy of East Anglia*, pp. 35-39 in the context of family strategy. It is recorded in *CR* 33.

¹²⁶ Ninth century: *S1508/H10*. Tenth century: *S1505/W12*; *S1485/W9* (wife to receive residue); *S1498/W10* (reference to an agreement). The exception is the will of Eadwine of Caddington [*S1517*, c. 1050], which bequeaths seven estates, one as usufruct, to his son Leofwine, who is still a minor.

¹²⁷ Wulfgyth [*S1535/W32*, 1042x1053] and Brihtmær [*S1234/R116*, 1052x1070] appear to treat sons and daughters equally, although Brihtmær's is a single-gift will bequeathing usufruct of one estate to his family, with reversion to the church.

¹²⁸ See also Ælfhelm, *S1487/W13* [975x1016] and Wulfwaru, *S1538/W21* [984x1016] for similar preference of sons.

Further preference of the male line is suggested by Wynflæd's interest in the patrimony of her grandson, Eadwold. She gives precise instructions to her son, Eadmær, as to the reversion of estates to Eadwold when he should reach the appropriate age: Eadmær is to relinquish to his son either Coleshill (Berks), which Wynflæd bequeaths to him, or Adderbury (Oxon), which is not otherwise mentioned in the will and which must already be in Eadmær's possession; Eadwold is to have both estates on his father's death. The estate at Faccomb, which was Wynflæd's morning-gift, also reverts to Eadwold following the life interest of her son and daughter, thus returning to the male line; Eadgifu, Eadwold's sister, is to receive only chattels.¹²⁹ The fact that one daughter of Wulfgeat of Donington [S1534/W19, c. 1000] is privileged over another in his will may also be linked to the fact that she has a son. Wulfgifu is to receive Donington, which may be the main family residence, and a further estate which appears to have been bought with her mother's dowry or morning-gift (*mid hire moder golde geboht*); additionally, her son is to receive an estate. Wulfgeat's other daughter is to receive only one hide. Such preference may indicate that Wulfgifu was the elder daughter, but the recognition of the grandson seems to imply that the estate at Donington would revert to him on his mother's death, ensuring that the land would remain in the male line.¹³⁰

It is not only in bequest of land to direct descendants that the male line is privileged. Of the twenty lay donors, from the ninth to the eleventh centuries, bequeathing an interest in land to collateral kin, nineteen make bequests to brothers, brothers' sons or sisters'

¹²⁹ The estates bequeathed by Wynflæd to her son and daughter are in Berkshire and Wiltshire, except for her morning-gift, which is in Hampshire. It is difficult to know whether this is significant: see discussion of Wynflæd's bequests below.

¹³⁰ See also S1483/W2 for Ealdorman Ælfgar's concern to protect the rights of grandchildren; the terms *child* and *bearn* used in this will are non-specific: see Lorraine Lancaster, 'Kinship in Anglo-Saxon society', *British Journal of Sociology*, 9 (1958), pp. 233-37 for discussion of relevant terminology.

sons.¹³¹ The ninth-century will of Abba [S1482/H2] stipulates the reversion of his land in hierarchical terms, favouring his brothers' sons after his death and that of his wife unless a son is born to him:

7 gif mine broðar ærfeweard gestrionen ðe londes weorðe sie, þonne ann ic ðem londes. Gif hie ne gestrionen oðða him sylfum ælles hwæt sele, æfter hiora dege ann ic his Freoðomunde gif he ðonne lifes bið. Gif him elles hwæt sæleð, ðonne ann ic his minra swæstarsuna swælcum se hit geðian wile 7 him gifeðe bið.

[And if my brothers have an heir capable of holding land, then I give the land to him. If they have no heir, or if anything happens to him (or them), after their death I give it to Freothomund, if he be alive at the time. If anything happens to him, then I give it to whichever of my sisters' sons is willing to receive it and succeeds in getting it.]¹³²

This principle remained active in the eleventh century: Leofgifu grants one estate to her daughter and three to her brother's son [S1521/W29, 1035x1044].¹³³

However, in spite of this evidence for preference of the male line in bequest, daughters were not neglected: both parents acknowledged the claims of daughters to an interest – temporary or otherwise – in the pool of disposable land. Twelve donors across the full spectrum of wills bequeath land – either with tenure or as usufruct – to daughters, and a further two acknowledge the claims of step-daughters.¹³⁴ Male donors bequeath a life interest in estates to their daughters, rather than tenure: of the six male donors making such

¹³¹ Ninth century: S1482/H2; S1513/R17; S1200/H7; S1507/H11. Tenth and eleventh centuries: S1487/W13; S1536/W17; S1527/W24; S1537/W27; W29; S1528/W25; S1497; S1516/W33; S1504/H20; S1503/W20; S1485/W9; S1490/W28; S1517; S1521/W29; S1519/W34. The exception is Æthelflæd [S1494/W14], who bequeaths land to her sister and her sister's husband jointly. Leofgifu's bequest to her *magum* and *aðum* may also refer to a sister and husband [S1521/W29]; see Whitelock, *Wills*, p. 188. The only other donor to specify a bequest of land to a sister is Ælfgifu, who grants her sister usufruct of two estates to be shared with her two brothers [S1484/W8]. Ketel [S1519/W34] refers to agreements with his sisters concerning land tenure.

¹³² Freothomund is unidentified. However, as Harmer notes, he is also to receive a sword of considerable value, implying a close kinship to the donor.

¹³³ See Stafford, 'La mutation familiale', p. 107 for comment on postponement of daughters' inheritance by collateral male heirs.

¹³⁴ Ninth century: S1202/H8 and S1508/H10 (both Ealdorman Ælfred); S1507/H11. Tenth and eleventh centuries: S1538/W21; S1539/W3; S1521/W29; S1535/W32; S1534/W19; S1234/R116; S1483/W2; S1528/W25; S1536/W17; S1487/W13. Step-daughters: S1497; S1519/W34.

bequests, five grant usufruct, with reversion to the church or male kin, while only Wulfgeat of Donington [S1534/W19, c. 1000] applies no such restriction.¹³⁵ Conversely, all four female donors bequeathing land to daughters appear to do so outright.¹³⁶ This may indicate that women were transferring to daughters tenure of land they acquired from their own kin or as morning-gift. Alternatively, usufruct by daughters may have, in general, been silently assumed; only Wynflæd [S1539/W3] specifically refers to the title-deed, and to her daughter's right of disposal.¹³⁷ Certainly, prospective husbands could expect to benefit from their wives' tenure of land inherited from their parents, even if that tenure was restricted to usufruct.¹³⁸

Overall, there is strong evidence for the recognition of a limited range of kin, and for the persistence of preference of the male line in bequest of land throughout the period. In this respect, transmission of bookland was an important element in establishing family cohesion across generations.¹³⁹ However, the number of disputes involving women's tenure is a significant factor, the challenge largely arising from male kindred.

Women's bequest of land:

Debate concerning the independence of women's landholding in the period before and after 1066 has raised questions about their freedom of tenure, with implications for

¹³⁵ Ninth century: *S1202/H8* and *S1508/H10*. Tenth and eleventh centuries: *S1534/W19*; *S1234/R116*; *S1483/W2*; *S1528/W25*; *S1536/W17*; *S1487/W13*. I have excluded here King Alfred's bequests of land to his daughters. It seems possible that these estates were held for life only; certainly they were still largely held by the crown in 1066. See Keynes and Lapidge, *Alfred the Great*, p. 321

¹³⁶ *S1538/W21*; *S1539/W3*; *S1521/W29*; *S1535/W32*.

¹³⁷ See further discussion of women's bequests below.

¹³⁸ Two wills refer to a son-in-law's interest in land: *S1487/W13* refers to 'Godric and my daughter', and *S1483/W2* stipulates usufruct for a daughter's husband after her death. See also the marriage agreement *S1461/R77*.

¹³⁹ For the importance of the conjugal couple, their progenitors, siblings and offspring in relation to three-generation kinship see Pauline Stafford, 'Kinship and women in the world of Maldon: Byrhtnoth and his family' in Janet Cooper (ed.), *The Battle of Maldon: Fiction and Fact* (London and Rio Grande, 1993), pp. 225-27.

rights of free disposition.¹⁴⁰ The influence of husbands and fathers on women's bequests can be difficult to detect, but must be regarded as a significant factor. The clearest example of such influence is in the tenth-century will sequence of Ealdorman Ælfgar and his two daughters.¹⁴¹ Ælfgar's will is first in the sequence [946xc. 951], seeking to channel property to his family foundation of Stoke-by-Nayland (Sfk), reserving usufruct for his daughters on some estates. The subsequent wills of his daughters, made 962x991 and 1000x1002 respectively, largely – if not entirely – reflected the intentions expressed in his will.¹⁴²

Such evidence necessarily raises questions as to the independence of many bequests of land made by women.¹⁴³ Although the bulk of the land *appears* to be bequeathed outright by women, it is possible that male influence over the disposition of a number of the estates was unstated in the documents; it is also possible that bequest of usufruct was unstated, and that a number of these estates were in fact subject to reversion.¹⁴⁴ As has been pointed out above, women inherited land from their husbands and from their own kindred.¹⁴⁵ With rights in land came responsibilities, not least in the complex issues of land transmission within two different kindred networks – their own, and that into which they had married. Wills provide evidence that women's bequests were equally concerned with

¹⁴⁰ The debate is outlined by Stafford, 'Women and the Norman Conquest', pp. 221-26; see also her 'Women in Domesday' for individual women landholders. Women's landholding is discussed by M.A. Meyer, 'Land charters and the legal position of Anglo-Saxon women' in Barbara Kanner (ed.), *The Women of England from Anglo-Saxon Times to the Present* (London, 1980), pp. 62-71 and 'Women's estates in later Anglo-Saxon England'. Nelson, 'Wary Widow' and Crick, 'Women, posthumous benefaction' relate the issue specifically to the impact on women's bequests.

¹⁴¹ S1483/W2; S1494/W14; S1486/W15.

¹⁴² The delay is discussed below. See CR 35 for a *viva voce* grant by Ælfhild's husband, which she fulfils in her will.

¹⁴³ See Stafford, 'Women and the Norman Conquest', pp. 222-25 for an account of the historical perception of this as a golden age of women's independence.

¹⁴⁴ S1521/W29: 7 estates; S1538/W21: 7 estates; S1539/W3: 4 estates; S1535/W32: 7 estates; S1497: 3 estates. See S1494/W14 for the bequest of land to Craue which appears to be an outright gift; S1486/W15 reveals that it was in fact subject to reversion.

¹⁴⁵ A woman's acquisition of land in the Carolingian period has been discussed by Nelson, 'Wary Widow', pp. 85-90.

the need to avoid dispersal of land within the kindred, and to maintain an equilibrium in its distribution.

Although there is no doubt that a number of bequests made by women fulfilled the intentions of a parent or a husband, some women maintained a degree of autonomy. It has been noted that Ælfgar's daughters, for example, did not follow his wishes to the letter in their own wills, delaying for their own lives the reversion of four estates which their father had bequeathed to the family foundation of Stoke.¹⁴⁶ In a rather different example [S1484/W8], Ælfgifu requests the king's permission to grant two estates, Mongewell (Oxon) and Berkhamstead (Herts), to be shared by her sister and two brothers before reverting to the Old Minster, Winchester, 'for my royal lord and for me' (*for minnæ cynehlaforð and for mæ*). Berkhamstead, at least, seems to have been royal land held by Ælfgifu as a royal widow;¹⁴⁷ in this context, her request seems to have been an attempt to divert use of the land temporarily to her own kin. In these instances, women claimed some powers of negotiation over the tenure of land within recognized constraints.¹⁴⁸

The main secular responsibility of widows seems, on the evidence of the extant wills, to have been the transmission of property to their own direct line or to their own kindred. All but two of the twelve women donors make bequests of land either to their children, or to their own collateral kin, or to both.¹⁴⁹ The elliptical nature of the texts makes it difficult to be sure to what extent these were indeed independent bequests, but an

¹⁴⁶ The estates are Cockfield, Lavenham, Peldon and Mersea, and Greenstead. See Stafford, *Unification and Conquest*, p. 175 and Lowe, 'Nature and Effect', pp. 41-44 for discussion of this evidence.

¹⁴⁷ See Stafford, *Queen Emma and Queen Edith*, p. 131 for discussion of Berkhamstead. It was in the king's gift in 1066.

¹⁴⁸ See also the ninth-century negotiations of Ceolwyn [S1513/R17] and Cynethryth [S1200/H7].

¹⁴⁹ S1513/R17 [ninth century]; S1539/W3; S1521/W29; S1538/W21; S1535/W32; S1497; S1484/W8; S1525/W38; S1494/W14; S1486/W15. Madselin also bequeaths land to a kinswoman in the joint will W39. The exceptions are S1200/H7 (a ninth-century agreement) and S1495/W22 (a single-gift bequest to the church).

examination of the will of Wynflæd [S1539/W3, c. 950?] suggests that some of them were. Her identity remains uncertain, although the possibility that she was King Edgar's grandmother is attractive.¹⁵⁰ Wynflæd was clearly widowed, with a surviving son and daughter to whom she makes bequests in her multi-gift will. One important aspect of this will is the distinction made between land which Wynflæd has the right to bequeath, and that in which she has no such right. For example, she bequeaths no land at Charlton (Dors), but grants the men and stock to her daughter, reserving a pious gift. Similarly, the bequest of the estate at Chinnock (Som) to the community at Shaftesbury distinguishes between the land itself, and the stock and men:

7 be þan lande æt Cinnuc hit agon þa hiwan æt Sceaftesbyrig ofer hyre dæg 7 hio ah þæt yrfe 7 þa men þenne an hio þan hywum þara gebura þe on þam gafollande sittað 7 þera þeowra manna hio an hyre syna dehter Eadgyfe 7 þæs yrfes butan þam saulsceatte þe man to Gifle syllan sceal 7 hio wile þ man læte on þan lande standan .VI. oxsan 7 .III. cy mid feower cealfon.

[And with regard to the estate at Chinnock, the community at Shaftesbury possess it after her death, and she owns the stock and men; this being so, she grants to the community the peasants who dwell on the rented land, and the bondmen she grants to her son's daughter Eadgifu, and also the stock, except the gifts for her soul which must be rendered to Yeovil; and she wishes that six oxen and four cows with four calves be allowed to remain on the estate.]

The terms of this agreement suggest that Chinnock is already the subject of an agreement with Shaftesbury: either Wynflæd is holding a life interest from the community, or she has only usufruct subject to a reversionary grant. However, this assertion of freedom to bequeath specific property reflects a distinction made in the will of Bishop Theodred [S1526/W1, 942xc. 951], discussed above. He bequeaths certain estates which he holds in

¹⁵⁰ For the most recent discussion see Kelly, *Charters of Shaftesbury Abbey*, pp. xvi, xxvi-xxvii, 56-57 and Sarah Foot, *Veiled Women* (2 vols, Aldershot and Vermont, 2000), I, pp. 136-39. See also Whitelock, *Wills*, pp. 118-19.

his own right to his kin, but where he holds land by right of office he bequeaths only the accrued stock away from his church. Like the ninth-century Frankish widow Erkanfrida, Wynflæd was disposing of property which she held under different terms, some giving her more freedom of disposition than others.¹⁵¹

The first feature of Wynflæd's will which suggests an independent bequest of land is her transmission of her morning-gift to her own direct heirs. It has been shown above that morning-gift and dowry were the subject of a marriage agreement, which could be ratified by the wills of male donors. Although some estates were to be held by the woman for her life only, there is evidence to suggest that she could expect to have free disposition of at least one estate.¹⁵² One of the marriage agreements [S1459/R76] is explicit in allowing the woman to hold Alton with the right *to gyfene 7 to syllene ðam ðe hire leofest wære on dæge 7 æfter dæge. ðær hire leofest wære* (to grant and bestow on whomsoever she pleased during her lifetime or at her death, as she preferred), and, as has been shown above, this is reflected in some of the wills. The will of Thurketel Heyng [S1528/W25, s.xi] emphasises that his wife's *del is euere unbesaken to gyfen and to habben þer hire leuest be* (forever uncontested, for her to hold or give where she pleases); and at some stage, the wife of Thurketel of Palgrave [S1527/W24, s.xi] sold the estate of Roydon (Nfk), which was the subject of their agreement, to Bishop Ælfric, who refers to the transaction in his will [S1489/W26, 1035x1040]. The widow of Æthelric of Bocking was also in a position to trade her morning-gift for the advocacy of the archbishop in persuading King Æthelstan to allow her husband's will to stand.¹⁵³

¹⁵¹ Nelson, 'Wary widow', pp. 106-107 for Erkanfrida's rights over her *dos*.

¹⁵² Erkanfrida's rights in different estates are discussed by Nelson, 'Wary Widow', pp. 104-106.

¹⁵³ S939/W16² [995x999].

Such evidence makes it a reasonable assumption that Wynflæd could dispose freely of her morning-gift, the estate at Faccombe (Hants). The choice she made reveals her concern that the land should not only pass to her direct heirs, but should remain in the male line:

... 7 hio an him eac þæs landes æt Faccancumbe þe hyre morgengyfu wes his dæg 7 ofer his dæg gyf Æþelflæd leng lybbe þonne he þonne fo hio to þam lande æt Faccancumbe and ofer hyre dæg ga hit eft an Eadwoldes hand.

[... and she grants to him [Eadmær, her son] also the estate at Faccombe, which was her marriage-gift, for his lifetime, and then after his death, if Æthelflæd (*her daughter*) survive him, she is to succeed to the estate at Faccombe, and after her death it is to revert to Eadwold's possession (*her grandson*)...]

There is no other direct reference to a woman's bequest of her morning-gift. However, Æthelgyfu refers to the land which her husband bequeathed to her 'for her to give to whom she wished' (*hire to sellanne þam þe hyo wolde*). The estate in question was Standon (Herts), which was occupied by her husband's nephew, Eadelm, apparently in a challenge to her right to bequeath the estate to her principal heir, Leofsig, for his life, with reversion to St Albans. The dispute which followed has been outlined above. The relationship between Leofsig and Æthelgyfu is not specified, but it is likely that, if he was not her son, he was her nephew (see below). The fact that Æthelgyfu was her husband's second wife may have fuelled the dispute over alienation of land given to her on her marriage. This example again appears to show a widow using her morning-gift for the advantage of a close male heir, the element of choice emphasized by the dispute it provoked.

The second feature of Wynflæd's will to suggest that she has some degree of independence in her bequest of land is in her transmission of property acquired from her own kindred. Such property could form part of a woman's endowment by her kin as part of a marriage agreement. In the eleventh-century Kentish agreement cited above [S1461/R77],

the bride's father, Brihtric, refers to 'all the property both in land and everything else which I have given them' (*eallan ætan ge on ðam lande þe ic heom gafe ge o ælcon þingan*), which is to pass to the surviving partner. Thurketel of Palgrave grants to his wife 'all the purchased estate and the other which I received when I married her' (*al þat ceaplond. 7 þat oþer þat ic mid hire nam*) [S1527/W24, s.xi]. Similarly, Wulfgeat bequeaths to his daughter land 'which was bought from Leofnoth with her mother's gold' (*þe wæs mid hire moder golde geboht æt Leofnoðe*) [S1534/W19, c. 1000].

Wynflæd makes two outright bequests of land to her daughter, Æthelflæd. The first is an estate at Ebbesbourne (Wilts), with free disposal, emphasizing the inclusion of the title-deed, and specifying the inclusion of men and stock (reserving a pious gift for her soul). The gift of the Ebbesborne estate is yoked with that of her engraved *beah* and a brooch, the significance of which as heirlooms will be discussed in Chapter Five. The second bequest of land to her daughter explicitly refers to the fact that she herself inherited the estate from her mother, Beorhtwynn:

7 hio an Æpelflede hyre hy ... ppe 7 þara andlumena 7 ealra þera getæsa
þet þærbinnan beoð 7 eac þæs worþiges gif his hyre se cing an swa swa
Eadweard cing ær his Byrhtwynne hyre meder geuþe.

[And to Æthelflæd she grants her ... and the utensils and all the useful things that are inside, and also the homestead if the king grant it to her as King Edward granted it to Beorhtwynn, her mother.]

It is tempting to see this reference to 'useful things' as part of Wynflæd's dowry, which she intends to pass on to her own daughter. Wynflæd's special plea for the king's endorsement of this bequest possibly arises from the fact that this unnamed estate may reflect the family's connection with royalty through the female line, requiring the holder's disposition

to be ratified, as in the case of Ælfgifu's bequest of a life interest for her siblings in land which may have been part of the royal fisc.¹⁵⁴

Æthelgifu [S1497] also inherited land from her own kindred, and her dispositions imply that she has full control over it. Her decisions reveal a clear intention to differentiate between her transmission of land she held from her husband, and that in which her own kindred had an interest. Whitelock has argued that Æthelgifu inherited land in Hertfordshire and Bedfordshire from her husband, most of which she distributes as pious bequests. However, there is a small and closely aligned group of estates in Northamptonshire which she may have inherited from her own kin.¹⁵⁵ Two of these estates, Watford and Thrupp, she bequeaths to her kinswoman Leofrun.¹⁵⁶ However, a condition is attached to her bequest of Thrupp: Leofrun will inherit this estate, presumably because she has a claim as a member of Æthelgifu's kin, but unless she agrees to abandon unreasonable claims (*on þa gerad þe heo selle hire wed 7 ælc yrre forgife*), she will not have right of disposal. If she agrees to Æthelgifu's terms, she will be able to grant the land 'within her kindred'; if she does not, the estate will be divided among her children – that is, dispersed, which could reduce its value to the kindred as a whole.¹⁵⁷ Æthelgifu seems to have been holding land from her own kindred with at least some freedom of bequest, which allowed her to use the process to manipulate a kinswoman into complaisance. The third estate – Weedon – is granted to her principal legatee, Leofsig, with the proviso that he subsidise the commemoration of her parents, her brother, herself and her lord with one barrel of ale annually from the estate,

¹⁵⁴ See Kelly, *Charters of Shaftesbury Abbey*, p. 56 for a possible link between Wynflæd's family and the royal line.

¹⁵⁵ See Whitelock, *Æthelgifu*, pp. 28-29 for this interpretation.

¹⁵⁶ Æthelgifu's relationship to Leofrun is unspecified; Leofrun's daughter, Godwif, is favoured in the will.

¹⁵⁷ For evidence of shared as opposed to divided estates see: *LE II*, 10, 11, 69, 70 (*Lib 7*, 13); *CR 53*; S1487/W13; S1234/R116; S1519/W34; S1538/W21; S1535/W32. See also Bouchard, *Sword, Miter and Cloister*, p. 175 for Cluny's accumulation of a dispersed estate over two generations.

paid to an unspecified church. Again, Æthelgifu manipulates the succession: the estate will revert to Leofsige's child (*bearn*) if he should have one; if he does not, it will pass to his 'lawful kindred'. Leofsige's relationship to Æthelgifu is unclear; if he is not her son, then the responsibility for commemoration vested in him suggests that he was her own kin – possibly her nephew – rather than her husband's. If this is so, Æthelgifu is ensuring that the land she holds from her own kindred will revert to it.¹⁵⁸

These two wills reflect a similar pattern of disposition: morning-gift granted to direct or principal heirs, preferring the male line, and land held through dowry or inheritance from the woman's own kindred transmitted to direct heirs or collateral kin. This suggests that, although women may have had some freedom of disposition, their principle function as testators was to channel land according to established procedures, acknowledging claims of the conjugal family and of the kindred from whom they may have acquired land on marriage or through inheritance. Since so little evidence survives, it is difficult to know whether the bequests of land we see in the majority of women's wills were constrained by the terms on which they acquired the land; however, the evidence considered here indicates that the majority of female donors were committed to the avoidance of property dispersal, transmitting land through bequest to their own direct heirs or to their own kindred. Like the Frankish widow Erkanfrida, they had some choice, but within limits imposed by their kindred obligations.

¹⁵⁸ For an analysis of naming in this will which reveals Æthelgifu's recognition of her own kin, see Kathryn A. Lowe, 'Never say *nefa* again. Problems of translation in Old English charters', *Neuphilologische Mitteilungen*, 94 (1993), 30-31. Wulfgyth [S1535/W32] bequeaths estates in Norfolk and Suffolk to her children, while the estate alienated for her soul and that of her lord is sited in Essex. The will of Wulfgyth's brother, Eadwin [S1516/W33], lists estates mainly in Norfolk. This may suggest that Wulfgyth is bequeathing land she holds from her own kindred, while the land of her husband's family is transmitted by another route. Her son Ketel [S1519/W34] bequeaths a further two estates in Essex.

Bequest and the local network

By the tenth century, bequest had become closely intertwined with local networks based on land. Such networks are apparent in the tenth and eleventh centuries in the system of shire and hundred courts, which met regularly under the authority of the reeve or ealdorman to administer justice, witness sales, settle disputes and deal with royal administration.¹⁵⁹ Interlocking with this system of courts was the system of land tenure. The importance of land-holding for thegnly status has been discussed above. However, the complexity of tenancies and undertenancies meant that land could be held on a variety of terms, bringing the holder into different tenorial relationships with landlords.¹⁶⁰

A number of wills show donors interacting with networks of this type. The will of the great East Anglian landholder, Thurstan [S1531/W31, 1043x1044], was witnessed in four counties, probably at meetings of the shire court. Ketel's will [S1519/W34, 1052x1066] states that he owed his *heriot* to Archbishop Stigand in Norfolk, and he is referred to as a thegn of Stigand in the Norfolk section of Domesday Book; however, the record for Suffolk also describes him as a thegn of King Edward holding *soc* on the estate at Onehouse, also bequeathed in his will.¹⁶¹ The penultimate dispositive clause in Ketel's will, addressed to Earl Harold, hints at the complex tenorial arrangements which could exist between lord and tenant:

And ic an þe lond at Fretinge after þat ilke forwarde þat þu þe self and
Stigand Archebiscop mine louerd wrouhten.

¹⁵⁹ See Chapter 2. For legislation see (for example) II Edgar 5-7; II Cnut 18-20; the 'Hundred Ordinance' (I Edgar). A summary of the nature and function of the courts can conveniently be found in the *Blackwell Encyclopaedia* under HUNDREDS and SHIRE. For the hundred court, see H.R. Loyn, 'The hundred in England in the tenth and early eleventh centuries', reprinted in his *Society and Peoples. Studies in the History of England and Wales, c. 600-1200* (London, 1992), pp. 111-134. The local importance of courts across Europe at this period is established in the concluding chapter of Wendy Davies and Paul Fouracre (eds), *The Settlement of Disputes in Early Medieval Europe* (Cambridge, 1986), pp. 214-18, 220, 224, 231-35.

¹⁶⁰ Lewis, 'Domesday Jurors', pp. 24-32, and see further below.

¹⁶¹ Whitelock, *Wills*, pp. 201-202.

[And I grant the estate at Frating according to the agreement which you yourself and Archbishop Stigand my lord made.]

Both Stigand and Harold were significant landholders in East Anglia;¹⁶² it seems likely that Ketel, a man of substance but on a lesser scale, was holding a life interest in Frating (Ex) subject to a reversionary agreement involving both men.¹⁶³ Ketel also appeals to Earl Harold in his will for protection of an estate occupied by his enemies (*mine vnwinan*), bequeathing him half the estate in question. In the event, Ketel was still holding his land in 1066, when it was sequestered, but with pilgrimage in mind he intended his will to ratify his relationship with the powerful men of his locality.¹⁶⁴

Account must be taken of the influence of the major religious houses which played a crucial role in the local economic and social network based on land. A glance at the map (see next page) showing the distribution of monastic houses at the time of the Benedictine Reform reveals that it would be very difficult for lay landholders to avoid the proximity of at least one major foundation. The social implications of this development were marked, as studies on the Continent have shown. The tenth-century and early eleventh-century charters of Cluny reveal the importance of land donation to the abbey as a means of establishing social cohesion:

... donations, sales, and quarrels over land also had their secular social uses. They functioned to define groups and to enforce social cohesion. The entire process of property exchange created a web of interconnections and

¹⁶² See Williams, 'Land and power in the eleventh century', pp. 172-74 for Harold's holdings in 1066, and p. 176 for commendation to him. Stigand's power is summarized by Barlow, *English Church*, pp. 78-79, and linked to 'Godwine ambitions in East Anglia' by James Campbell (ed.), *The Anglo-Saxons* (London, 1982), p. 230.

¹⁶³ Ketel's will stipulates a *heriot* payment appropriate for an ordinary (*medemra*) thegn according to II Cnut 71.2.

¹⁶⁴ Further research into tenurial relationships may reveal additional insights into the dispositions of other donors. I hope to explore this in the future.

relationships.¹⁶⁵

The social impact of the church in the Middle Rhine Valley between 400 and 1000 has also been identified:

In the eighth and ninth centuries, gifts of land to the church had built up bonds between churches and lay groupings, allowing the church to become an important patron and social actor from the level of the elite to that of the village.¹⁶⁶

Tenth-century and eleventh-century wills provide evidence of donors interacting with monastic foundations which were powerful elements in such local networks.¹⁶⁷ This is clearly demonstrated by the will of Thurketel [S1527/W34], made at some point in the early years of the eleventh century, probably before 1038. His will does not refer to *heriot*, so there is no means of identifying his status other than by the bequests he makes: he names six estates on the border between Norfolk and Suffolk, suggesting that he may be a substantial property owner like Ketel, inhabiting that murky borderline between ordinary and king's thegn. Thurketel bequeaths land to the abbey of Bury St Edmunds, the bishop, his nephews and his wife, but in the context of this discussion it is the final dispositive clause which is relevant:

and þe mor þe ic 7 þo munekes soken ymbe min del fremannen to note so he
er deden . er daye 7 after daye.

[And (I grant) the moor about my part of which the monks and I contended,
for freemen to use, as they did before, both before my death and after it.]

Although this clause is characteristically enigmatic and elliptical, some of the background to it may be deduced. The abbey of Bury seems to have encroached on moorland neighbouring Thurketel's land, infringing established local custom (*so he er deden*),

¹⁶⁵ Rosenwein, *To Be the Neighbor of St Peter*, p. 48.

¹⁶⁶ Innes, *State and Society*, p. 49.

perhaps of free grazing. The past tense of the Old English verb *secan* implies that the dispute had been resolved, possibly in a local court.¹⁶⁸ Thurketel's formal grant of land to local freemen in his will presumably represents a ratification of the agreement reached with the abbey, which was to hold one copy of the document (Thurketel and the bishop were to hold further copies).

The particular interest of this clause is that it reveals the relationship between donor and church from a different perspective: here the abbey appears not in its spiritual guise, but as a potentially rapacious local landholder. The activities of Bishop Æthelwold at Ely, ably supported by Abbot Byrhtnoth, reveal the hard-headed approach to land acquisition adopted by some churchmen seeking to establish a land-base for their houses.¹⁶⁹ Abbots of major houses wielded considerable power, with contacts at court and in the higher echelons of the church: for example, Ramsey abbots witnessed royal charters from the accession of Æthelred to the death of Edward, and Ramsey provided three bishops of Dorchester and a bishop of London between 1006 and 1049.¹⁷⁰

The involvement of monastic houses in disputes illustrates their embroilment in local tenorial issues. A good example is the dispute heard c. 1046 by the shire court of Devon between Sherborne Abbey and Care, Toki's son, concerning land at Holcombe (Dev). The simplest explanation of yet another enigmatic document is that Toki had bequeathed the estate to his son Ulf, but on Toki's death Ulf's brothers challenged his

¹⁶⁷ II Cnut 18.1 suggests that bishops as well as ealdormen attended borough meetings (*burhgemot*) and shire courts.

¹⁶⁸ See B&T under *secan* III for examples of the meaning translated by Whitelock as 'contend'. A *DOEC* trawl produces no further examples of this usage.

¹⁶⁹ For alleged extortion involving Bishop Æthelwold, see *LE* II, 10/*Lib* 8.

¹⁷⁰ Simon Keynes, *An Atlas of Attestations in Anglo-Saxon Charters c. 670-1066* (Cambridge, 2002), tables 61, 67, 68; Barlow, *English Church*, pp. 102-103, 219. See *CR* 103 for the abbot of Ramsey bribing the king and queen, and Stafford, *Queen Edith and Queen Emma*, pp. 112, 150 for a possible political dimension. For an account of a local dispute in early medieval Italy which shows similar rapacity on the part of the church

inheritance and occupied the land.¹⁷¹ Care, one of the brothers, presumably represented their case in the shire court. Ulf's interest was represented by the community of Sherborne Abbey, supported by Bishop Ælfwold of Sherborne. The decision of the court to uphold Ulf's tenure at the expense of his brothers was to the advantage of the abbey: reversion of the estate to Sherborne may have been written into the original agreement, hence the abbey's interest, or it may have been the price Ulf had to pay for prestigious support to maintain his tenure.¹⁷²

Strategies adopted by the major religious houses to manage their land are also reflected in wills, particularly in the form of the bequest agreement.¹⁷³ The *Regularis Concordia* gave strict guidelines as to the community's involvement with business affairs:

Villarum autem circuitus, nisi necessitas magna compulerit et necessariae rationis discretio hoc dictauerit, uagando nequaquam frequentent.

[The brethren shall not gad about visiting the properties of the monastery unless either great necessity or reasonable discretion require it.]¹⁷⁴

The advantage for the monks of an agreement with a layman was that the land was worked and administered by laymen, without loss of tenure by the abbey. At the end of the agreed period, the abbey had the prospect of regaining control of the land, or opportunities for further leasing; the lay landholder achieved the benefits of the land in the short term, and could hope to extend the lease to his own kindred for further lives by negotiation with the

see Ross Balzaretto, 'The monastery of Sant' Ambrogio and dispute settlement in early medieval Milan', *EME*, 3.1 (1994), 1-18.

¹⁷¹ S1474/R105. The case is also discussed by M.A. O'Donovan, *Charters of Sherborne Abbey*, British Academy Charter Series, 3 (Oxford, 1996), no. 17, pp. 59-61.

¹⁷² O'Donovan suggests that Holcombe may have been in the gift of King Cnut, leased to Toki as a loyal follower (*Charters of Sherborne Abbey*, p. 59). For the price paid for advocacy, see S939/W16², where Æthelric's widow relinquishes her morning-gift.

¹⁷³ See Chapter One for description of this type of bequest.

¹⁷⁴ Symons, *Regularis Concordia*, chap. 11, p. 8.

abbey.¹⁷⁵ A mid-eleventh-century bequest-agreement concerning Chart (Kt) is recorded in some detail in S1471/R101, a manuscript from the archive of Christ Church, Canterbury, roughly contemporary with the transaction. The estate had had a complex history, with the community of Christ Church pursuing a longstanding claim.¹⁷⁶ However, c. 1045 a mutually advantageous deal was struck between Æthelric, the current lay holder, and Archbishop Eadsige. Æthelric would retain a life interest in the land, handing over the title-deed to Christ Church as proof of reversionary right. On his death the estate would revert to the archbishop; on *his* death it would revert to the community to provide food and clothing. Two further estates held by Æthelric, together with a property in town which Æthelric himself had built, would pass to the archbishop after the lives of Æthelric and his son Esbearn. The possibility of negotiation is indicated by an additional clause which allows for one of their friends (*sum heora freonda*) to hold the estate by suitable arrangement with the archbishop.¹⁷⁷

Conclusion

The picture here has necessarily been painted with a broad brush. Donors have been placed in social categories, and within social networks. Patterns have been established in the *post obitum* dispositions recorded in the written wills in relation to these categories and networks, and the key influences on donors' decisions have been established. However, it is important to bear in mind that, as Chapter One showed, no legal concept labelled 'The Last Will' appears to have existed in Anglo-Saxon England. What *did* exist was a documentary

¹⁷⁵ Brooks, *Early History*, p. 303. See Harmer, *Writs*, pp. 122-3 and Kelly, *Charters of Abingdon, Part 2*, no. 143 for such a procedure involving Abingdon, and its implications. In 1066 over half of Glastonbury's estates in Somerset was held by tenants: Lesley Abrams, *Anglo-Saxon Glastonbury. Church and Endowment* (Woodbridge, 1996), p. 281.

¹⁷⁶ Brooks, *Early History*, pp. 147-48.

¹⁷⁷ The complexity of tenurial relationships centred on a major religious house will be discussed further in Chapter 4. For the obscurity of these relationships see Abrams, *Anglo-Saxon Glastonbury*, p. 289.

form which could be adapted to meet the requirements of individual donors, beneficiaries and interested parties.

The next chapter examines the evidence for pre-Conquest bequest preserved in the twelfth-century Ramsey and Ely chronicles in order to consider in more depth the way individual donors used bequest. The narrative approach of the compilers allows the relationship of bequest with family strategy over two or even three generations to be explored. Similarly, the role of bequest in establishing or maintaining political allegiance can be described, together with the impact of powerful religious foundations on patterns of local tenure and the transmission of land. The intention is to place the issues identified in this chapter in a specific social context, a dimension which is so often difficult to reconstruct for the disparate body of vernacular wills.

CHAPTER FOUR

Evidence for bequest in two twelfth-century chronicles

Introduction

The previous chapter established the social status of the donors of vernacular wills, and drew on patterns of bequest across the full corpus to suggest key factors which prompted will-making and influenced donors' decisions in disposing of land. As this discussion revealed, the disparate nature of surviving vernacular wills makes it difficult to explore the context for individual dispositions in any detail. It is in this respect that the evidence of post-Conquest chronicles, incorporating details of pre-Conquest bequest, can be extremely useful.

Two chronicles will be considered here, each including a substantial amount of evidence for *post obitum* disposition: the *Liber Eliensis* and the *Chronicon Abbatiae Rameseiensis*.¹ Although these texts have been widely used by historians, the evidence for bequest has not been collected and fully considered in relation to the vernacular wills.² This chapter will describe and evaluate this evidence, which is collected in summary form in Appendix Two, and draw upon it in order to explore the social context for *post obitum* disposition in late Anglo-Saxon England. Again, the focus will be on bequest of land, which is of primary interest to the monastic compilers.³

¹ The editions used are: *Liber Eliensis*, ed. E.O. Blake (*LE*); *Chronicon Abbatiae Rameseiensis*, ed. W. Dunn Macray (*CR*). *LE* references will be given by book and chapter (e.g. II, 35). *CR* references will be by chapter only (e.g. *CR* 35), except for longer chapters where a page reference will also be given.

² The work of Hart and Wareham in particular has drawn on both chronicles (see Bibliography). Crick has catalogued evidence for women's bequest in 'Women, posthumous benefaction', pp. 419-22. Lowe has considered the chronicle transmission of evidence for bequest in 'Latin versions', 1-24.

³ Bequest of movable wealth recorded in the chronicles will be discussed in Chapter Five.

The discussion will begin by considering the integrity of the twelfth-century evidence for transactions of the tenth and eleventh centuries. The evidence for *post obitum* disposition preserved in the chronicles will then be described, demonstrating through comparison with the form and style of extant vernacular documents that original Old English texts most probably formed the basis for the narrative account. Remaining sections of the chapter will go on to show the significance of this evidence for our understanding of vernacular wills. Attention will focus on: the process of will-making; the nature of the bequests; and the role of bequest in both family strategy and the relationship between church and laity. Reference will be made to vernacular wills in order to show how the chronicle accounts enhance our understanding of, and provide a framework for, tenth-century and eleventh-century will-making.

The chronicle evidence

Textual integrity

A full evaluation of the integrity of the Ely and Ramsey chronicles as a historical source is beyond the scope of this thesis. This section will give a brief account of the textual origins of both chronicles, followed by an analysis of the specific evidence for bequest which will compare the form and style of the Latin narrative accounts with vernacular wills in order to establish the likely existence of vernacular originals for the Latin texts.

The *Liber Eliensis* was compiled between 1131 and 1174, drawing on a variety of sources.⁴ This study will be based on Book II, which incorporates an earlier Latin text describing the endowment and land transactions of the abbey between its refoundation in 970 and the late 980s. The text in question, the *Libellus quorundam insigniam beati*

Æthelwoldi episcopi (Libellus), is also preserved separately in two twelfth-century manuscripts; in its turn it was based on an original Old English record, probably compiled c. 990, which was translated into Latin between 1109 and 1131.⁵ The *Liber Eliensis* Book II draws on its Latin predecessor as far as chapter forty-nine; later chapters also incorporate references to bequest which may have originated in vernacular documents.⁶ In two cases, vernacular wills including the bequests to Ely recorded in the chronicle survive in other archives.⁷

The Ramsey *Chronicon* is a *liber benefactorum*, probably compiled c. 1170 (a date based on the latest evidence recorded).⁸ Although the compiler drew on a number of sources, including Byrhtferth's life of St Oswald, written at Ramsey between 997 and 1002, and a hypothetical Latin chronicle for the period c. 958 to c. 992 by the same author, his main evidence for the abbey's benefactors from its foundation c. 966 was the pre-Conquest charters stored in the abbey's archive which appear to have been disintegrating.⁹ He declares his intention to translate them for future reference, and so that donors will continue

⁴ Blake, *LE*, pp. xxviii-xlix.

⁵ Blake, *LE*, p. xxxiv and Appendix A pp. 395-96; Alan Kennedy, 'Law and litigation in the *Libellus Æthelwoldi episcopi*', *ASE*, 24 (1995), p. 131-33. An edition of the text is forthcoming: Simon Keynes and Alan Kennedy, *Anglo-Saxon Ely: Records of Ely Abbey and its Benefactors in the Tenth and Eleventh Centuries*. I am grateful to Professor Keynes for permission to refer to his draft translation, which has informed my own renderings of relevant extracts from the *Liber Eliensis*, Book II throughout this thesis. Reference to the *Libellus* will be made by chapter, in conjunction with *LE* (e.g. *LE* II, 47/*Lib* 58).

⁶ See Appendix 2 (below) for such bequests. For discussion of Ely cartularies see Blake, *LE*, pp. xxxix-xlii.

⁷ See Appendix 2, nos 1 and 4.

⁸ Macray, *CR*, p. xxii. This text urgently needs the application of modern scholarship; the current edition, published in 1886, cannot do full justice to the complexity of the manuscript sources or the evidence they provide. See Davis, *Medieval Cartularies*, no. 788 for the mss. I am indebted to the translation of chapters 1-60 by Susan B. Edgington and others as *Ramsey Abbey's Book of Benefactors* (Parts I and II, Huntingdon, 1998 and 2001), which also has useful brief annotation. Translations of other chapters are my own.

⁹ For the sources of *CR* see A. Gransden, *Historical Writing in England c. 550-c. 1307* (London, 1974), pp. 273-75; Peter S. Baker and Michael Lapidge (eds), *Byrhtferth's Enchiridion* (Oxford, 1995), pp. xxxii-xxxiii. For the date of Byrhtnoth's *Vita Oswaldi* see Michael Lapidge, 'Byrhtferth and Oswald' in Brooks and Cubitt (eds), *St Oswald of Worcester*, p. 65, and pp. 76-78 for the hypothetical Latin chronicle. For the compiler's references to the deteriorating charters see *CR* 1 and 39.

to be commemorated even if the lands they gave had been lost to the abbey.¹⁰ These charters seem to have included a number of multi-gift wills and single-gift bequests which are duly included in the text.

The *Liber Eliensis* and *Chronicon Rameseiensis* may be placed in the tradition of local histories written particularly in the south of England in the reigns of Stephen (1135-1154) and Henry II (1154-1189), when ‘the lawlessness of the nobility and the expanding claims of the crown threatened and challenged vested interests’.¹¹ Whereas some archives – such as Rochester – preserved their ancient charters in cartularies proper, others embedded the material in narrative. It has been suggested that this hybrid form of *cartulaire-chronique* has implications for the integrity of the charter material: where the compiler’s priority is not the construction of a narrative framework, the original texts may be transmitted with fewer alterations.¹² The compilers of both chronicles set out to present the history of their respective abbeys; nevertheless, a main theme in both texts is the land endowment to which each house had a claim. The accounts record the endowment of two important fenland abbeys at a time when the religious reforms of the tenth century prompted significant transfers of land from the laity to the church. It has been calculated, for example, that the founders of Ramsey, Bishop Oswald and Ealdorman Æthelwine, were responsible for the transfer of over one hundred hides of land.¹³ Ely was refounded by Bishop Æthelwold who, lacking the patronage available to Oswald, mounted a vigorous pursuit of land for his

¹⁰ CR 1; 23; 30; 106.

¹¹ Gransden, *Historical Writing*, p. 269.

¹² Lowe, ‘Latin versions’, p. 4, referring to categorization by J-P Genet, ‘Cartulaires, registres et histoire: l’exemple anglais’ in *Le métier d’historien au Moyen Age: études sur l’histographie médiévale* ed. B. Guénée, Publications de la Sorbonne, Études, 13 (Paris, 1977) pp. 95-138, at p. 111. For eleventh-century monastic chronicles, see Patrick J. Geary, *Phantoms of Remembrance* (Princeton, 1994), chap. 4.

¹³ J.A. Raftis, *The Estates of Ramsey Abbey* (Toronto, 1957), p. 7.

church, frequently driving a hard bargain, as the *Liber Eliensis* reveals.¹⁴ From 975, following the death of King Edgar, supporter of monastic reform, church lands were less secure. Ely in particular faced a number of disputes; the *Liber Eliensis* catalogues the estates lost to the abbey in the succeeding century.¹⁵ The Ramsey compiler bemoans the loss of abbey lands, some of which were redistributed in 1066.¹⁶ The chronicles may well, therefore, be regarded as partisan.

It is difficult to be sure to what extent the chronicle evidence can be taken at face value. An imaginative approach to the compilation of evidence was not unknown: in the *Chronicon*, for example, the royal confirmation charter purportedly issued by Edgar in 974 and the writ of King Edward granting extensive judicial and financial rights to the abbey are indeed forgeries.¹⁷ However, there seems good reason to accept that a pre-Conquest vernacular record of land transactions, including bequest, existed at Ely, and was finally incorporated into the twelfth-century *Liber Eliensis*. By implication, the existence of an archive of vernacular documents, as asserted by the Ramsey compiler, is likely. Furthermore, the next section will argue that formal and stylistic parallels between a number of the Latin versions of bequest and vernacular wills increases the probability that original Old English documents were indeed the source for the chronicle accounts.

The evidence for bequest

The evidence for *post obitum* disposition in both chronicles is listed in Appendix Two. Although dating of individual transactions is often insecure, it is clear that the majority of bequests occurred in the years immediately following the foundation: that is to

¹⁴ For Ely's acquisition of land see Edward Miller, *The Abbey and Bishopric of Ely: The Social History of an Ecclesiastical Estate from the Tenth to the Early Fourteenth Century* (Cambridge, 1951), pp. 16-25.

¹⁵ E.g. *LE* II, 42-47/*Lib* 53-57.

¹⁶ *CR* 79, 89.

say, the latter part of the tenth century. Nevertheless, as Appendix Two shows, bequest and *post obitum* agreement continued to be a significant source of monastic land into the eleventh century.¹⁸

One important aspect of the chronicle evidence is the selection and adaptation of original material for the purpose of the narrative.¹⁹ Many references to *post obitum* disposition are brief, occasionally made in passing. Others are summaries of bequests in which the monastery had an interest, possibly excluding the donor's dispositions to other beneficiaries as is revealed by comparison of chronicle accounts with the original wills, where these are still extant in the vernacular from other archives.²⁰ The will of Æthelstan Mannesune, recorded at length in the Ramsey *Chronicon*, is reduced in the *Liber Eliensis* to a single bequest of land to Ely.²¹ The Ramsey compiler acknowledges truncation where information is irrelevant to the community; referring to the translation of Godric's bequest to the abbey, he writes:

Præter hæc quoque plurima alia dona quae aliis concessit in eodem scripto reperimus, quæ quia nos minime contingebant in figuris Anglicis neglecta remanserunt.

[Beside this many of the other gifts which he granted to others, found in the same writing, remained neglected in English letters because they concern us very little.]²²

There is also frequent indication in the chronicle accounts that witness lists have been truncated. For example, in the *Chronicon* the donors Ærnketel and Wulfrun address

¹⁷ S798, CR 111 (Hart, *Early Charters*, no. 18); S1109, CR 97 (Harmer, *Writs*, no. 61). See Williams, 'Thegnly piety', pp. 3-4 for a view which inclines to scepticism.

¹⁸ Miller, *Ely*, pp. 16-18, 21-22; Raftis, *Ramsey*, pp. 6-7, 13-15.

¹⁹ Lowe, 'Latin versions' is a detailed survey of this subject to which this account is indebted; see p. 5 for comments on scribal processing of material.

²⁰ Lowe, 'Latin versions', esp. pp. 8-15.

²¹ Lowe, 'Latin versions', pp. 2-3; *LE* II, 13; CR 33.

²² CR 63. For an assessment of the accessibility of OE to twelfth-century scribes see Lowe, 'Latin versions', pp. 4-5, 10-15, 19, 20.

‘Æthelredo regi domino nostro et omnibus suis de Eboraco et de Notingeham’,²³ which parallels the summary phrase concluding the vernacular will of Wulfgyth, surviving only in a twelfth-century copy in the Bury archive:

bisses to ywithnesse Edward king and manie oþre.

[Of this King Edward and many others are witnesses.]²⁴

Occasionally a more detailed list of names survives, perhaps where the bequest has been (or may be) subject to dispute. The account in the *Chronicon* of the negotiations concerning the bequest of Æthelstan Mannesune a year after his death is a case in point: prestigious names are followed by the phrase ‘and many more’ (*et aliorim multorum*).²⁵

There is reason to believe that where the transaction involved the church’s interest, formal written record was regularly made. For example, the Ramsey account of Thorgunnr’s grant of land to the abbey *in testamento* may imply a written text.²⁶ Other bequests mentioned briefly refer explicitly to documentation, as in the case of Ælfræd’s bequest to Ely of his share of land at Hitchin (Sfk), inherited from his father and held jointly with his brother, which was formally witnessed and written down (*in cyrographo designavit*).²⁷

Comparison of the language and form of the more extended Latin texts with those of vernacular wills indicates the strong possibility that chronicle accounts were based on vernacular documents. The *Libellus* appears to have been translated into Latin in the early twelfth century, and it has been shown that some – if variable – familiarity with Old

²³ ‘Our lord King Æthelred and all his people of York and Nottingham’; CR 38

²⁴ S1535/W32. See also LE II, 67.

²⁵ CR 33 (discussed more fully below); Lowe, ‘Latin versions’, pp. 2-3 compares this account to the brief notification in LE II, 13/Lib 18.

²⁶ CR 107 (p. 175). For the term *testamentum* as implying documentation see P&M II, pp. 316-17; Sheehan, *The Will*, p. 19.

²⁷ LE II, 70.

English survived among scribes assembling cartularies and chronicles in the twelfth century.²⁸

The will of Leofflæd, apparently translated in full in the *Liber Eliensis*, is a good example of close formal parallel with vernacular documents as it is outlined in Chapter One above.²⁹ It begins with a *notificatio*, addressed to King Cnut (1016-1035). The dispositive clauses follow, concluding with an anathema:

Nemo ea preter te, quod absit, subtrahat vel minuat, et quicumque aliquid ex eis evellere temptaverit maledictionem habeat domini nostri Iesu Christi et cum Juda proditore auditionem malam audiat. Ite maledicti in ignum eternum qui paratus est diabolo et angelis eius.

[No-one should undermine or diminish this, except you, which God forbid, and whoever should try to erase something from it may he have the curse of our Lord Jesus Christ and, along with Judas the traitor, hear evil report. Go, forsaken ones, with cursing into eternal fire which is prepared by the devil and his angels.]

This can be paralleled in Old English by the anathema concluding the tenth-century will of Æthelgifu:

... gif hwa bidde þ ðes cwide standan ne mote wurðe he aworpen on þa wynstran hand þonne se hæland his dom deme 7 he wurðe gode swa lað swa iudas wæs þy hyne selfne aheng buton hio hit get self awende ...

[... if anyone ask that this will may not be allowed to stand, may he be cast on the left hand when the Saviour pronounces his judgement, and may he be as hateful to God as was Judas, who hanged himself; unless she change it hereafter ...]³⁰

Finally the Latin version of Leofflæd's will refers to the triplication of the document:

Hec scripto tripliciter consignantur. Unum est apud Ely, aliud in thesaurus regis, tertium Leofleda habet.

²⁸ Lowe, 'Latin versions', pp. 15-19 shows that twelfth-century scribes were more likely to translate selectively, suggesting understanding of the vernacular original. See Lowe, '“As fre as thowt”?', pp. 18-20 for discussion of the linguistic competence of scribes.

²⁹ *LE* II, 88.

³⁰ S1497. For examples of anathemas in *CR* see chaps 31, 33, 35, 42, 107. See also S1487/W13 for acknowledgement of the king's right to intervene (discussed in Chapter 2).

[This is written in triplicate: one [copy] is at Ely; another is in the king's treasury; the third is held by Leofflæd.]

The Latin phrasing here is close to that of distribution clauses found in vernacular wills:

Nu sinden þise write þre. On is mid þise kinges halidome. And oþer at seynt Eadmunde. 7 þridde mid Leofgiue seluen.

[Now there are three of these documents. One is in the king's sanctuary; and the second is at St Edmunds; and the third with Leofgifu herself.]³¹

The Latin term 'chirograph', commonly found in the rubrics and introductions to first person accounts in both the *Liber Eliensis* and *Chronicon Rameseiensis*, is unlikely to have the specific meaning of duplication or triplication of a document that it has in current usage.³² However, the occasional survival of distribution details in some texts and the detailed account of the will-making of Siferth of Downham, discussed below, suggest that copies of the documents were commonly made.³³

In a number of chronicle versions, the Latin phrasing is reminiscent of that found in extant vernacular texts, again suggesting that original documents underlie the Latin text. Both first and second person accounts use phrases which could derive from Old English originals. For example, bequests are made for the soul of the donor in such phrases as *pro anime suae*, rendering Old English *for his sawle*.³⁴ References to bequest for the souls of relatives or ancestors may also be paralleled: *pro ... antecessorum suorum animabus* may render Old English *for vre aldre soule*. The phrase, *pretium sepulturae* may translate Old English *saulsceat* found in vernacular wills and laws.³⁵ Similarly, Gode's bequest to

³¹ S1521/W29, 1035x1044. See also CR 31.

³² For a survey of the chirograph see Lowe, 'Lay literacy', pp. 168-80. See Hazeltine, 'Comments', p. xxiv fn 2, who cites evidence that Norman writers used the term *chirograph* as a 'terminus technicus' to designate Anglo-Saxon documents, and Kennedy, 'Law and litigation', p. 162 fn 120 for usage in the *Libellus*.

³³ CR 31. LE II, 11/Lib 12. LE II, 88.

³⁴ As in CR 53 and S1487/W13 (p. 30, line 20). See also CR 35, 107 and S1512/W27 for variants.

³⁵ CR 107 (p. 175) and e.g. I Æthelstan 4.

Ramsey is to take effect *post dies suos*, rendering Old English *æfter his dæge*.³⁶ There is a single reference to *heregeat*, glossed by the compiler *relevatio haereditatis*.³⁷

On the basis of this evidence, there is every likelihood that, at some point, the archives of both Ely and Ramsey held significant numbers of vernacular wills.³⁸ Although none survive from these archives in their original form, the narrative context in which the accounts are embedded often sheds light on the social background to the transactions. The remainder of this chapter will explore the relationship between the chronicle accounts of bequest and surviving vernacular wills in order to establish a broader context for will-making in late Anglo-Saxon England.

Contextual evidence for written *post obitum* disposition

The process of bequest

The most detailed account of the process of will-making in late Anglo-Saxon England is found in the *Libellus* and repeated in Book Two of the *Liber Eliensis*. In the context of Bishop Æthelwold's campaign to consolidate Ely's holdings at Downham (Cambs), the text records the bequests and will-making of Siferth of Downham, made between 970 and 978.³⁹ Since the early twelfth-century *Libellus* draws on tenth-century records, as described above, the chronicle account is directly relevant to extant vernacular wills, which themselves give only fragmentary information about the process which lies behind them. In this section, it will be shown how correlation of this important narrative account with the evidence of the vernacular wills provides a remarkably homogeneous

³⁶ CR 55 and S1487/W13 (p. 30, line 26).

³⁷ CR 63.

³⁸ See Lowe, 'Latin versions', pp. 1-2 and references for the lack of value for OE documents once translations had been made.

³⁹ LE II, 11/Lib 12. These events took place after the refoundation of Ely c. 970 and before the accession of Æthelred in 978.

procedural context for *post obitum* disposition in the tenth and eleventh centuries. Because of its significance, the account will be quoted in full:

Nec multo post Siverthus de Dunham defractus viribus vergensque in senium, infirmitate pedum, que podagra dicitur, graviter contrahebatur. Qui eo tempore, quo beatus Æðelwoldus Æðeldredum, futurum regem tunc vero comitem, et matrem suam et Alfricum Cild et plures maiores natu Anglie ad Hely secum adduxerat, venit cum coniuge sua nomine Wlfled ad episcopum et ei coram prememoratis notificavit se post diem suum duas hydas quas in Dunham habuit Deo sancteque Æðeldriðe pro anima sua daturum ibique se dixit sortitum esse locum sepulture sue rogavitque omnes qui aderant, ut super hac re sibi testificarentur.

Alio quoque tempore, post mortem scilicet Godingi de Gretune, venit secundo idem vir ad Hely, ubi noverat illum esse sepultum, rogavitque fratres, ut eum ad sepulturam illius ducerent. Nam erat ei familiarissimus. Quo cum venissent, vocavit ad se abbatem et Ædricum et Leovricum de Berle et Levingum de Trumpentune innotuitque eis, quod sui karissimi et fidelissimi amici ibi essent sepulti et quod ipse nimia infirmitate depressus morti appropinquasset, 'ideoque', inquit, 'o karissimi mei, volo ut conventio mea coram vobis renovetur, videlicet quomodo hic elegi mihi locum sepulture mee et post diem meum Deo et sancte Æðeldriðe dedi duas hydas, quas in Dunham, habeo, et filie mee duas hydas do in Wilbertune et precor, o amici mei, ut hoc oblivioni non tradatis, immo, ubi necesse fuerit, illud recognoscatis. Item eodem die remeando domum renovavit eandem conventionem coram melioribus eiusdem provincie ultra Upuere in loco, qui dicitur Hyravistouue. Deinde cum idem vir, videlicet Siverthus de Dunham, prevalente infirmitate, mortis horam sibi ingruere sensisset et apud Lindune absque spe recuperande sanitatis iacuisset, misit pro abate Brihtnoto et pro fratribus ecclesie. Aderantque ibi Æluricus de Wicham, Ældstanus et filius suus Wine, Leovricus, Brihtelmus, Alfelmus de Redeuinlen et Ædricus, unus de proceribus Aieluini alderman, et Osuoldus presbiter et Sexferdus cum filio suo. Tunc Brihtnotus abbas testamentum huius Siferdi coram uxore et coram filia sua coramque omnibus supramemoratis fecit scribi in tribus cyrographis coramque cunctis fecit recitari lectumque fecit incidi unamque partem cyrographi retinuit Siuerdus, alteram autem dedit abbati, tertiam vero misit statim per prefatum Brihtelmum Æieluino alderman, qui tunc temporis deiebat in Ely, et petiit ab eo, ut suum testamentum ita stare concessisset quomodo abbas illud scripseras et ordinaverat apud Lindune coram predictorum testimonio virorum. Cum itaque Aieluinus alderman hoc audisset et cyrographum vidisset, remisit illico ad eum Wlnothum de Stouue cum Brihtelmo sciscitatusque est ab eo quid aut quomodo vellet de testamento suo. Qui mox per eosdem renuntiavit ei sic suum testamentum absque omni contradictione vel mutatione se velle stare, sicuti prefatus abbas illud in cyrographo posuerat. Quod ut Aieluinus alderman audavit, totum concessit ut staret, sicuti ipse Siverhtus testatus erat.

[Not long afterwards Siferth of Downham, reduced in his strength and approaching old age, was much afflicted by a disease of the feet, called gout.

This man, with his wife, Wulfflæd by name, came to the bishop at the time when the blessed Æthelwold had brought to Ely Æthelred the future king (actually at that time an earl) and his mother,⁴⁰ and with them Ælfric *Cild* and many of the leading men of England. In the presence of these people, he informed him that on his death he would give to God and St Æthelthryth, for his soul, the two hides which he held at Downham, and said that he had decided to be buried at that place, asking all those present to witness this.

On yet another occasion, after the death of Goding of Gretton, this same man came for a second time to Ely, the place he had approved for his burial, and asked the brothers to take him to that burial place, for it was very familiar to him. When they arrived there, he summoned the abbot to him, and Eadric, and Leofric of Berle, and Lyfing of Trumpington, and revealed to them, that his most beloved and loyal friends were buried there, and that, oppressed by his great infirmity, he was approaching death. 'And therefore,' he said, 'most beloved people, I desire that my agreement be renewed in your presence: namely that I have chosen this as my place of burial, and I have given after my death to God and St Æthelthryth the two hides which I have at Downham, and I give to my daughter two hides at Wilburton. And I beg, my friends, that you do not cast this into oblivion; instead, when necessary, you remember it.' Likewise, on his return home that day he renewed this agreement in the place which is called *Hyravicstouue*, beyond Upware, in the presence of the leading men of his region.⁴¹

Then when this man Siferth of Downham felt that his illness was gaining the upper hand, and the hour of his death was upon him, and he lay at Linden without hope of recovering his health, he sent for Abbot Byrhtnoth and for the brothers of the church. And in attendance there were Ælfric of Witcham, Ealdstan and his son Wine, Leofric, Byrthelm, Ælfhelm of *Redeuinclen* and Eadric, one of the leading men of Ealdorman Æthelwine, and the priest Oswald, and Sexferth with his son. Then Abbot Bryhtnoth arranged for the will of Siferth to be written down in a tripartite chirograph, before his wife and daughter and all the above people, and had it read out before them all. When it was read, he had it cut. Siferth kept one part of the chirograph; he gave the second part to the abbot; the third part he sent at once by the said Byrthelm to Ealdorman Æthelwine, who at that time was staying at Ely, and asked him to allow his will to stand, just as the abbot had written it and set it in order at Linden in the witness of the aforesaid men. And thus when Ealdorman Æthelwine heard this and saw the chirograph, he sent Wulfnath of Stowe back there with Byrthelm and enquired (of Siferth) what his wishes were concerning his will. He then sent back word with them that he wished his will to stand without any challenge or alteration as the said abbot had put it in the chirograph. When Ealdorman Æthelwine heard this, he allowed it to stand as a whole, just as Siferth had declared it.]⁴²

⁴⁰ Queen Ælfhryth (d. c. 1000), second wife of King Edgar. For the alliance between her and Bishop Æthelwold, see Yorke, 'Æthelwold', pp. 81-86.

⁴¹ Upware is about fifteen miles south of Ely.

⁴² The text is taken from *LE*; my version here is indebted to a translation by Simon Keynes of the section from fn 41, which is printed in his 'Royal government', pp. 254-55.

There is strong evidence here to support the suggestion made in earlier chapters that bequest was an ongoing process, with dispositions likely to be made in advance of mortal illness.⁴³ Although Siferth was aging and increasingly infirm, he was not at the point of death at the time when the bequests of land declared at Ely were made.⁴⁴ He visited Ely twice: on the first occasion he announced his bequest of Downham (Cambs) to the abbey; this was reiterated on his second visit, with the additional bequest of Wilburton (Cambs) to his daughter.⁴⁵ These declarations concerned specific estates rather than his entire property: use of the term *conventio* (agreement) may indicate that they should be regarded as complementing his other dispositions. As has been shown in previous chapters, there is certainly evidence from some wills that such an ongoing cumulative process of *post obitum* disposition was envisaged by some donors. For example, the bequest of Bishop Æthelmær to Bury of four estates and coin concludes:

... and ihu so ic wende mine cuide: ic wille þat þis stonde euere vnawent mine soule to lisidnesse.

[... and however I may change my will, it is my wish that this shall ever remain unchanged for the redemption of my soul.] [S1499/W35, 1047x1070]

This presumes that the current bequest should be seen in the light of Æthelmær's wider dispositions, and also that the donor indeed had the right to change his dispositions.

Wulfgar [S1533/R26, 931x939] envisages making further bequests in due course:

7 ic cweþe on wordum be Æscmere on minum geongum magum swelce me betst gehierap.

[And I shall verbally bequeath Æscmere to such of my young kinsmen who obey me best.]

⁴³ Kennedy, 'Law and litigation', p. 166.

⁴⁴ For other examples of donors making bequests to Ely in advance of mortal illness see *LE* II, 81, 83 (Godgifu) and *LE* II, 60 (Leofwine).

⁴⁵ Although this is not explicitly described as a *post obitum* gift, the context suggests that this was the case.

If the phrase *be wordum* implies oral declaration, then Wulfgar's practice parallels closely that of Siferth. Similarly, the preface to the ninth-century will of King Alfred [S1507/H11, 873x888] refers to the king's destruction of previous documents, and makes it clear that the current will supersedes all previous dispositions.⁴⁶ The bequests described here were not made under threat of imminent death, although – as in Siferth's case – advancing years, infirmity or changing circumstances may have prompted donors to arrange their affairs.⁴⁷

A further stage in the process takes place when Siferth is actually confronting death. The vernacular rubric incorporated in a surviving *ordo* for ministering to the sick and dying includes the instruction:

Æfter þam þe se mettruma his þing becwedene hæfð, underfo se mæssepreost his andetnesse ...

[After the sick person has bequeathed his property, the priest shall receive his confession ...]⁴⁸

This passing reference is a valuable indicator that the final disposition was a regular feature of the final preparation for death, with a slot allocated before confession; the potential presence of a literate priest may have been a significant factor. The recording of Siferth's *testamentum* at this point reflects this practice, and may have included a review of previous arrangements as well as the final disposition. A good parallel is the will of the Ætheling Æthelstan, where internal evidence suggests that the ætheling was on his death-bed when

⁴⁶ For other references to donor's rights see S1483/W2; S1491/W4; S1524/W5; S1465/R86; S1497.

⁴⁷ Chapter 3 has argued that bequest and will-making were linked to stages of the life-cycle.

⁴⁸ Bodleian Laud Misc. 482; the text is printed by Bernhard Fehr, 'Altenglische Ritualtexte für Krankenbesuch, heilige Ölung und Begräbnis' in Heinrich Boehmer and others, *Texte und Forschungen zur Englischen Kulturgeschichte. Festgabe für Felix Liebermann* (Halle, 1921), pp. 46-67 (see p. 54 for this rubric). I am indebted for this reference to Dr Victoria Thompson, who allowed me to see an early draft of the relevant section of her book; she discusses the manuscript and its significance in her *Dying and Death*, chap. 3 (esp. pp. 67-81).

the will was drawn up.⁴⁹ Æthelstan distributed land and movable wealth to a range of beneficiaries, including the king, his brothers, the church, his household and members of the nobility, and made provision for his burial and distribution of alms. Such details have been lost in the Ely account of Siferth's final dispositions, presumably because they were of no interest to the compiler, whose main concern is to establish the abbey's claim to land at Downham. On the basis of this evidence, it seems likely that, by the mid-tenth century, the formal written record of the donor's final intentions – perhaps including new bequests and distribution of chattels as well as the collation of previous declarations – had become incorporated into the rituals surrounding the death of the wealthy laity. However, this was, in all probability, the culmination of an ongoing process of *post obitum* arrangements.

The presence of a strong church contingent at Siferth's death-bed prompts consideration of the role of the church in the will-making process. Abbot Byrhtnoth and members of the Ely community attended, along with the priest Oswald, who may have been a private chaplain in Siferth's household. Since the priest alone could have provided spiritual ministrations, the presence of additional forces requires further explanation. It may be that the attendance of the abbot and his retinue acknowledged the status and generosity of their wealthy patron, which earned him more powerful intercession than a priest could provide. The Ætheling Æthelstan, for example, was attended by Bishop Ælfsige of Winchester and Abbot Brihtmær of the New Minster.⁵⁰ However, the abbey had an interest in Siferth's final dispositions: it was at the abbot's behest that the will was written in chirograph form (*fecit scribi in tribus cyrographi*), and read aloud before all those in attendance, including Siferth's wife and daughter, before being cut, with the abbot holding

⁴⁹ See the discussion of deathbed wills in Chapter 3. Both *LE* and *CR* refer to deathbed bequests: *LE* II, 11, 21, 59, 69, 83; *CR* 28, 51, 103, 107. For Ealdorman Æthelwine's deathbed bequest to Ramsey see *CR* 28.

one portion. The abbey also had responsibility for burying Siferth; the community may have been responsible for the last rites and funeral procession, as indicated in the tenth-century agreement between Ordnoth and his wife with the monks of the Old Minster, Winchester [S1524/W5].⁵¹ Finally, as has been shown in Chapter Two, the church was increasingly involved in jurisdiction over land transactions through the hundred and shire courts. In making his bequest to Ely, Siferth was engaging the interest of a powerful institution in protecting his dispositions and the rights of his beneficiaries. The anathema incorporated into the text of vernacular wills invoked spiritual protection alongside the secular protection of the king.⁵²

The public aspect of Siferth's dispositions is emphasized at each stage, giving the impression that the dispositions and death of a landowner were events of considerable local significance, to be duly witnessed by those who may be required to adjudicate in the event of a dispute. His first bequest to Ely is declared before Bishop Æthelwold, the future king Æthelred and his mother, Queen Ælfthryth, Ælfric Cild,⁵³ and other important men (*plures maiores natu Anglie*). His second declaration is made before the abbot and three named men, Eadric, Leofric of *Berle* and Lyfing of Trumpington. Of these, Eadric is later described as an important member of Ealdorman Æthelwine's retinue (*unus de proceribus Aielhuini alderman*); and Leofric of *Berle* appears elsewhere in the *Liber Eliensis* with legal responsibilities.⁵⁴ The same two men seem to have attended Siferth's death-bed, along

⁵⁰ The relationship between bequest and intercession is discussed in Chapter 6.

⁵¹ See also the arrangement made with Ramsey by Ærnketel and Wulfrun (CR 37, 38).

⁵² See Chapter 1 for discussion of anathemas.

⁵³ Ealdorman of Mercia 983-985. See *LE* II, 7, 46/*Lib* 5, 57 for Ælfric Cild as witness to other transactions. Robertson, *Charters* gives a summary of his activities pp. 369-70.

⁵⁴ *legales viri* (*LE* II, 8/*Lib* 6). For the role of such men see Kennedy, 'Law and litigation', pp. 158-59.

with a further six named men of some local standing.⁵⁵ Following Siferth's return home from his second visit to Ely, he repeated his declaration, this time before a local court attended by 'leading men' in his own region of Upware.⁵⁶ It is men of this social standing who can be seen throughout the pages of the Ely chronicle in consultation at meetings of the hundred and the shire.⁵⁷ A good example is the dispute over the sale of land at Chippenham. This turned upon whether or not the wife of Ælfwold *Grossus* had tenure of the three hides which she had acquired through her previous marriage – possibly through inheritance from her husband, subject to her remaining a widow, or as her morning-gift. When she proposed to sell this land to Abbot Byrhtnoth of Ely, her claim was challenged at a meeting of leading men (*meliores et sapientiores*). As a result, supporters of the woman and of the abbot walked the bounds of the land in question in order to judge the conflicting claims. The ramifications of this dispute are not relevant here: what *is* relevant is the reliance on local knowledge, which may have drawn on witnessed agreements, and the role of local adjudicators. As Chapter One has shown, few witness lists survive in extant vernacular wills. Where they do exist, they reflect the importance of the local forum: Thurstan's will [S1531/W31, 1043x1045] includes witness lists which appear to represent meetings of the shire court in four counties; that of Æthelweard [S1506/R32, 958] includes the *innanburhwara 7 utanburhwara* of Canterbury, presumably representatives of the borough court.⁵⁸ It seems likely that will-making, by this stage, was a highly formalized

⁵⁵ Ælfric of Witcham, Sexferth and Wine, son of Ealdstan feature elsewhere in local transactions: *LE* II, 11 33, 34/*Lib* 10, 43, 45.

⁵⁶ This may refer to the hundred of Witchford (Blake, *LE* p. 87 fn 87).

⁵⁷ For examples of the hundred court in action see *LE* II, 12, 18/*Lib* 15, 27, 28. See also the will of Æthelgifu [S1497] for the hundred adjudicating on matters of inheritance.

⁵⁸ Robertson, *Charters*, p. 317. For regional courts in the *Libellus* see Kennedy, 'Law and litigation', pp. 137-44.

process: where witness lists do not survive, the formal procedures indicated by Siferth's will must be presumed behind surviving texts.

This account of Siferth's *post obitum* dispositions also reveals the interest of secular authority in transmission of land, which has been described in Chapter Two above. This is most obviously demonstrated by the role played by Ealdorman Æthelwine, son of the East Anglian magnate Æthelstan Half-King, in confirming Siferth's will. Æthelwine was ealdorman between 962 and 992; he was a friend of Bishop Oswald, and founder and patron of Ramsey Abbey. While the *Ramsey Chronicon* emphasises his piety and generosity, the *Liber Eliensis* represents him in a more secular light, dispensing justice at meetings of hundred and shire, and engaging in disputes over land which brought him into conflict with Ely.⁵⁹ His man Eadric witnesses both Siferth's second declaration at Ely and his final disposition on his death-bed. It is tempting to speculate that he was there as Æthelwine's representative, since a copy of the will is sent by Siferth to the ealdorman, with a request that the will might stand. The testimony of the document seems to have been insufficient for Æthelwine: he sends for oral confirmation before granting his permission. It has been argued in Chapter Two that the will format is closely related to the letter; this transaction shows the will working in exactly that capacity, as notification of the donor's intentions rather than evidence of it. A further example of a letter notifying the intention to bequeath is that incorporated into the text of the *Liber Eliensis*, recording an additional deathbed bequest by Godgifu. During the reign of Cnut, Godgifu, on her widowhood, granted after her own death three estates to Ely and *in testamento Anglice confirmavit*.⁶⁰ At a later date she wrote to Bishop Ælfric and Abbot Leofric, concerned about her health (*et*

⁵⁹ E.g. *LE* II, 7, 27/*Lib* 5, 38. See Hart, 'Athelstan "Half King"', pp. 591-92, 595-97.

⁶⁰ *LE* II, 81.

quod de salute sue ostendere voluit). Her letter is then quoted.⁶¹ Although it is unclear whether the letter was originally in Latin or the vernacular, the dispositive section of the letter is in keeping with the dispositive clauses of vernacular wills; Godgifu makes an additional gift of land inherited from her parents *ut apud eos mei iugiter memoria sit* (so that my memory will be perpetually with them [the community]). Siferth's application to Æthelwine for permission to bequeath, rather than to the king, as is usual in vernacular wills, may show that Æthelwine was empowered to act on behalf of the king, although attention has been drawn to the apparent autonomy of Æthelwine in East Anglia.⁶² That bequest could indeed be the subject of power politics is illustrated by a further story recorded in the *Liber Eliensis*.⁶³ At some point before the refoundation of Ely by Bishop Æthelwold in 970, the powerful local reeve Wulfstan of Dalham, who features in a number of disputes and transactions in the chronicle, called a meeting of two hundreds at the abbey gates.⁶⁴ Among other business, Ogga of Mildenhall declared his intention to bequeath land at Cambridge to Ely. Wulfstan promptly summoned Ogga (*vocavit*) and persuaded him to convert his bequest into an *inter vivos* gift. It is impossible now to detect the issues underlying this vignette, but it seems clear that Ogga's disposal of his land was subject to the influence of those who held power in the region.⁶⁵

This discussion of Siferth's will-making highlights the interest of both church and secular power in the *post obitum* disposition of land. Vernacular wills rarely make explicit the background to the dispositions they contain, or the processes from which they emerged. It is therefore important to see the documents in the light of the Ely narrative, as part of an

⁶¹ *LE* II, 83.

⁶² Kennedy, 'Law and litigation', pp. 144-45. The eleventh-century thegn Ketel owed allegiance – and his heriot – to Archbishop Stigand [S1519/W34]. This is perhaps unlikely in Siferth's case.

⁶³ *LE* II, 18/*Lib* 27.

⁶⁴ For Wulfstan see Kennedy, 'Law and litigation', p. 146; Wareham, *Aristocracy*, pp. 83-94.

ongoing process of negotiation and confirmation with its roots in local power structures, which were themselves focused on land.

The nature of the bequests

As is the case with extant vernacular wills, the emphasis in the chronicle accounts of bequest and inheritance is on title to land. This may reflect truncation of texts and the compilers' selective approach to their material.⁶⁶ However, what the chronicle accounts reveal very clearly is that at the heart of the revived monastic lifestyle was the acquisition of estates to provide not only food for the community, but also coin rents in an increasingly cash economy.⁶⁷ The importance of bequest of bookland to the church as a factor in the secular aristocratic lifestyle of the tenth and eleventh centuries has been signalled in previous chapters, and will be explored further in Chapter Six.⁶⁸ The transfer of land from laity to the church in the late tenth century was significant; it has been shown, for example, that fifty per cent of the vills listed in Domesday Book for Huntingdonshire were transferred at this time.⁶⁹ Some bequests involved substantial amounts of land: of the estates bequeathed to Ely by Lustwine, Wimbish (Ex) comprised eight hides in 1066, and Pentlow (Ex) four hides and three virgates.⁷⁰ Other bequests involved smaller estates: Siferth's estate at Downham comprised only two hides.⁷¹ A typical small bequest might be represented by the estate at Burwell (Cambs) granted – probably as a bequest – to Ramsey

⁶⁶ Kennedy, 'Law and litigation', p. 181.

⁶⁶ This issue has been discussed in Chapter 1 above.

⁶⁷ Raftis, *Ramsey*, pp. 9-12; Miller, *Ely*, pp. 37-43. For reflections on the purchase of land in general, see Campbell, 'The sale of land'.

⁶⁸ The 'monastic/aristocratic milieu' is discussed by Campbell, 'England c. 991'.

⁶⁹ Raftis, *Ramsey*, p. 7 fn 44.

⁷⁰ *LE II*, 11/*Lib* 12. For discussion of Lustwine's bequest in the context of the will of his son Thurstan, see Whitelock, *Wills*, pp. 189-90, 195.

⁷¹ *LE II*, 11/*Lib* 12.

by Ælfgar, a friend (*familiaris et a secretis*) of Ealdorman Æthelwine, as a supplement to land at Burwell already regained by Ramsey following a dispute:

... quidam vir Alfgarus nomine ... domos suas et curiam, tres quoque hidas cum xl. acris, et unam præterea virgatum, et ecclesiam de Burewell cujus fuit advocatus, pro sua prædecessorumque suorum animabus mera liberalitate adjecit.

[... A certain man called Ælfgar ... added his own house and court, also three hides with forty acres and one virgate besides, and the church of Burwell of which he was advocate, out of pure generosity and for the souls of his ancestors.]⁷²

The advantage of *post obitum* gift for the donor was that completion was deferred, allowing the family to gain maximum benefit from the land for one or more lifetimes before the church gained full possession. The evidence of the chronicle accounts suggests that the majority of donors intended the gift to take effect on their death, or the death of a spouse, following the type of *post obitum* gift identified by legal historians as *precaria data*. However, occasionally more detail is given which suggests that the transaction was more complex than might at first appear. In the bequest of Ærnketel and Wulfrun, recorded in the *Ramsey Chronicon*, which grants land at Hicklington (Nfk), Kilvington (Notts) and Lockington (Yorks) to Ramsey in return for burial, Wulfrun declares that an annual foodrent is to be paid to the abbey. This is the form of *post obitum* disposition known to legal historians as *precaria remuneratoria*, involving rent paid to the donee by the donor as a token of the agreement.⁷³

Public declaration of Siferth's bequests was an important part of the process, asserting the donor's right to bequeath. In some vernacular wills, the donor's right to land, and hence right to bequeath, is made explicit, as in the case of Ketel, who bequeaths an

⁷² CR 25.

estate at *Moran* ‘... as fully and completely as I rightfully acquired it with my wife [presumably as part of a marriage agreement] in the witness of God and many men’.⁷⁴

Some donors refer to purchase: Eadwine, for example, refers to an estate which he bought from Abingdon.⁷⁵ Both Ramsey and Ely chronicles show consistent interest in recording the pedigree of the estates bequeathed to the respective abbeys. For example, Godwine’s right to bequeath land at Horningsheath (Sfk) to Ramsey is asserted: this is an estate ‘which his wife’s father bequeathed to her on his deathbed’.⁷⁶ Æthelstan Mannesune’s grant to his eldest daughter of the estate at Great Gransden (Hunts) gives an unusual context, since it was given to him by ‘her spiritual mother Æthelswith who lifted her from the holy font’.⁷⁷ However, the circumstantial evidence characteristic of the *Libellus* and preserved in Book II of the *Liber Eliensis* gives a particularly vivid picture of the complexity of land tenure within which bequest operated, and the importance of adequate witnesses for transactions. The negotiations which followed the bequest of Toft (Cambs) by the monk Goding provide a good example:

Godingus monachus, cum moreretur, dimisit sancte Æðeldriðe in eadem villa, scilicet in Toftes, unam hydram terre, quod filius eius Alfnopus postea mutare voluit, sed abbas dedit ei xx solidos apud Grantebruge coram cetu civium et ipse Alfnopus tradidit abbati unam plenam hydram in terra, in campo, in silva, preter suum predium quod exceperat.

[When dying, the monk Goding gave to St Æthelthryth one hide of land in Toft, the same village, which his son, Ælfnoth, afterwards wished to exchange. However, the abbot gave him twenty shillings at Cambridge before an assembly of citizens, and Ælfnoth transferred to the

⁷³ CR 37, 38. See Chapter 1 for the various forms of *post obitum* gift. See also CR 89 for a further possible example of *precaria remuneratoria*: the abbey leased two estates to Wulfwine with the agreement that four of his own estates would revert to the abbey on his death.

⁷⁴ S1519/W34. ‘... so ful and so forth so ic’ it richtlike an godes witnesse and mani manne mid mine wife bigat’.

⁷⁵ S1517. See also S1503/W20; S1489/W26; S1534/W19.

⁷⁶ CR 53: ‘quam pater uxoris suae in extremis agens ei in testamento reliquerat’. See also CR 28 for Ealdorman Æthelwine’s grant of estates bequeathed by his parents and the priest Kinemund.

⁷⁷ CR 33: ‘quam Æthelsueta, mater eius spiritualis, quae eam de sacro fonte levaverat’.

abbot a full hide of land, including fields and woodland, excluding his own estate].⁷⁸

Such negotiations reinforce the fact that vernacular wills tell only part of the story of the whole process of bequest and inheritance: the donors' intentions may in themselves have been sufficient to earn them spiritual reward, while the gift itself could be subject to further transactions, as work on the charters of Cluny has shown.⁷⁹

The efforts of donors to protect the interests of their family and other dependants through usufruct is recorded in the Ramsey *Chronicon*, again reflecting the pattern of vernacular wills. For example, Ælfwold, brother of Ealdorman Æthelwine, grants six estates to Ramsey, reserving a life interest for his wife Ælfhild.⁸⁰ Where joint bequest is recorded, the interest of the named partner is preserved, as in the bequest of Ælfsige and Leva, who grant land *ut post mortem suam utriusque in pretium suae salutis*.⁸¹

Occasionally the Ramsey account shows a life interest in an estate reserved for a member of the donor's household; Ælfhild, for instance, grants a life interest in an estate to *capellano meo*, with reversion to Ramsey, and Godwine grants to Ramsey his share of an estate held jointly with his brother, reserving a life interest for his steward, his goldsmith and Wulfgar.⁸² However, the will of Leofflæd, recorded in Latin by the Ely compiler, suggests that donors could also use bequest to exert pressure on beneficiaries: her daughter

⁷⁸ LE II, 26/Lib 37.

⁷⁹ See below for the leasing arrangement which followed Ælfsige's bequest of land to Ramsey (CR 107 at pp. 174-75). See also Lowe, 'Vernacular wills', pp. 43-46 for discussion of the disrupted bequests in the family sequence S1483/W2; S1494/W14; S1486/W15. The complexity of Cluny land transactions is shown by Rosenwein, *To be the Neighbor of Saint Peter*, chapters 2-4.

⁸⁰ CR 34.

⁸¹ '...after the death of both of them, as the price of their [souls'] health'. CR 107, p. 174. See for comparison the OE phrase, for example in the will of Thurstan: *after vnker bothre day* (after our day) S1531/W31.

⁸² CR 53. For examples from vernacular wills see S1489/W26, S1521/W29 and S1497.

Leofwaru will only inherit if she remains chaste or makes a suitable marriage (*ut caste se conservet vel virum legitime accipiat*).⁸³

Finally, an important account of manumission procedure has survived in the *Chronicon*, which throws light on manumission in relation to land, a common feature in vernacular wills. A number of wills stipulate that, for example, half of the men on given estates should be freed, with no indication of the process of selection.⁸⁴ The detailed account of Æthelstan Mannesune's will preserved in the Ramsey Chronicle provides a vivid picture of the intended procedure:

... et per omnes terras suas de xxx. hominibus numeratis xiii. manumisit, quemadmodum eum sors docuit, ut in quadrivio positi pergerent quocunque voluissent.

[... and throughout all his lands he manumitted thirteen out of every thirty counted men, as they decided by lot, so that when they were at the crossroads they might journey wherever they wanted.]⁸⁵

A ceremony of manumission held at the crossroads is not unknown, particularly in the south-west of England.⁸⁶ What is of particular interest here is the mechanism for the selection of men from each estate by casting lots. Although this is a unique example of lot-casting in this context, the account hints at familiar rituals underlying the terse statements in the vernacular documents.⁸⁷

The strategy of bequest

Because the accounts of bequest are embedded in narrative, the chronicle evidence provides a broader context for donors' decisions than vernacular wills. This evidence can

⁸³ *LE* II, 88. See also S1533/R26.

⁸⁴ For a detailed discussion of testamentary manumission see D.A.E. Pelteret, *Slavery in Early Medieval England* (Woodbridge, 1995), Chapter 4.

⁸⁵ *CR* 33.

⁸⁶ Pelteret, *Slavery*, pp. 143-45.

⁸⁷ Pelteret, *Slavery*, pp. 143-44 and fn 62.

illuminate the strategies used by donors where the extant documents are allusive and context-dependent.

Chronicle accounts indicate more clearly than the vernacular wills the way in which monastic houses featured strongly in the strategy of aristocratic families. This is particularly well documented for Ramsey. On its foundation in 966, Ealdorman Æthelwine, together with Bishop Oswald, was responsible for the initial land endowment.⁸⁸ In addition, Æthelwine ensured that his new house was appropriately adorned; the abbey church, with its tower and rich internal fittings, provided an impressive family monument.⁸⁹ Each of his three wives made bequests of land to the abbey, as did his brother and his wife, Ælfhild (see schematic family tree B, overleaf).⁹⁰

It is likely that the foundation of Ramsey was also a statement of political alliance. The tensions between Æthelwine and his neighbour, Ealdorman Ælfhere of Mercia, which erupted so spectacularly in 975 on the death of King Edgar, can be detected in their benefactions: none of Bishop Oswald's monastic houses received patronage from Ælfhere, who instead seems to have been allied with Bishop Æthelwold.⁹¹ The family of Ealdorman Byrhtnoth, killed at Maldon in 991, was strongly committed to Ely, where Byrhtnoth was buried. The *Liber Eliensis* lists Byrhtnoth's bequests; the schematic family tree (A, overleaf) shows how his descendants continued their association with the house.⁹² The bitterness of the Ramsey account of Byrhtnoth's favouring of Ely reflects the rivalry between these two prestigious monasteries in winning the support of the local aristocracy.⁹³

⁸⁸ CR 22 (p. 40); 28. Raftis, *Ramsey*, pp. 7-8.

⁸⁹ CR 57.

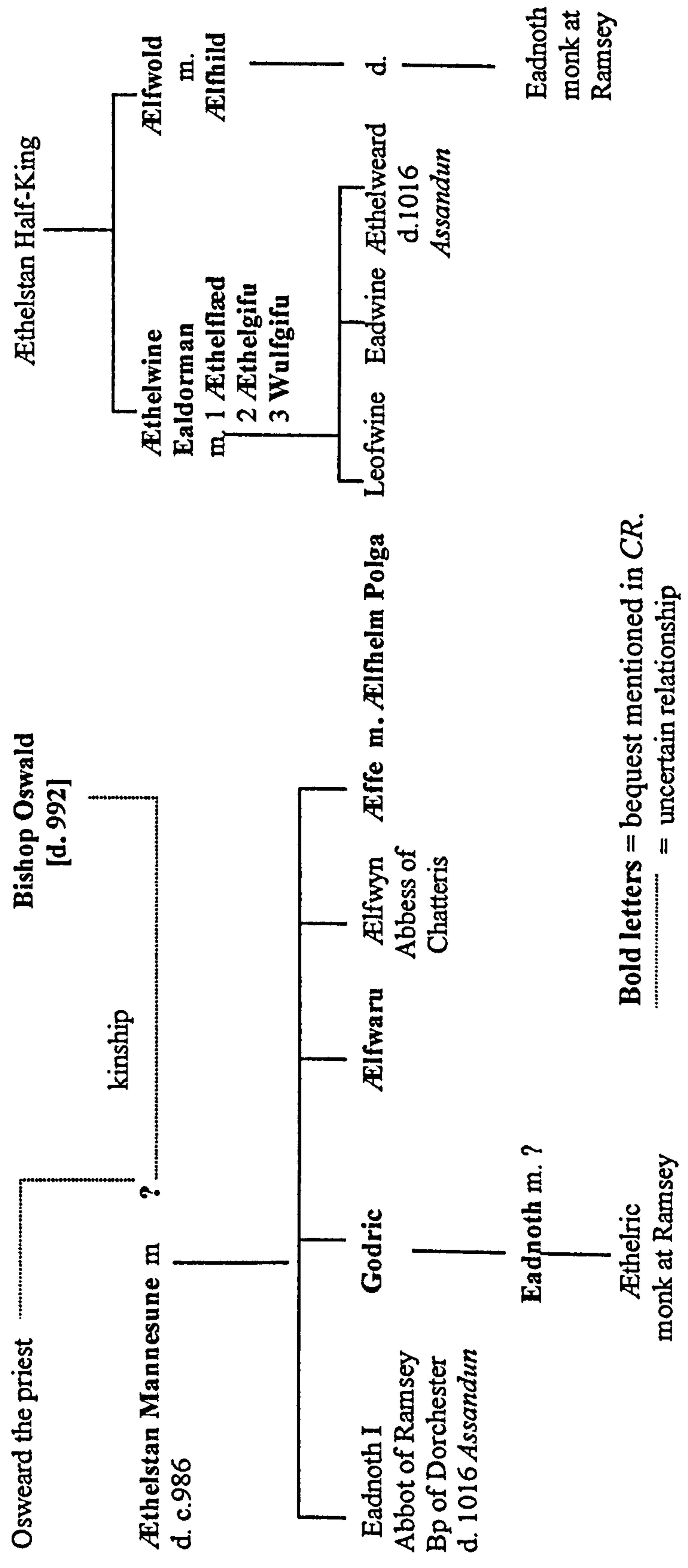
⁹⁰ For the bequests of Æthelwine's wives, see CR 28, 32, 30 and 31; for those of Æthelwold and Ælfhild see 34, 35.

⁹¹ Yorke, 'Æthelwold', pp. 84-85; Williams, 'Princeps Merciorum gentis', p. 159.

⁹² Miller, *Ely*, pp. 21-22.

⁹³ CR 68; Alan Kennedy, 'Byrhtnoth's obits and twelfth-century accounts of the Battle of Maldon' in

Schematic family tree B: family links with Ramsey Abbey ¹



Bold letters = bequest mentioned in *CR*.
 = uncertain relationship

¹ Based on genealogies in Wareham, 'St. Oswald's family', p. 48; C. R. Hart, 'Eadnoth I of Ramsey and Dorchester', reprinted in *The Danelaw*, p. 614, and 'Æthelstan "Half-King"', p. 571.

Apart from the wealth which such patrons could themselves deploy, they brought with them the favour of lesser men who were tied to them through allegiance, dependence or friendship: such men as Ælfgar, the friend of Ealdorman Æthelwine, whose bequest of an estate at Burwell has been discussed above.

However, Ramsey also gained considerably from the bequests of another local family: that of Æthelstan Mannesune (see schematic family tree B on previous page). Under the terms of his will, Ramsey is to receive one estate outright, with the reversion of a further four estates held by his wife for her lifetime. Additionally, a twenty-hide estate bequeathed by Æthelstan to his youngest daughter would revert to Ramsey following her life tenure and that of any children she might have. Æthelstan's bequests of land to Ramsey were significant in terms of family strategy.⁹⁴ Æthelstan had married a kinswoman of Bishop Oswald. His bequests consolidated his alliance with the powerful men of the region rather than with his own kin. His son Eadnoth became the first abbot on the death of Oswald in 992, and subsequently became bishop of Dorchester. Eadnoth used family land at Chatteris (Cambs), bequeathed to the abbey by his father Æthelstan and by his sister Ælfwaru, to endow a nunnery over which his sister Ælfwyn became lay abbess; and in the next generation, Æthelstan's grandson, also called Eadnoth, was bequeathing land to Ramsey to provide clothing for his son, Æthelric, who entered the monastery as an oblate.⁹⁵ For this local family, then, association with Ramsey through bequest proved to have long-term benefits in terms of prestige and social position.

The presence of family members within the monastic communities of Ramsey and Ely also encouraged bequest of land – in some cases, explicitly for their benefit. The

Scragg (ed.), *The Battle of Maldon*, pp. 68-70.

⁹⁴ Wareham, 'Saint Oswald's family and kin', pp. 50-53.

bequests of Oswi, Æthelric, Ælfhild and Eadnoth and his wife are specifically related to the support of a son within the community – perhaps, in some cases, as an oblate, as the will of Eadnoth and his wife suggests:

Quum autem in dominio eam habuerint, duas libras singulis annis Æthelrico monacho filio nostro inde ad vestitum procurabunt, quatinus idem Æthelricus, hujus respectu beneficii, humilis et devotus Deo sit, abbati quoque et fratribus suis tractabilis. Qui, si forte habitum suum et monasterium relinquens reverti noluerit, nihil omnino inde ulterius percipiat.

[Moreover, when they have it in their possession, they will henceforth have two pounds each year to provide clothing for Æthelric, our son, on condition that the said Æthelric, in respect of this privilege, remain submissive and devoted to God and obedient to the abbot and his brothers. If he should chance to leave his habit and the monastery and does not wish to return, he may receive nothing at all thereafter.]⁹⁶

The role of women in bequest is also placed in context by the chronicle narratives.

As Chapter Three has shown, the autonomy of women's bequests suggested by the vernacular wills is doubtful. There is also strong evidence in both Ely and Ramsey accounts of women's bequests to suggest that women had relatively little freedom of disposition. Unless they were involved in a joint bequest with their husbands, women generally feature as widows, as is the case with vernacular wills.⁹⁷ The true state of affairs is probably indicated by the will of Ælfhild, who acknowledges her role as transmitting the wishes of her late husband, Æthelwine's brother, Ælfwold:

Ego Alfeld notum facio omnibus amicis meis quomodo disposui de rebus et possessionibus meis quas vir meus Alfwoldus Comes, frater Ailwyni Aldermanni, mihi et liberis meis concessit. Imprimis igitur concedo Deo, et sanctæ Mariæ, et sancto Benedicto Ramesiæ, terram de Riptone, et terram de Wenintone, et terram de Elintone, sicut predictus vir meus Alfwoldus

⁹⁵ CR 106, 107; C.R. Hart, 'Eadnoth I of Ramsey and Dorchester' reprinted in *The Danelaw*, pp. 617-18.

⁹⁶ CR 107 (p. 174). See also *LE II*, 67, 68; CR 35. For the issue of monks retaining control of such land, see Raftis, *Ramsey*, pp. 11-12.

⁹⁷ See Chapter 3. Exceptions are: Æthelflæd and Æthelgifu, first and second wives of Ealdorman Æthelwine (CR 32); Thorgunnr, whose bequest of land is made with the permission (*permittente*) of her husband (CR 107).

eas adhuc vivens viva voce eidem ecclesiæ concessit.

[I, Ælfhild, give notice to all my friends how I have disposed of my goods and possessions which my husband Earl Ælfwold, brother of Ealdorman Æthelwine, granted to me and my children. Firstly, therefore, I grant to God and St Mary and St Benedict of Ramsey, land at Ripton, and land at Wennington and land at Ellinton, just as my aforesaid husband Ælfwold granted them to the same church by word of mouth when he was alive.]⁹⁸

Furthermore, the chronicles show widowed women emerging into the spotlight under considerable pressure. The unnamed wife of Ælfwold *Grossus* is shown losing her claim to three hides of land at Chippenham (Cambs) which she acquired through her first marriage.⁹⁹ Widows are shown surrounded by interested parties – ‘kinsmen and neighbours’ (*cognatus et vicinis suis*) in the case of Æscwyn of Stonea, who ‘gives’ (*dedit*) to the reeve Wulfstan of Dalham land and fisheries at Stonea (Cambs), although the context may suggest that Æscwyn’s gift was not entirely voluntary.¹⁰⁰ Wulfstan gave the estate to the Ely community, who leased it to Æscwyn’s kinsmen. On the death of King Edgar in 975, these kinsmen took possession of the land; it was only recovered by Ely following an extended court case.¹⁰¹ Most telling of all is the account of Æthelstan Mannesune’s widow – unnamed in the chronicle account, and referred to as ‘the woman’ – who challenged certain testamentary dispositions made by her husband. The estate at Elsworth (Cambs) was one of four bequeathed to Ramsey by Æthelstan, reserving a life interest for his wife as her morning-gift. One year after his death, his wife seems to have been persuaded by kinsmen (*parentum*) to claim free possession of the estate as a nuncupative bequest by her husband:

Post obitum igitur eiusdem Æthelstani, uxor ipsius, parentum inducta suggestionem, huic testationi omnino contradixit, conventionem quandam

⁹⁸ CR 35.

⁹⁹ LE II, 11/Lib 14. See the account of this dispute given above.

¹⁰⁰ LE II, 18/Lib 27; Wareham, *Aristocracy*, pp. 77-78.

¹⁰¹ LE II, 24/Lib 34; Kennedy, ‘Law and litigation’, p. 169.

excogitatam prætendens quam, ut dicebat, inter se habuerant ipsa et vir ejus dum adhuc veveret.

[Therefore, after the death of that same Æthelstan, his wife challenged this will in its entirety at the instigation of kinsmen, claiming falsely that there was a special agreement which, according to her, she and her husband had made between them when he was still alive.]¹⁰²

The widow agreed that, in return for free possession of Elsworth (which would then presumably remain in the possession of her family or that of her late husband), an estate *æt Slepe* would revert to Ramsey after the death of her daughter Ælfwyn, although Æthelstan had willed a life interest to Ælfwyn's progeny, should she have any, before reversion to the church. The woman 'acquiesced' (*adquiescens*), swearing on the hand of Bishop Oswald, who seems to have been her kinsman, and giving guarantees. The sub-text of this account seems to indicate that Æthelstan's widow was being manipulated: firstly by her own or her husband's kin (*parenta inducta*), and secondly by her powerful kinsman Bishop Oswald (*placito adquiescens, hoc totum affidavit in manu sancti Oswoldi archiepiscopi cognati sui*). The impression given is that the widow was caught in a pincer movement between kindred groups. On this evidence, retirement to a nunnery on widowhood may have seemed an attractive option.¹⁰³

However, some daughters seem to have held on to land inherited from their own families. We are told by the *Liber Eliensis*, for example, that Wulfflæd, Siferth's widow, held twenty-four acres of land at Stretham (Cambs) – presumably by inheritance – following the death of her father, Wulfstan of Dalham. On the day she became a nun, she

¹⁰² CR 33.

¹⁰³ See also S1497, the will of Æthelgifu, for an account of a widow forced to defend her claim to land in the face of a challenge from her late husband's kin. For a similarly beleaguered widow see Nelson, 'The wary widow', pp. 106-11, and for women as conduits of land see Stafford, 'Women and the Norman Conquest', pp. 241-44.

sold this land to Ely, with the witness of the entire hundred to confirm her right to sell.¹⁰⁴ In contrast, the *Chronicon* gives an oblique account of a woman apparently struggling to gain her patrimony. Æthelflæd, first wife of Ealdorman Æthelwine, claimed as her hereditary land at Sawtry (Hunts), which her father had exchanged with a certain Æthelstan. Legal process seems to have restored the land to her – perhaps not surprisingly, given her position – and she then bequeathed the estate to Ramsey as her burial fee. However, her claim to the land must be seen in the context of Ealdorman Æthelwine’s gift to Ramsey of his own holdings at Sawtry: to what extent was her right of inheritance used as a pawn to consolidate the block of land with which Æthelwine endowed Ramsey?¹⁰⁵

One of the purposes of bequest by lay donors to the church was to achieve a lasting memorial.¹⁰⁶ A number of gifts were made in expectation of burial at the monastery: Tostig’s bequest of land to Ramsey was made *pretium sepulturæ*, possibly translating Old English *saulsceat*, or burial fee, while the *Liber Eliensis* occasionally remarks that a donor was buried at Ely, as in the case of Godwine.¹⁰⁷ There is evidence to suggest that in at least some cases the community was committed to a comprehensive funerary process, including the collection of the corpse. This is specifically stipulated by Ærnketel and Wulfrun:

Volumus autem ut post dies nostros corpora nostra ibidem, si Deo placuerit, sepulta requiescant, et ubicunque alter nostrum vitam finierit fratres Ramesiæ venientes, cum custamento tam suo quam amicorum nostrorum, corpus defuncti Ramesiam deferant tumulandum.

[Moreover, we wish that at the end of our days our bodies may rest in a grave in the same place, if it pleases God, and wherever one of us may come to the end of life, that the brothers of Ramsey will come, with our friends, according to their custom, and bear away the body of the deceased

¹⁰⁴ *LE II*, 10/*Lib* 9.

¹⁰⁵ *CR* 28.

¹⁰⁶ See Geary, *Phantoms of Remembrance*, p. 76 for the principle; this will be discussed in detail in Chapter 6.

¹⁰⁷ *CR* 107; *LE II*, 69. See also: *LE II*, 62, 89; *CR* 34.

to be entombed at Ramsey.]¹⁰⁸

As has been described above, the abbot and members of the Ely community attended Siferth's deathbed. The account of the death of Thorgunnr implies a funeral service in the abbey church:

Qua fati munere functa vir ejus exanime conjugis corpus Ramesiam
ad tumulandum deferri fecit, et terram prænominatam pro ipsius anima
super majus altare coram abate Alfwino et toto fratrum conventu obtulit ...

[In carrying out the terms of the will, her husband arranged for the lifeless body of his wife to be carried to Ramsey for burial, and offered the afore-said land for her soul upon the high altar in the presence of Abbot Ælfwine and all the assembled brothers ...]¹⁰⁹

However, the most detailed account of a funeral is reserved for the Ramsey obsequies for their founder, Ealdorman Æthelwine.¹¹⁰ On being struck down by a fever at his nearby home, presumably Upwood (Hunts),¹¹¹ Æthelwine was given the last rites by Bishop Ælfheah of Winchester, who was in the neighbourhood. Members of the Ramsey community attended the deathbed, joining Æthelwine in psalm-singing. On his death, Æthelwine's body was carried to Ramsey – possibly by boat.¹¹² We are told that 'a huge crowd from almost the entire neighbourhood had gathered to accompany the venerable man's funeral procession' (*copiosa totius fere viciniae turba, viri venerabilis exequias comitatura convenit*). The funeral itself was conducted by Bishop Ælfheah, apparently before a large congregation who lamented their loss, before Æthelwine was buried 'in the house which he had wisely built for himself' (*in domo quam ... sapienter sibi ædificaverat*).

¹⁰⁸ CR 38. I have adjusted the translation here: Edgington, *Book of Benefactors*, 2, p. 21 translates *cum custamento ... nostrorum* as 'at their own expense and that of their friends'. Byrhtnoth's corpse was collected from the battlefield at Maldon by the monks of Ely (*LE II*, 62). See also the tenth-century vernacular will of Ordnoth and his wife [S1524/W5].

¹⁰⁹ CR 107, p. 176.

¹¹⁰ CR 60.

¹¹¹ CR 28.

¹¹² An earlier journey between Ramsey and Æthelwine's home was made by water (CR 60, p. 106).

The funeral procession must have provided considerable local spectacle, carried out, as it no doubt was, with great splendour.¹¹³ The account of the *Chronicon* is supplemented by a description in Byrhtferth's life of St Oswald, probably written at Ramsey between 997 and 1002:¹¹⁴

Perductum est corpus principis cum laude ad Ramesige, qua cum honore sepultum est. Delatus erat cum maximo honore ad locum dilectissimum; sed antequam veniret, obviam exierunt sequestres, et pedestres, inedicibilis multitudo. Exierunt et monachi cum cereis, et crucibus, et Evangeliorum libris, qui tota nocte vigiliis exercuerunt pro redemptione suæ animæ; et sic crastino die, omnibus rite peractis, reddiderunt terris cujus animam commendaverunt Domino, ut eam redderet civibus superis.

[The body of the great man is carried with praise to Ramsey, where he is buried with honour. He was carried with great honour to the most beloved place; but before he arrived, attendants went out to meet him, and pedestrians, an indescribable multitude. The monks also came out with candles, and crucifixes, and gospel books; they kept vigil all night for the redemption of his soul; and so the next day, everything being correctly carried out, they returned to the earth him whose soul they commended to God, so that he may return it [the soul] to the citizens on high.]¹¹⁵

It is likely that Byrhtferth was recalling events which he himself had witnessed, since he was undoubtedly based at Ramsey at the time of Æthelwine's death.¹¹⁶

Given the wealthy patrons of both Ely and Ramsey, such sights must have been relatively frequent. Interesting parallels can be found in charters of the Limousin and Gascony between 970 and 1130.¹¹⁷ For example, in the early twelfth century, the monks of Sorde in Gascony administered the last rites to Bernard William of Lanne, and arranged for

¹¹³ Some idea might be drawn from the section of the Bayeux Tapestry depicting King Edward's funeral: Stenton, *The Bayeux Tapestry*, pl. 35.

¹¹⁴ Baker and Lapidge, *Byrhtferth's Enchiridion*, p. xxi.

¹¹⁵ Byrhtferth, *Vita Oswaldi Archiepiscopi Eboracensis* ed. James Raine, *Historians of the Church of York*, Rolls Series, 71 (London, 1879), vol. 1, part 5, p. 475.

¹¹⁶ Baker and Lapidge, *Byrhtferth's Enchiridion*, p. xxxi; and see Lapidge, 'Byrhtferth and Oswald' in Brooks and Cubitt (ed.), *St Oswald of Worcester*, pp. 80-81 for the incorporation of eye-witness accounts into the *vita*.

¹¹⁷ Marcus Bull, *Knightly Piety and the Lay Response to the First Crusade. The Limousin and Gascony, c. 970-c. 1130* (Oxford, 1993).

his body to be carried ten miles by water to the abbey for burial. Sometimes practical difficulties arose: a late eleventh-century charter records a husband being prevented from carrying out his wife's wish to be buried at the abbey of St Mont because snow made the ten-mile journey impossible.¹¹⁸ Burial at the favoured monastery was equally important in tenth-century East Anglia as a focus for family identity. Ælfwold, brother of Ealdorman Æthelwine, was buried at Ramsey with dignity equal to that of his brother's funeral.¹¹⁹ Lower down the social scale, Siferth's second visit to Ely appears to focus on the family burial plot.¹²⁰ We are told that, on this occasion, Siferth asked specifically to be escorted to the place where he would be buried *nam erat ei familiarissimus* (for it was very familiar to him), where friends who had been close to him (*karissimi et fidelissimi amici*) already lay. There is a strong sense here, in the terms *karissimi* (most beloved) and *fidelissimi* (most loyal) that the monastery provided a personal focus for Siferth, as well as an opportunity for asserting public prestige.

Although vernacular wills often refer obliquely to commemoration, the narrative accounts provide glimpses of what donors might have expected in return for their bequests.¹²¹ One of the most interesting references in the *Liber Eliensis* is to the keeping of a memorial book. We are told that Ælfwaru, in return for multiple gifts of land and treasure to Ely, was buried and commemorated there:

Corpus vero eius in Ely delatum reconditur et nomen illius super sanctum altare descriptum cum fratrum nominibus perpetuam in ecclesia memoriam habet.

[Her body was indeed buried at Ely and her name, written on the holy altar

¹¹⁸ Both examples are taken from Bull, *Knightly Piety*, p. 152.

¹¹⁹ CR 34: ... *decus sibi egregium comparans sepulturæ*. The role of the church in commemoration will be pursued in Chapter 6.

¹²⁰ LE II, 11/Lib 12. See above for the full text and translation. See also LE II, 59 for Æthelgifu's family buried at Ely.

¹²¹ This will be explored more fully in Chapter 6.

with the names of the brothers, holds perpetual memory in the church.]¹²²

As will be shown in Chapter Six, the practice of keeping a memorial book on the altar, to be included in the daily liturgy, was an important feature of monastic practice in the tenth and early eleventh centuries, intended primarily for the commemoration of members of the community and other monasteries with whom the house had established confraternity.

Here, the inclusion of Ælfwaru's name as a generous lay benefactress is explicitly linked to her gifts, and brings her into the cycle of intercession reserved for those who had lived their lives in God's service.

The church was not the only place in which donors might hope for commemoration: the monastic refectory also apparently played its part. Bequest of land, coin or vessels directly or implicitly to the refectory occasionally features in vernacular wills, mainly of women.¹²³ Two such bequests occur in the *Chronicon Rameseensis*. The first is a reversionary grant by Godwine, reserving three lives:

Godwinus ... dedit Deo et sanctæ Mariæ et sancto Benedicto Ramesiæ totam terram de Hecham, quæ sui juris erat, præter trium tantum hominum tenuram, Æthelwaldi, scilicet, dapiferi sui, Lefrici aurifabri, et Wlfgari: his etenim, annuentibus fratribus, tenementa sua libere possidere concessit, tali proposita conventionem ut quislibet eorum moriturus terram suam ab omni posterorum calumnia liberam ecclesiæ Ramesensi consignaret, ad victuale subsidium ibidem Deo famulantium monachorum.

[Godwine ... gave all the land at Hitcham (Sfk) which was under his jurisdiction except only that held by three men: namely Æthelwold, his steward, Leofric the goldsmith, and Wulfgar. Indeed he allowed these men, with the agreement of the brothers, to possess their holdings freely with a contract to this effect: that when any one of them was about to die he would bequeath his land to the Ramsey church free from all future claims, for the provision of supplies for the monks serving God in that place.]¹²⁴

¹²² *LE* II, 61.

¹²³ Women's wills: S1538/W21; S1535/W32; S1539/W3; S1497. See S1510/R6 for a ninth-century male bequest to fund an anniversary meal.

¹²⁴ *CR* 53.

The phrase *ad victuale subsidium* suggests that the intention was to supply the refectory in the name of the donor, bringing him into close association with the community. This intention is more specific in the will of Æthelgifu, second wife of Ealdorman Æthelwine:

... et unam marcam auri, cujus medietas in usus monasterii necessarios cedat, de altera vero medietate refectio fratribus procuretur; et duos ciphos argenteos de xii. marcis ad pondus hustingæ Lononiensis, ad serviendum fratribus in refectorio, quatinus dum in eis potis edentibus fratribus ministratur memoria mei eorum cordibus arctius inculcetur.

[... and one mark of gold, of which a half may be donated to the requirements of the monastery; from the other half provisions for the brothers may be purchased, and two silver goblets of twelve marks according to the weight of the London hustings for serving the brothers in the refectory, so that when drink is provided in them to the brothers at meals my memory will be impressed upon their hearts more strongly.]¹²⁵

Although this is not explicitly described as a bequest, Æthelgifu's wish for commemoration implies that she intended to make a *post obitum* gift. The vesting of memory in objects associated with the donor's generosity underlies a range of bequests to the church mentioned in chronicles: Ælfwaru, for example, bequeaths to Ramsey *pelves* (bowls) made of silver; *omnia sacerdotalia ornamenta* (decorated vestments of all kinds); and a yellow *pulvinar* (cushion).¹²⁶

Bequest as a factor in local relationships between church and laity

As has already been shown, strong links were established between the lay nobility and their local monasteries through family affiliation and the role of the church in ritual. In both respects bequest played a significant part. However, the secular aspect of this relationship is also an important factor influencing donors' *post obitum* dispositions. Recent research based on the charters of French monastic houses from the ninth to the eleventh

¹²⁵ CR 32.

¹²⁶ CR 54. See Chapters 5 and 6 for further consideration of bequest of movable wealth to the church.

centuries has revealed the impact of the monastery on its locality. The role of Cluny as landlord, neighbour and spiritual focus has been demonstrated, placing it at the centre of social and economic networks which were based on land.¹²⁷ A study of charters surviving for the period 800 to 1100 from the monasteries of Redon, Conques and St Bertin, and the cathedrals of Mâcon and Angers, has shown that commemorative prayer was only one aspect of the relationship between the laity and the church; ties of obligation increased for the poor, while aristocratic magnates could choose to affiliate themselves and their families to particular monastic houses for political or religious reasons, or through established tradition.¹²⁸ Both Ely and Ramsey chronicles incorporate valuable information about business dealings between the monastic houses and the local laity which often involved aspects of bequest and inheritance.

The first aspect of this secular dimension to the relationship is the dealing in land which took place as the monastic houses sought to acquire, consolidate and deploy their estates. For example, in the *Chronicon* we are told that land bequeathed by Ælfsige and Leva was leased by the abbot and community to Godwine, a kinsman of Ælfsige, for his life, in return for an annual food-rent, so that the kindred of the donor retained use of the land in the short term while the abbey gained the benefit of the produce.¹²⁹ A further account shows an agreement strongly weighted in the abbey's favour. At a meeting in the Ramsey chapter house on the eve of Pentecost in the mid-1040s, it was agreed that Wulfwine – possibly the king's huntsman of that name – should hold for his lifetime land at Yelling and Hemingford (Hunts) which had been given to the abbey by King Harðacnut.¹³⁰

¹²⁷ Rosenwein, *To Be the Neighbor of Saint Peter*.

¹²⁸ McLaughlin, *Consorting With Saints*, esp. chaps 3 and 4. For the local impact of the church in Germany at a slightly earlier date see Innes, *State and Society*, esp. chap. 2.

¹²⁹ CR 107 at pp. 174-75.

¹³⁰ CR 89; Hart, *Early Charters*, p. 37 for an account of these transactions and comments on individuals.

On Wulfwine's death, these estates would revert to Ramsey, along with four of his own estates which he bequeathed to the church for his soul's welfare.¹³¹ Wulfwine survived the events of 1066, when his own lands were confiscated. Domesday Book shows that the two Ramsey estates, Yelling and Hemingford, were by 1066 held on lease by Ælfric, a neighbour of Wulfwine.¹³² The terms were similar: the leased land would revert to the abbey on his death, together with his own estate of Boxted (Ex), suggesting that Ælfric had acquired the lease from Wulfwine. Ælfric did not survive the Conquest; his lands were sequestered, including those held on lease from Ramsey, as the chronicler bitterly relates.¹³³

Bishop Æthelwold is shown to be capable of driving a similarly hard bargain in such matters. Following a complex dispute, resolved by the shire court, Ely's claim on two hides of land at Swaffham (Cambs) was confirmed. These two hides, with an additional two acres bought by Bishop Æthelwold, were leased (*prestiterunt*) by the bishop and the community to a certain Eadric; the agreement was that on his death the land would revert to the abbey with *omni pecunia et omne facultate omnibusque bonis que ipse in vita sua adquisierat*.¹³⁴ Such complexity and fluidity in tenorial arrangements in all probability underlie bequests in many of the vernacular wills, but it surfaces only rarely. A good example has been discussed briefly in the preceding chapter: a detailed agreement between Æthelric and Archbishop Eadsige concerning land at Chart (Kt).¹³⁵ This estate had a complex history; the Christ Church community maintained a claim upon it from the mid-

¹³¹ Ugley and Bumpstead (Ex); Abington (Cambs); Waldingfield (Sfk).

¹³² DB I, 207a (Hunts: 22, 1-2); I, 208a (Hunts: D7-8).

¹³³ Reginald Lennard suggests that the estates at Yelling and Hemingford were subdivided rather than held consecutively, with Ælfric and Wulfwine holding different portions on lease from Ramsey: *Rural England 1086-1135: A Study of Social and Agrarian Conditions* (Oxford, 1959), p. 164 fn 5.

¹³⁴ LE II, 34/Lib 45 (p. 110): 'all the property/livestock and all the resources and all the goods which he had acquired during his lifetime'.

¹³⁵ A document from the Canterbury archive [S1471/R101], dated c. 1045. See Chapter 3.

ninth century.¹³⁶ However, c. 1045 a mutually advantageous deal was struck between the community and the current holder: Æthelric would retain a life interest in the land, although he would hand over the title-deed to Christ Church. On his death, the estate would revert to the archbishop, and on *his* death it would revert to the community to provide food and clothing. Two further estates and a property in town which Æthelric himself had built, would revert to the archbishop after the lives of Æthelric and his son Esbearn. However, an additional clause allows for one of their friends (*sum heora freonda*) to hold the estate by suitable arrangement with the archbishop. The advantage to a religious house of these arrangements would be, as has been pointed out in relation to this particular agreement, that the land was worked and administered by laymen, with the prospect of ultimate reversion to the abbey or opportunities for further leasing; while the lay holder achieved the benefits of the land in the short term, and could cherish hopes of extending the lease to his own kindred for further lives by negotiation with the abbey.¹³⁷

The narrative accounts are also important in revealing a world of disputed inheritance which is only rarely glimpsed in the vernacular wills themselves, as in the case of Thurketel Heyng, discussed in the previous chapter.¹³⁸ Such disputes seem often to have brought the church into conflict with the kindred of the donor. The *Libellus*, in particular, refracted through the *Liber Eliensis*, shows Bishop Æthelwold embroiled in disputes concerning land which often revolve round inheritance, such as that involving Bluntisham (Hunts). When the bishop bought land at Bluntisham from a certain Wulfnoth, he also acquired the charter. However, the sons of Boga claimed the estate on behalf of their uncle,

¹³⁶ Brooks, *Early History*, pp. 147-48; S1200/H7.

¹³⁷ Brooks, *Early History*, p. 303.

¹³⁸ S1528/W25, s.xi (see Chapter 3). The most detailed account in a will is that of Æthelgifu's defence of her right to bequeath property inherited from her husband [S1497].

by right of inheritance. Local evidence was called, Wulfnoth produced oath helpers before the shire court, and an Ely monk brandished a charter for the land. This was the clinching factor: the court regarded the charter-holder as nearer to the oath, and Bishop Æthelwold claimed the land, rewarding Wulfnoth generously for his efforts in substantiating his case.¹³⁹ The king's intervention could be crucial in such disputes, and both bishops and abbots were well placed to take advantage of it. In fact, the *Chronicon* shows the abbot of Ramsey using bribery to gain royal support in a dispute concerning the will of Æthelwine the Black, probably made c. 1049, which bequeathed four estates to Ramsey.¹⁴⁰ The bequest was challenged by Æthelwine's kinsman, Ælfric son of Wihtgar, an influential landowner in Suffolk, who claimed to be the rightful heir to the land since the king had not confirmed the bequest. Royal support for Ramsey in the dispute was bought by Abbot Ælfwine's gift of twenty gold marks to King Edward, and five to Queen Edith. However, it has been pointed out that there may also have been a political dimension to this decision: Ælfric had been a high-ranking servant of Queen Emma, and the decision to favour Ramsey may signal a shift of royal favour under the new regime, with the monks using the opportunity to extend their own influence.¹⁴¹

A number of examples may be adduced from other archives showing the church's involvement in legal action. The well-documented but complex dispute between Rochester Abbey and the lay claimants to the land at Snodland (Kt), for example, rumbled on from c. 958, when the original bequest in favour of Rochester was made, to 995.¹⁴² This dispute

¹³⁹ *LE II*, 25/*Lib* 35. For a similar dispute see *LE II*, 27/*Lib* 38. Kennedy, 'Law and litigation', pp. 164, 170-72.

¹⁴⁰ *CR* 103.

¹⁴¹ Stafford, *Queen Emma and Queen Edith*, p. 150. See also Kennedy, 'Law and litigation', p. 153 for evidence of bribery in the *Libellus*.

¹⁴² For discussion of this dispute see Wormald, 'Charters, law', pp. 298-300. Primary texts: S1511/W11; S1457/R59.

required at different times the intervention of the king, the *witan* and the shire court, and ultimately ended in compromise. There is also the possibility that powerful religious houses were prepared to defy court rulings: the shire court of Northampton ruled that an estate at Barnwell should revert to the king, yet Ramsey retained possession, ostensibly with the king's permission, but with a very dubious claim.¹⁴³

The involvement of local courts in the process of bequest and inheritance outlined in Chapter Two is strongly supported by the chronicle evidence. Surviving accounts suggest that the influence of powerful churchmen in both secular and royal courts gave them a clear advantage in asserting rights to bequeathed land in the face of dispute from disgruntled kindred.

Conclusion

It has been argued here that there are sufficient parallels in form, language and content between the chronicle accounts of bequest and extant vernacular wills to justify acceptance of an original body of Old English documents underlying the Latin text. Since none of these documents survive from either house, the evidence for their existence recorded in these chronicles is an important supplement to the extant corpus. The narrative context provides an additional dimension to tenth-century and eleventh-century bequest, particularly in the formal and emphatically public processes of *post obitum* disposition which can only occasionally be glimpsed in the free-standing documents.

However, of equal importance is the evidence provided by the chronicles of the social context from which the vernacular wills emerged. The close alliance between aristocratic families and individual monastic houses was based on family tradition and

¹⁴³ ... *sic penduli permanserant in possessione*; CR 47, and Hart, *Early Charters*, pp. 30-31. See also the dispute between Care, Toki's son and Sherborne Abbey [S1474/R105] discussed in Chapter 3 (Donovan,

political allegiance alongside spiritual concerns. The patronage of wealthy aristocrats for the endowment of both Ely and Ramsey in the late tenth century was crucial, but there is also evidence of smaller-scale donations by landholders of lower social status, such as Siferth. The increase in lay piety of the tenth century, and the concomitant increase in donation and bequest to the church, will be explored further in Chapter Six, but there is a strong sense in these narratives of the close links between lay and monastic communities.

It has also been shown in this chapter that the impact of Ely and Ramsey abbeys on their locale was physical as well as spiritual. The involvement of the bishops Oswald and Æthelwold, as well as the abbots of their respective houses, in what amounted to a tenorial revolution has been demonstrated. The political and judicial influence of church leaders, and the way in which that influence was deployed to deflect tenorial challenge, reveals a powerful force at work in the local community, which led to change in tenorial boundaries and obligations for local landholders. The increase in litigation after the death of King Edgar in 975, as recorded in the *Libellus*, may in part reflect kindred seeking redress for the hard bargains driven by Bishop Æthelwold and Abbot Byrhtnoth in acquiring land in the early 970s.¹⁴⁴ Ealdorman Æthelwine, Bishop Æthelwold and Abbot Byrhtnoth were frequently present at meetings of the hundred and the shire, sometimes in jurisdiction, but often as litigants.

Not only these powerful men, but the buildings with which they were associated had a strong physical impact on their environment. The description of the stone church of Ramsey, with its towers, built on an island in the fens near to Æthelwine's hunting lodge at

Charters of Sherborne, no. 17, pp. 59-61).

¹⁴⁴ Kennedy, 'Law and litigation', pp. 165-66 with reference to D.J.V. Fisher, 'The anti-monastic reaction in the reign of Edward the Martyr', *Cambridge Historical Journal*, 10 (1952), pp. 263-64.

Upwood, suggests how impressive these buildings must have been.¹⁴⁵ They were a demonstration of the power of the church, but the proximity of Ramsey to Æthelwine's residence also suggests that it was intended as an expression of his own power and wealth. The abbeys provided sites for meetings – the hundred meeting at the north gate of Ely, for example, or Wulfwine attending a business meeting in the Ramsey chapter house. They formed a focal point in the local community, as landlords and centres of ritual: food-rent had to be delivered, and funeral processions converged. St Ætheldreda and St Benedict must indeed have seemed like neighbours to those who lived in their locality. As has been remarked in Chapter Three, in the late tenth century it must have been extremely difficult to avoid being a neighbour of at least one important saint. In fact, for those living in East Anglia, the impact was intensified: between 966 and 972, St Neots, Thorney, Croyland and Peterborough abbeys were added to the equation, to say nothing of the burgeoning cult of St Edmund at Bury.¹⁴⁶

It is against this social background that the vernacular wills of the tenth and eleventh centuries must be read. Although the impact of the great monasteries may have been particularly intense in East Anglia, and have reached its peak between the years 966 and 1000, wherever monastic houses sought to establish or renew themselves similar factors would inevitably apply.

Although the focus in this chapter has again been on land, brief reference has been made to bequest of chattels. This will be discussed in the next chapter, which addresses the complex issue of the role played by movable wealth in tenth-century and eleventh-century written wills.

¹⁴⁵ CR 22. See also Byrhtferth's *Vita Oswaldi*, ed. Raine, *Historians of the Church of York*, p. 434.

¹⁴⁶ Raftis, *Ramsey*, p. 7.

CHAPTER FIVE

Bequest of movable wealth

Introduction

Previous chapters have concentrated on bequest of land as the key preoccupation of donors in late Anglo-Saxon England.¹ However, as has been indicated in the preceding chapter, some wills include bequest of coin, treasure and other items of movable wealth. Such bequests, in both vernacular wills and chronicle texts, will be considered in this chapter. The discussion will include bequest of stock and manumission, as well as a range of chattels. It will exclude heriot *per se*, which has been discussed elsewhere,² but will refer to individual items included in heriot payments where relevant to the broader discussion. The focus in this chapter will be exclusively on wills of the tenth and eleventh centuries, since bequest of chattels in those of the ninth century is limited.³

As is invariably the case with wills, interpretation of the evidence can be problematic. For example, it has long been a point of discussion that the bulk of chattels is bequeathed by women and churchmen.⁴ Bequest of movable wealth by non-royal laymen is limited primarily – although not exclusively – to coin, war-gear and stock. Women's wills generally include more items, drawn from a wider range of categories, such as clothing, furnishings, vessels and religious goods. A similar range is found in the wills of some churchmen. Chapter One has shown that wills could be subject to truncation at various stages in their transmission; this could account for the absence of chattels from the wills of most male donors, since monastic scribes were largely interested in title to land, and may

¹ This is not a view held by Sheehan, who presumes that 'if the evidence of all Anglo-Saxon wills had survived ... bequests of land would be among the least common.' (*The Will*, p. 83).

² See Chapter 2.

have omitted details which had no long term significance for the house.⁵ However, such an argument does not account for the absence of editing in some women's wills, nor for the general absence of chattels from wills of male donors which survive as single sheets.⁶

This chapter will suggest that the presence or absence of movable wealth in written wills may be related to the point in the life-cycle at which will-making took place. Chapter Three has argued that men and women, in general, made their wills in response to different circumstances. For women, it is likely that widowhood prompted disposition of chattels alongside the transmission of the land left in their charge; for men, the disposition of land was their prime responsibility, to ensure the security of their dependants, with distribution of chattels a lesser concern, perhaps to be made orally, or at the point of death.⁷ Wills therefore suggest that, for men, social identity was primarily linked to land, while for women, movable wealth was more significant.⁸

The similarity in bequest of chattels between the wills of women and churchmen may be accounted for by some correspondence in their roles. For example, both were likely to be in a position where transmission of property was crucial – for women, within the kindred and to the church, for churchmen, to the religious houses with which they were associated. Moreover, both were likely to have to distinguish between property in which they held a life interest, and that over which they had freedom of disposition; women held

³ *S1482/H2*: coin, stock, a horn, a sword; *S1508/H10*: stock, coin; *S1507/H11*: coin, stock, a sword.

⁴ Crick, 'Women, wills', p. 28.

⁵ Lowe, 'Latin versions', pp. 10-11 notes the significant omissions in the OE summary of the single-sheet *S1497*.

⁶ Single-sheet versions survive of the wills of eleven lay male donors (see Appendix 1, Section A); only *S1503/W20* (the will of the Ætheling Æthelstan – probably a deathbed will) includes a range of movable goods. *S1536/W17* bequeaths significant amounts of coin.

⁷ See the discussion of deathbed wills in Chapter 3, the will-making of Siferth of Downham, discussed in Chapter 4, and the vernacular wills *S1524/W5* and *S1533/R26*. I am particularly indebted to Chris Lewis for highlighting this point in response to a paper I gave at the Institute for Historical Research, London.

land in usufruct, and churchmen held land by right of office, whereas chattels were subject to fewer claims and allowed an element of choice in their distribution. For both groups, social position was strongly invested in high-status goods; as will be suggested below, the inventory-like nature of the wills of some women and churchmen, together with the lists of treasure donated by churchmen to their houses, places emphasis on this factor.

This chapter will therefore accept the evidence for bequest of movable wealth in written wills as it stands. It will begin with a brief survey of relevant scholarship which will be brought to bear on the discussion. Since there has been no previous systematic study of this subject,⁹ the bulk of the chapter will consist of a catalogue collating the evidence within various categories. Attention will be drawn to patterns which emerge from that evidence, and the main issues summarized in a concluding discussion. The bequest of movable wealth has proved to be a study in its own right; this chapter cannot pursue it in the depth required, and must be regarded as a preliminary survey.

Review of relevant scholarship

Continental evidence for bequest of movable wealth: the will of Eberhard of Friuli and his wife Gisela, 863-864

An important study of this ninth-century Frankish will has demonstrated that items are selected for their social as well as personal resonance, and that choice of beneficiary is often significant.¹⁰ Count Eberhard and his wife were of the highest social rank: Eberhard's father is found among the witnesses of Charlemagne's will, and Eberhard served three

⁸ See Crick, 'Posthumous obligation', pp. 194-96 for discussion of the term 'social identity'; here I use it in the sense of 'the social categories within which men and women were located and located themselves' (at p. 196).

⁹ Sheehan, *The Will*, pp. 99-108 gives a general survey. However, the important study by Crick, 'Moveable wealth', addresses the gender issue and provides supporting tables outlining patterns of bequest (Appendix, pp. 29-31).

successive Frankish kings; Gisela was a daughter of Louis the Pious.¹¹ The will distributes land and movable wealth among their children. Its particular relevance here is the care taken in the selection and disposition of movable wealth; it has been described as providing ‘a snap-shot of a treasure-hoard at the moment of its transmission to the next generation, when Eberhard and Gisela are dividing it’.¹² The process is a means of ‘defining the social persona’ of the current owners of the goods, while ‘foreseeing and planning for the status of the new’.¹³ Few surviving Anglo-Saxon vernacular wills approach the detail and coherence of this document – among lay donors, those of Æthelgifu [S1497] and the Ætheling Æthelstan [S1503/W20] will prove important in this respect – but the process of selection and disposition of movable items by tenth-century and eleventh-century Anglo-Saxon donors can be seen in the light of this aristocratic will.

Archaeological evidence and positional goods

Further perspective on decisions made by donors may be gained from the archaeological study of grave deposits. In the context of the study of the will of Eberhard and Gisela, attention has been drawn to the crucial shift from burial deposits to ‘the focusing of attention, in death rituals, on the elements which preceded and followed the funeral, chiefly through leaving a permanent testimony of the dead with the aid of the written word’.¹⁴ The significance of the written word – which, of course, includes the will – in this process is that ‘the balance of ritual and memory shifts from the moment of burial to

¹⁰ La Rocca and Provero, ‘The dead and their gifts’, 225-80. The text of the will may be found in I. De Coussemaker (ed.), *Cartulaire de L’Abbaye de Cysoing* (Lille, 1885), no. 1, pp. 1-5.

¹¹ La Rocca and Provero, ‘The dead and their gifts’, pp. 235-38.

¹² La Rocca and Provero, ‘The dead and their gifts’, p. 250.

¹³ La Rocca and Provero, ‘The dead and their gifts’, p. 251.

¹⁴ La Rocca and Provero, ‘The dead and their gifts’, p. 232; for the beginning of the shift from temporary to permanent display, see Guy Halsall, ‘Social change around A.D. 600: an Austrasian perspective’ in M. Carver (ed.), *The Age of Sutton Hoo: The Seventh Century in North-West Europe* (Woodbridge, 1992), pp. 269-70.

posterity'.¹⁵ It would be inappropriate to attempt a direct correlation between burial practice of Merovingian Gaul and preparation for death in late Anglo-Saxon England, but I shall argue that where movable wealth *is* included in wills there is a parallel to be drawn with grave-goods: that is, the process of display is as important in preparing for death as the ultimate disposition of the goods themselves.

The role of material goods in death rituals has been explored by scholars in relation to furnished burials, with attention increasingly focusing on the element of display. The social significance of display of material wealth in terms of assertion of local power and prestige has been revealed by the study of grave deposits from the region of Metz in the sixth and seventh centuries, where the deposition of goods was only part of what has been termed 'the theatre of the cemetery'.¹⁶ Patterns in deposition of grave-goods in sixth-century and seventh-century Metz reflect complex social developments and conventions. For example, the nature of grave deposits appears to have been influenced not only by factors of age and gender of the dead person, but also by the concomitant social conventions and obligations arising from the different stages in the life-cycle. The wealth and prestige of the family are closely bound up in the funerary ritual.¹⁷ The relevance of this perspective for Anglo-Saxon bequest will be explored in sections of the catalogue concerned with goods which feature both in grave deposits and wills.

The movable items distributed by vernacular wills can therefore be seen not simply as personal possessions, but as 'positional goods': that is, items which 'represent status and

¹⁵ La Rocca and Provero, 'The dead and their gifts', p. 232. The correlation between bequest of movables and grave goods was noted by Sheehan, *The Will*, p. 101.

¹⁶ Guy Halsall, *Settlement and Social Organisation: The Merovingian Region of Metz* (Cambridge, 1995), summarized at p. 258.

¹⁷ Halsall, *Settlement*, pp. 246-48.

power'.¹⁸ This is particularly seen in the disposition of high-status items which can most obviously be categorized as treasure, such as swords, coin or vessels adorned with precious metal. They might also be bequeathed by those who hold social positions which are readily recognizable: royalty, churchmen or high-ranking political figures such as ealdormen.¹⁹ However, the principle will also be applied here to those donors whose social status is less public, and to items which less obviously constitute treasure: such items, including clothing and furnishings, may be regarded as positional goods in so far as they are appurtenances of an aristocratic way of life. The selection and disposition of such items is as likely to reflect social convention in defining status as it is to reflect individual values. The advantage of the flexibility of movable wealth, as opposed to land, has been demonstrated in terms of gift-giving in Anglo-Saxon society; gifts of land 'operated only vertically, and downwards', emphasizing subordination, while gifts of movable wealth 'operated in all social directions'.²⁰ The distinction may be less clear-cut in relation to bequest and inheritance, but the survey which follows will explore the particular significance of bequest of movable wealth for some donors whose freedom to alienate land was limited.

Gender stereotyping in bequest of movable wealth

There has been debate as to the degree to which bequest of movable wealth relates to stereotypical social conventions concerning gender. The broad stereotypical categories were represented thus in 1963:

The wills of men dwell with 'loving precision' on war gear, horse furnishings, and the mounts themselves. Ships, too, sometimes fully equipped for war, are among their bequests. Bishops' wills show a special

¹⁸ Reuter, 'Testaments, hoards', p. 23.

¹⁹ Reuter's discussion of bequest of 'positional goods' focuses primarily on high-ranking churchmen.

²⁰ T.M. Charles-Edwards, 'The distinction between land and moveable wealth in Anglo-Saxon England' in P.H. Sawyer (ed.), *English Medieval Settlement* (London, 1979), p. 104.

interest in relics, chalices, vestments and church equipment generally, though similar gifts were frequently made by the laity as well. In the wills of women, somewhat more concern with detail is shown. Jewellery, tapestries, gold and silver vessels, horns, bed furnishings, gowns, were of special interest of course; but occasionally the written wills reflect arrangements for the distribution of more common household items among sons, daughters and servants.²¹

In the analysis which follows, the influence of gender on patterns of bequest and inheritance of movable wealth will be considered, with particular attention paid to the way in which women and churchmen bequeath chattels.

Catalogue

Stock (excluding horses)

It is probable that estates, whether transmitted by *post obitum* or *inter vivos* arrangement, were usually transferred 'as stocked' (*eallswa hit stent*).²² However, it seems that surplus stock which had accrued during the holder's tenure was regarded as distinct from the economic structure of the estate, and could be manipulated flexibly.²³ This was advantageous in two ways. First, it allowed pious bequests to be made without alienation of land.²⁴ Second, it allowed access to an important resource for those whose rights in land were limited (particularly churchmen and women).

Rights over disposal of stock seem to have been particularly important for women, both as donors and beneficiaries. Ælfhelm [S1487/W13, 975x1016] makes substantial gifts of land to his wife, but he also bequeaths to her substantial interests in stock:

²¹ Sheehan, *The Will*, p 103 (the phrase 'loving precision' is attributed to Whitelock).

²² S1484/W8. Sheehan, *The Will*, pp. 101-102. See also, for example, S1539/W3 and S1512/W7. CR 107 (pp. 175-76) specifies the day of inventory. For a similar assumption see LE II, 11/Lib 10, 11; LE II, 31/Lib 41. LE II, 34/Lib 45 shows Eadric specifically agreeing that stock accrued during his tenure of Swaffham (Cambs) would revert to Ely – apparently an unusual circumstance.

²³ Stock is bequeathed separately from land as follows: Church: S1488/W18; S1526/W1; S1492/N&S10. Thegns: S1487/W13; S1490/W28 (sheep); S1517; S1534/W19; S1536/W17 (sep. bequest). Women: S1494/W14 (distribution as alms); S1479; S1525/W37, 38; S1539/W3 (Chinnock, Chalton – sep. bequest).

²⁴ Two male donors make pious bequests of stock: S1517 (for burial); S1490/W28 (to Bury and Ely, along with grazing land).

7 fo min wif to healuan þe on wealde is. 7 min dohter to healuan. 7 ic wylle þ min wif fo æfre to healuan æhtan on ælcan tune fo to lande se þe fo . swa . hio to forgyuen wæs.²⁵

[And my wife is to succeed to half of what is on the woodland, and my daughter to half. And I wish that my wife shall in all cases receive half the stock at each estate, whoever may succeed to the land, as it was granted to her.]²⁶

Æthelflæd's request that half the stock (*yrue*) in each *tun* be distributed for her soul may reflect similar rights [S1494/W14, 962x991].²⁷ Four women donors bequeath stock separately from land as an important element in their wills.²⁸ Wynflæd [S1539/W3, c. 950], for example, bequeaths stock from the estate at Chinnock (Dors) to her granddaughter Eadgifu, and that from Charlton (Som) to her daughter, Æthelflæd. Preference of the female line is here particularly marked, since she bequeaths no stock to her son or grandson. Wynflæd seems to have held only a life interest in the estate at Charlton, perhaps inherited from her husband, since she does not refer to the destination of the land itself;²⁹ and Chinnock is to revert to Shaftesbury on her death, although it is unclear from the text whether this is in fulfilment of a previous arrangement or a pious gift by Wynflæd.

It has been argued in Chapters Three and Four that women's bequests of land were often subject to restriction by the terms on which they held it from fathers or husbands. For women, therefore, stock was a particularly important source of wealth *because* they could dispose of it freely, either to the church or within the family. Similar restriction was

²⁵ I accept Whitelock's translation for *æhtan*: this word is used in the context of 'stock' rather than 'property' in this text. However, I have preferred the translation of *tun* as 'estate' to her 'village'.

²⁶ Pauline Stafford, *Queens, Concubines and Dowagers: The King's Wife in the Early Middle Ages* (London, 1983), pp. 102-107 refers to the right of queens to a share in the royal revenue. This clause may reflect similar arrangements among the nobility.

²⁷ My interpretation of *7 þ man dele æal healf þ yrue þ ic hæbbæ on ælcum tune for mire sawle*. Whitelock's translation has different emphasis here: see *Wills*, p. 36, lines 31-2.

²⁸ S1494/W14; S1593/W3; S1497; S1525/W38.

²⁹ Æthelgifu [S1497] only bequeaths stock from estates inherited from her husband, indicating that her rights in the land were limited. Her bequest to St Albans of stock from Oakhurst (Herts) is for her burial.

imposed on churchmen by the terms of office: for them, too, accrued stock was an important resource. This is most clearly seen in Bishop Theodred's will [S1526/W1, 942xc. 951], which distinguishes between stock which was on his episcopal land when he came to office, and that which he added (*ic þerto bigat*); the latter he can dispose of for the sake of his soul:

7 Ic wille þat men nieme þat erfe þat at Hoxne stand. þat ic þerto bigeten habbe. and dele it man on to. half into þe minstre 7 dele for min soule. And lete men stonden so mikel so ic þeron fond.

[And it is my will which that the stock which is at Hoxne, which I have acquired there, be taken and divided into two parts, half for the minster, and half to be distributed for my soul. And as much as I found on that estate is to be left on it.]³⁰

For these donors, bequest of stock was an important means of fulfilling social obligations.

In Wynflæd's case, this resource allowed her to endow the next generation of her family.

For Theodred, it subsidized the distribution of alms for the good of his soul and appropriate to his role as bishop.³¹

Horses

Bequest of horses was primarily a male preserve. They feature in the formal heriot payments of four ealdorman, two churchmen, nine thegns and the joint will of Brihtric and

³⁰ This pattern is repeated for a further four estates. Wulfic Spott distinguishes between the land held by the bishop, and the stock upon it which he can bequeath [S1536/W17]. See also Bishop Ælfwold's bequest of wild horses belonging to an estate which he does not bequeath in his will. Sheehan, *The Will*, p. 102.

³¹ For the distribution of alms on the death of a bishop see Reuter, 'Testaments, hoards', pp. 17-18. For Bishop Wilfrid's distribution see Bertram Colgrave (ed. and transl.), *The Life of Bishop Wilfrid by Eddius Stephanus* (Cambridge, 1927), chap. 63.

Ælfswith.³² In addition, they are bequeathed outside heriot by a further five laymen.³³ By contrast, only four women bequeath horses, in one case as part of formal heriot.³⁴

However, this is not the full picture: a clear distinction may be drawn between the bequest of horses as a prestigious gift, and that which disposes of them as an economic resource.

All social groups show their awareness of the prestige value of the horse. This is particularly reflected in gifts of what appear to be high-quality horses to royalty. Ealdorman Ælfgar [S1483/W2, 946x951] includes three *stedes* (stallions) with his heriot payment, but the gift of a stallion (*stedan*) to the queen by Brihtric and Ælfswith [S1511/W11, 973x987] emphasises that such prestigious gifts were not gender-specific.³⁵ The Ætheling Æthelstan himself grants two stallions (*stedan*), one to Bishop Ælfsige and one to his *discpegn* (seneschal), reinforcing the impression that such horses were particularly appropriate as gifts to and by royalty [S1503/W20, c. 1015].

The horses bequeathed by male donors in general to members of the household were probably less valuable, although of sufficient worth to assert the donor's lordly status. Wulf [S1532, c. 1050], for instance, grants a horse to named beneficiaries and *elles ælc minra hiredcnihta an hors þe nan land nabbað* (and otherwise a horse to each of my household servants who have no land).³⁶ Unlike the gift of high-status horses to royalty,

³² These are all tenth-century and eleventh-century wills; no ninth-century wills include heriot.

³³ S1487/W13; S1534/W19; S1536/W17; S1537/W27; S1503/W20. The status of Wulf [S1532] is uncertain. Additional bequests outside heriot are made by Bishop Ælfwold [S1498/N&S10], and the joint donors of S1511/W11.

³⁴ S1484/W8. The bequests to the king in S1497 and S1494/W14 may be a form of heriot. That in S1539/W3 is not linked to heriot.

³⁵ Æthelgifu includes two stallions (*stedan*) in her bequest to the king, which may have been a form of heriot [S1497]. Bishop Theodred [S1526/W1] stipulates that his four *best* horses should be given as heriot.

³⁶ The Ætheling Æthelstan [S1503/W20] grants a horse (*hors*) to his chaplain Ælfwine and to Siferth, including in the former case the harness; Bishop Ælfwold [S1498/N&S10] grants a horse (*hors*) each to a series of named religious beneficiaries and kinsmen and *ælcon hiredmen his onrid þe he alæned hæfde* ('to each retainer his steed, which he had lent him' - a resounding N&S translation!).

this type of bequest seems to be gender-specific: it does not feature in women's wills, and appears to express the personal relationship of a lord with his retainers: the Ætheling Æthelstan's bequest of 'my horse with my harness' to his chaplain may indicate a personal element to the gift [S1503/W20, 1012x1015].³⁷ Such bequest of horses may be linked to the gender-based bequest of swords, discussed below; three of Æthelstan's gifts of horses are linked with war-gear.³⁸

However, horses were also bequeathed as stock – a considerable source of wealth.³⁹ As with the stock discussed in the previous section, this was a flexible resource which could be disposed of separately from land, and which was therefore of particular value for women and churchmen, whose rights in land were often restricted. Women are associated, both as beneficiaries and donors, with such bequests of horses. Ælfhelm's wife [S1487/W13] is to have a share in a studfarm (*pæs stodes*), and Wynflæd's granddaughter [S1539/W3] is to share 'the tame horses' (*taman hors*) with her brother. Bishop Ælfwold's bequest of wild horses (*wildra worfa*) to the Ætheling [S1492/N&S10, 1011x1015] provides further evidence that, like women, churchmen relied on stock which accrued during their period of office as a source of wealth over which they had free disposal.⁴⁰

The horse was therefore regarded by donors both as an important social symbol and as a source of wealth. Bequest of high-status animals attested to the wealth and prestige of the donor as much as it reflected the status of the beneficiary. However, in a society where a supply of horses was required for the developing communication network, as outlined in

³⁷ *mines horses mid minon gerædon*. It should, however, be noted that Æthelgifu grants a saddle to her kinswoman [S1497], and Ælfwaru bequeaths her saddle and horse trappings to Ramsey (CR 54).

³⁸ Gifts to Ælfmær the *discþegn*, Ælfwine the chaplain and Siferth.

³⁹ For the value of the horse see James Campbell, 'Was it infancy in England? Some questions of comparison', reprinted in his *The Anglo-Saxon State*, p. 153 and fn 79.

⁴⁰ For other bequests of horses as stock see S1534/W19 (to wife and daughters) and S1536/W17 (to Burton).

Chapter Two, a share in a stud farm was potentially very lucrative.⁴¹ While it is true to say that the high-bred horse might have been more commonly associated with the status of the male, aristocratic women had access to such horses and could deploy them as an aspect of their own social persona. Women could also participate in the economic aspect of horse culture; for them, the flexibility of such a resource was particularly significant.

Manumission and bequest of slaves

Since the topic of slavery in relation to wills has already been thoroughly explored, the discussion here will focus on factors influencing the decisions of donors.⁴²

The first factor to take into account is the influence of the church on both religious and lay donors. In their wills, churchmen can be seen responding to the statute of the Synod of Chelsea (816) which required that, on the death of a bishop, every man enslaved during his lifetime was to be freed.⁴³ The wills of four churchmen put this statute into practice, specifically freeing *witeþeowas* (those enslaved penally).⁴⁴ In addition, Bishop Ælfwold frees all those whom he had himself bought (*mid his feo gebohte*) during his tenure as bishop. Bishop Theodred makes a marked distinction between the estates he holds by right of office as bishop of London and Suffolk, which revert to his sees, and those he bequeaths in his own right to his kindred. For the former, he stipulates full manumission, for his soul; for the latter, he stipulates that only half of the men are to be freed, suggesting a concern to avoid depleting the resources of the estates he was transmitting to his kindred.

⁴¹ James Campbell discusses the importance of the horse for the king's administration in 'Some agents and agencies of the late Anglo-Saxon state', pp. 217-18.

⁴² The definitive study is that of Pelteret, *Slavery*, with chap. 6 and Appendix 2 devoted specifically to analysis of wills.

⁴³ Pelteret, *Slavery*, p. 120.

⁴⁴ Archbishop Ælfric: S1488/W18, 1003x1004; Bishop Theodred: S1526/W1, 942x951; Bishop Ælfsige: S1491/W4, 955x958; Bishop Ælfwold: S1492/N&S10, c. 1014. Pelteret, *Slavery*, pp. 120-122.

However, the changing religious climate of the mid-tenth century seems also to have prompted lay landowners to adopt manumission as a pious act, with significant implications for the social structure of estates.⁴⁵ Some lay donors freed those penally enslaved, as did bishops; these donors are usually those of the highest status, such as the Ætheling Æthelstan [S1503/W20, c. 1015] or the royal widow Ælfgifu [S1484/W8, 966x975].⁴⁶ However, a number of donors extended manumission to some or all slaves on named estates,⁴⁷ occasionally making explicit the anticipated benefit for the benefactor's soul, as in the case of Leofgifu [S1521/W29, 1035x1044]:

And ic wille þat alle mine men ben fre on hirde and on tune for me and for þo þe me bigeten.

[And I desire that all my men shall be free, in the household, and on the estate, for my sake and for those who begot me.]⁴⁸

In some cases, donors provided for the slaves they freed. Thurketel of Palgrave [S1527/W24, s.x1] grants to his men the homestead (*toft*) they occupy, together with their freedom.⁴⁹ However, since Thurketel's men were also to have a cow and corn, it appears that they would continue to carry out work on the lord's estate in return for a subsistence allowance, in spite of being nominally free. It has been pointed out that this process created a class of smallholders who, while nominally free, remained tied to the land.⁵⁰

Such social change is the second factor influencing both manumission and bequest in wills. The distinction between a class tied to the land rather than to an individual lord has

⁴⁵ See Pelteret, *Slavery*, pp. 81-101, for evidence of growing concern for the social status of slaves, with comment on the social implications at p. 119, 125-26 and 156-62; the pious aspect of the manumission ceremony is discussed on pp. 142-51, with comment on motivation for manumission on pp. 150-51.

⁴⁶ See also Ealdorman Alfheah [S1485/W9]; Wynflæd [S1539/W3].

⁴⁷ The will of Æthelstan Mannesune (CR 33), with its instructions for the selection process of manumission, has been discussed in the previous chapter.

⁴⁸ Æthelgifu [S1497] explicitly states that her manumissions are to be considered as alms (*ælmesse*, line 59).

been identified in the will of Wynflæd [S1539/W3, c. 950], in relation to her arrangements for her estate at Chinnock (Somerset), which she bequeaths to Shaftesbury:⁵¹

7 hio ah þæt yrfe 7 þa men þenne an hio þan hywum þara gebura þe on þam gafollande sittað 7 þera þeowra manna hio an hyre syna dehter Eadgyfe.

[And she owns the stock and the men; this being so, she grants to the community the peasants who dwell on the rented land, and the bondmen she grants to her son's daughter Eadgifu.]

It has been suggested that the *gebura* could be bequeathed by Wynflæd because she owned the land which they occupied: in effect, she was bequeathing the rents they owned, not their persons. That some men were tied specifically to the land is exemplified by Archbishop Ælfric's bequest [S1488/W18, 1003x1004] of a life-interest in three hides of an estate at Dumbleton (Glos) to Ælfnoth, with conditions:

7 x. oxan 7 II. men he him becwæð 7 filgan hi þam lafordscipe þe þ land to hyre.

[And he bequeathed him ten oxen and two men, and they are to be subject to the lordship to which the land belongs.]

These men could therefore not be alienated from the land. They are distinct from Wynflæd's *þeowra manna*, who are tied to Wynflæd herself and are bequeathed, along with stock, to her granddaughter. It has also been shown that, in all probability, freedom was relative: a number of such acts may have conferred legal freedom on those of servile status, while establishing new ties dependant on land.⁵²

The freeing of slaves in wills reflects complex social factors. Manumission in relation to the bequest of land not only earned spiritual benefit, but also provided an

⁴⁹ Siflæd's use of the term *landsethlan* in a similar context may refer to a similar arrangement [S1525/W38, s.x²-s.xi]. See also Æthelgifu [S1497, 985x1002] for the freeing of Liofing of Henlow with the grant of his land, subject to annual commemoration of the donor and her lord.

⁵⁰ Pelteret, *Slavery*, pp. 124-25; Faith, *English Peasantry*, pp. 63-64.

⁵¹ Pelteret, *Slavery*, pp. 127-28.

⁵² Pelteret, *Slavery*, p. 121; Faith, *English Peasantry*, pp. 69-70.

opportunity for some restructuring of the resources of the estates,⁵³ preserving the *status quo* for the donor's lifetime and, in some cases, for the tenure of the immediate heirs.⁵⁴ The formula *mid mete and mid mannum* (with stock and men), which frequently accompanies the bequest of land, must also be seen in terms of this economic change; *mid mannum* may refer to men tied to the land, rather than to the donor.⁵⁵

Bequest or manumission of named individuals occurs in only two wills, both made by women.⁵⁶ One reason for this may be the prospect of the dismantling of a household at the donor's death: both women bequeath a homestead, and associated domestic items, as well as freeing and bequeathing slaves who may have been an important part of that household. Æthelgifu, for example, frees her goldsmith, and three women who were required to sing commemorative psalters for her, suggesting that they may have been part of her household or the small religious community which has been postulated to account for their religious education.⁵⁷ Wynflæd bequeaths a woman weaver (*crencestran*), a seamstress (*semestran*) and a male cook (*Ælfsige þene coc*) to her granddaughter. Additionally, both women refer to estate workers: Wynflæd frees a *wyrhtan* (wright), for example; Æthelgifu bequeaths a miller and one of the shepherds (the younger) on her Langford (Beds) estate, and frees the shepherd at Munden (Herts). Bequest may take account of family groups as well as the needs of the estate: for example, at Standon (Herts), Æthelgifu frees Eadstan the swineherd and his family, except for his son, 'the younger

⁵³ This may be linked to the process of fragmentation of large estates described by Faith, *English Peasantry*, pp. 152-61.

⁵⁴ Wulfgyth's bequest of Stisted (Ex) to Christ Church, Canterbury [S1535/W32] reserves a life interest for her sons: manumission will only take place after their deaths.

⁵⁵ Pelteret, *Slavery*, pp. 167-68.

⁵⁶ Æthelgifu [S1497, 985x1002] and Wynflæd [S1539/W3, c. 950]. Both wills are discussed in detail by Pelteret, *Slavery*, pp. 112-19 and 126-28 respectively.

⁵⁷ Whitelock, *Æthelgifu*, pp. 33-34; Foot, *Veiled Women*, I, pp. 139-41.

swineherd', who is to take over responsibility for the herd.⁵⁸ It is likely that each donor was conscious of the potential impact of her stipulations on estate management after her death, hence the careful selection process and, where freedom was granted, the imposition of conditions. Wynflæd freed a certain Wulfflæd on condition that she serve her granddaughter, and Æthelgifu required commemorative services and care of the church fabric from her priest, in return for his freedom. Such manumissions may therefore have been more concerned with change of personal status than with the stripping of assets implied by the freedom to leave the estate.⁵⁹ The realignment of personnel in Æthelgifu's will is also an indication that the granting of freedom was concerned with personal status. Her redistribution of assets leads her to assign men and women – presumably of servile status – to men she intends to free. For example, Mann the goldsmith is to be given two men, and Edwin the priest is to have one man (given in the context of Edwin's responsibility for repairing the church). Here, bequest and manumission are operating to redistribute estate resources once the land is split among the various beneficiaries.⁶⁰

The process of manumission through bequest, therefore, is related closely to the management of the land, to which slaves made a vital contribution, both economically and in terms of skills.⁶¹ However, the precise attention to detail in these women's wills may also be linked with the inventory process.

Coin, beagas and jewellery

Disposition of treasure in advance of mortal illness had already had a long tradition by the tenth century. The description of Bishop Wilfrid's treasure, which he ordered to be

⁵⁸ Faith, *English Peasantry*, pp. 64-65 emphasizes the importance of (and investment in) skilled stockmen.

⁵⁹ Pelteret, *Slavery*, pp. 118, 121.

⁶⁰ Pelteret, *Slavery*, p. 119.

⁶¹ Faith, *English Peasantry*, pp. 64-66.

placed before him for distribution as death approached in 709, consisted of gold, silver and precious stones, which he used to acknowledge the different facets of his life, both public and private: the church at Rome; the churches at Ripon and Hexham; the poor of his diocese; and those who had given him personal loyalty.⁶² It will be shown here that wealthy lay donors of the tenth and eleventh centuries used such treasure to fulfil similar obligations; the new development was their use of the written will to incorporate their dispositions alongside bequest of land. Frequent references to gold suggest that bequest of these items is concerned not only with the transmission of wealth, but also with its display. It is noteworthy that a number of wills cite the value of land in terms of gold mancuses: Ealdorman Æthelmær, for example [S1498/W10, 971x983], refers to his purchase of the confiscated estate *æt Cyrthugtune* from the king for 120 gold mancuses.⁶³ Gold also features in wills in the form of *beagas* (rings), and probably in jewellery: one brooch is described as *gewiredan*, suggesting gold filigree work such as that found so spectacularly on the ninth-century Alfred Jewel.⁶⁴ These bequests represent considerable wealth.

Donors can be seen deploying coin in a number of ways commensurate with their status and social role.⁶⁵ It is often difficult to be precise about the amounts involved: some bequests may refer to pounds by weight, and others by number, while the exact value of certain coins, such as the mancus, is difficult to ascertain.⁶⁶ Some bequests are linked with the public role of the donor, as is the case with kings and some bishops. Kings Alfred and

⁶² Colgrave, *Life of Bishop Wilfrid*, chap. 63, pp. 136-37.

⁶³ The will of Ulf and Madselin [W39, 1066x1068] describes a mortgage of eight marks held on their land by Bishop Ealdred. For a review of land transactions see Campbell, 'The sale of land'.

⁶⁴ S1593/W3; see Janet Backhouse, D.H. Turner and Leslie Webster (eds), *The Golden Age of Anglo-Saxon Art* (Bloomington, 1984), no. 13, colour plate 1.

⁶⁵ Coin is granted outside heriot in: S1485/W9, S1498/W10, S1505/W12, S1536/W17, S1534/W19, S1503/W20, S1528/W25, S1537/W27, S1490/W28, S1531/W31, S1519/W34, S1532 (male donors); S1526/W1, S1489/W26, S1499/W35, S1492/N&S10 (church donors); S1539/W3, S1484/W8, S1538/W21, S1535/W32, S1497 (women donors).

Eadred distribute approximately two thousand pounds and three thousand pounds respectively.⁶⁷ Both kings bequeath coin to key churchmen, leading ealdormen and members of their households, as well as providing for distribution in alms.⁶⁸ Alfred also bequeaths coin to members of his family, ranging from five hundred pounds each to his sons (120,000 pence), to one hundred mancuses (3,000 pence) to his nephews. King Eadred bequeaths thirty pounds (7,200 pence) to each of the royal nunneries of Nunnaminster, Shaftesbury and Wilton, and four hundred pounds (96,000 pence) to the Old Minster, Winchester, his intended place of burial. Through bequest of coin, therefore, both kings establish their munificence in appropriately royal fashion, acknowledging both secular and spiritual obligations.⁶⁹

Non-royal donors adopted similar patterns of bequest, albeit less munificently. Recognition of members of the household through bequest of coin is common to both religious and lay male donors, but does not feature in women's wills. Ealdorman Æthelmær, for example [S1498/W10, 971x983], grants five pounds (1,200 pence) to be divided among his *hiredcnihtum* (household servants). Bishop Ælfric [S1489/W26, 1035x1040] bequeaths four pounds (960 pence) to his *fatfylre* (cupbearer), and five pounds (1,200 pence) to his *sæmestre* (tailor), with a further forty pounds (9,600 pence) to be divided among *mine cnihtas þa mina stiwardas witan* (my servants whom my stewards

⁶⁶ The values set out in the following note will be used to give some idea of the amounts involved.

⁶⁷ S1507/H11, 873x888; S1515/H21, 951x955. See Keynes and Lapidge, *Alfred the Great*, p. 324 for this assessment. It is based on the pound being valued at 240 silver pence, and a mancus at 30 silver pence.

⁶⁸ King Eadred additionally provides 1600 pounds (384,000 pence) to be held by his bishops to enable his people 'to purchase relief from want or the heathen army' (*hungor and hæþenne here him fram aceapian*).

⁶⁹ See Innes, 'Charlemagne's will', pp. 850-55 for the political implications of the disposition of royal property.

know). Such gifts recognized loyal service and ensured that servants had a measure of security on their lord's death.⁷⁰

Coin also played an important part in pious bequests by the laity, consistently so for women.⁷¹ Ælfgifu [S1484/W8, 966x975] grants coin to the Old and New Minsters, Winchester, and each abbot (presumably at Winchester – the context is ambiguous) is to have *fif pund pæniga* (1,200 pence) 'for the benefit of their church' (*to hire mynstre bote*).⁷² Ealdorman Æthelmær [S1498/W10, 971x983] orders coin to be distributed among fourteen religious houses: twenty-eight pounds (6,720 pence) in all, varying in amount according to the importance of the house, with a further one hundred gold mancuses and ten pounds (2,400 pence) to the Old Minster, Winchester, where he wished to be buried.⁷³ Wulfric Spott [S1536/W17, 1002x1004] grants ten gold mancuses to each archbishop and five to each bishop, abbot and abbess, with an additional pound (240 pence) to every *munucregole*.⁷⁴

Coin is used by both men and women to recognize other relationships. Particularly important is bequest to close kindred: a wife, daughter, son and sister are all named. Some donors make gifts of coin to royalty outside the formal heriot payment.⁷⁵ Of particular interest are the references to coin as part of business transactions in the wills of Wulfgeat

⁷⁰ For similarly detailed provision see Bishop Ælfwold [S1492/N&S10]. Bishop Wilfrid is also quoted as intending to provide for his servants' future: *secundum uniuscuiusque mensuram dispertite illis, ut habeant, unde se post me sustentent* (Colgrave, *Life of Wilfrid*, chap. 63, p. 136).

⁷¹ All five women bequeathing coin make gifts to the church, and nine male donors (including Wulf, S1532): S1498/W10, S1505/W12, S1536/W17, S1534/W19, S1503/W20, S1528/W25, S1490/W28, S1531/W31.

⁷² Whitelock translates this as 'for the repair of their minster'; see *Wills*, p. 21.

⁷³ The precise value of the mancus in this context is problematic: it was both a unit of weight (about four grams) and a coin valued at thirty silver pence; see Keynes and Lapidge, *Alfred the Great*, p. 237 and Campbell, 'The sale of land', p. 27 and fn 34.

⁷⁴ Whitelock translates this as 'monastic order' (*Wills*, p. 46). Perhaps reformed monastic houses were intended.

⁷⁵ For example, S1497; S1484/W8; S1485/W9.

[S1534/W19, c. 1000] and Thurstan [S1531/W31, 1043x1045], because they suggest the importance of coin in daily life in the early years of the eleventh century.

The prestige value of these bequests, their munificence aside, may have been enhanced by the frequent inclusion of the term gold, in the form of mancuses or mancus weight. The written will, with its associated public process of declaration, provided a useful forum for a display of such wealth. However, bequests considered here reflect the growing availability of coin in late Anglo-Saxon England.⁷⁶

The rings known as *beagas* were an important form of display, as well as a means of transmitting wealth. Such rings feature in Old English poetry: Beowulf gives Wiglaf his *hring* and *beah* at the point of death; in *The Battle of Maldon* the Viking leader demands *beagas* as a ransom, and they are the target of looters as the dead lie on the battlefield.⁷⁷ They represent a form of wealth which was intended to be worn: the term *sweorbeah* or *swyrbeag* (necklace) is found in two wills, while *earmbeaga* (arm-rings) were part of the dragon's hoard in *Beowulf*.⁷⁸

Both men and women include *beagas* in heriot payment, but outside heriot there is a clear gender bias: women almost have the monopoly, although men and the church are beneficiaries.⁷⁹ *Beagas* were probably of gold, although this is not always specified.

⁷⁶ For the most recent view, see Robin Fleming, 'The new wealth', p. 2.

⁷⁷ C.L. Wrenn (ed.), *Beowulf* (London, 1953), lines 2809-12; E.V. Gordon (ed.), *The Battle of Maldon* (London, 1937), lines 30-31, 160-61.

⁷⁸ S1484/W8 and S1511/W11. Wrenn, *Beowulf*, l. 2763. See Dodwell, *Anglo-Saxon Art*, p. 189, and pl. 5 for a manuscript illustration showing a decorative design. Whitelock's translations of *beah* occasionally lack foundation: for example, 'armlet' [S1511/W11], 'bracelet' [S1539/W3], 'ring' [S1486/W15]; *bende* becomes 'headband' [S1497, S1484/W8]. See Dodwell, *Anglo-Saxon Art*, p. 175 for discussion of gold-embroidered bands, and Owen-Crocker, *Dress in Anglo-Saxon England*, pp. 142-43 for headbands, and p. 59 for Kentish brocades of the fifth and sixth centuries. The distribution and value of rings are discussed by David A. Hinton, 'Late Anglo-Saxon treasure and bullion' in Hill (ed.), *Ethelred the Unready*, pp. 138-41.

⁷⁹ The sole male donor is the Ætheling Æthelstan [S1503/W20]. The joint will of Brihtric and Ælfswith [S1511/W11] also includes bequest of a *beah* to the queen. Male beneficiaries: S1497; S1538/W21. Church beneficiaries: S1538/W21; S1503/W20. See Dodwell, *Anglo-Saxon Art*, pp. 188-89 for discussion of *beagas*

Wynflæd, for example [S1539/W3, c. 950], gives her grandson Eadwold the option of receiving her *goldfagan trewena[n] cuppan þæt he ice his beah mid þam golde* (her gold-adorned wooden cup in order that he may enlarge his armlet with the gold), or sixteen mancuses of gold in exchange.⁸⁰ They were certainly valued in terms of gold: Ælfgifu's gift to the queen is valued at 120 gold mancuses, and she bequeaths a further two worth thirty mancuses each.⁸¹ It has been pointed out that the context for the investment in such objects was that a mancus could buy an ox.⁸² *Beagas* may also have been engraved: Wynflæd's will refers to an *agrafenan beah* [S1539/W3, c. 950].⁸³

The association of bequest of *beagas* with women may reflect their role as vehicles of display as suggested by a passage from Ælfric's life of St Agnes, where Agnes rejects worldly adornments:

... on æðelborenyse seðe me bead bæteran frætegunga. And his geleafan hring me let to wedde. And me gefrætewode. mid un-asmeagendlicra wurðfulnyse. He befeng mine swiðran. And eac mine swuran. mid deorwurðum stanum. And min scinendum gimum.

[God] has offered me better adornments, and has granted me for a pledge the ring of his faith, and has adorned me with unimaginable honour. He has encircled my right hand and also my neck with precious stones and with shining gems.]⁸⁴

They may have been acquired through marriage, or through inheritance from her kin. This is certainly implied by Wulfwaru's bequest [S1538/W21, 984x1016] of a *beah* worth sixty gold mancuses to Bath Abbey for her own soul and those of her *yldrena* (parents or

in the context of jewellery. Women donors: S1539/W3, S1484/W8*, S1494/W14°, S1486/W15°, S1538/W21, S1497? (*bende*). * included in heriot; ° gifts to king.

⁸⁰ OE *eacen* (to increase). For further references to gold see S1503/W20; S1511/W11.

⁸¹ See also S1538/W21 for similar valuation. It is likely that the weight of four grams is employed here. See Campbell, 'The sale of land', pp. 27-28.

⁸² Dodwell, *Anglo-Saxon Art*, p. 188.

⁸³ The Ætheling Æthelstan [S1503/W20, c. 1015] refers to *þone gylden an fetels. 7 þæne beh þe Wulfric worhte* (the gold belt and ring which Wulfric made), perhaps with the sense of skilfully crafted.

ancestors), whom she cites as the source of her property and possessions (*þe min ar of com. 7 mine æhta*). Her bequest to her elder daughter, Gode, links two brooches and a further *bend* worth thirty gold mancuses, suggesting that these may be heirlooms passing in the female line. Nevertheless, the fluidity of this form of wealth is suggested not only by the fact that Wynflæd's grandson has the option of adding to his *beah* the gold from the cup bequeathed to him, but also by Wulfwaru's bequest of a *bend* worth twenty mancuses to four male servants, whom she names, suggesting that it would be divided between them as bullion.⁸⁵

While beagas could be used flexibly as high-status display items or bullion, jewellery in the form of brooches – again donated almost wholly by women – has a much more specific and restricted distribution. Four, possibly five, brooches are bequeathed:⁸⁶

Wynflæd: S1539/W3	i. <i>mentelpreon</i> *	> daughter	*superscribed in ms.
	ii. <i>ealdan giwiredan preon is an .vi. mancusum</i>	> granddaughter	
Wulfwaru: S1538/W21	<i>twega (2) preonas</i>	> older daughter	
Wulfric Spott : S1536/W17	<i>ðone bule* þe wæs hire ealdormoder</i>	> <i>goddehter*</i>	* ?brooch * goddaughter

These items were likely to constitute part of a woman's dowry, passing in the female line.

One of them [S1539/W3, c. 950] is old, probably an heirloom, and probably finely worked in gold filigree (*gewiredan*); it is valued at six mancuses, again emphasizing its role as visible wealth. The pattern identified in the distribution of sixth-century Merovingian

⁸⁴ Aelfric, *Lives of Saints* ed. Walter Skeat (London, 1881) Early English Text Society, 76, p. 173, translated by Dodwell, *Anglo-Saxon Art*, p. 31.

⁸⁵ See the will of Æthelgifu [S1497] for such a division. See *LE* II, 62 for Byrhtnoth's apparent division of the bands of his cloak: *duabus laciniis palii sui, pretioso operi auri et gemmarum contextis* (two borders of his cloak, woven with costly work in gold and gems); for text and transl. see Kennedy, 'Byrhtnoth's obits', pp. 65, 68.

⁸⁶ For *bule* see Whitelock, *Wills*, p. 159; B&T (stud, boss, brooch).

grave-goods is relevant here, where it seems likely that women acquired jewellery in their early teens, but by the time of late middle-age to old-age had passed it on to younger female relatives.⁸⁷ Tenth-century and eleventh-century bequests of jewellery appear to reflect a similar social convention: rich jewellery is passed within the female kindred, perhaps to those of marriageable age. It may be that Wulfric was holding a valuable brooch for his goddaughter until she reached maturity.

Cups and vessels

Feasting appears to have remained an important symbol of aristocratic status throughout the Anglo-Saxon period, one aspect of the 'quest for the elaboration and maintenance of social distinction'.⁸⁸ Like *beagas*, drinking vessels feature in Anglo-Saxon poetry, where they are particularly associated with women serving warriors at feasts.⁸⁹ It has also been noted that male burials dated between the fifth and eighth centuries furnished with weapons were far more likely to contain drinking vessels than those without weapons; this would suggest that such vessels were an important factor in disposable wealth.⁹⁰ The evidence of wills indicates that they remained so in the later Anglo-Saxon period, featuring as further items appropriate to the donor's social position.

⁸⁷ Halsall, *Settlement and Social Organisation*, pp. 254-57, and 'Female status and power in early Merovingian central Austrasia: the burial evidence', *EME*, 5 (1996), pp. 10-11, 18-21.

⁸⁸ Fleming, 'The new wealth', pp. 4-9 (at p. 4). See La Rocca and Provero, 'The dead and their gifts', p. 253 for the Carolingian equivalent. For the role of feasting in lay/church relationships, see Campbell, 'England c. 991', pp. 162-63, and for feasting in general, D. A Bullough, *Friends, Neighbours and Fellow-drinkers: Aspects of Community and Conflict in the Early Medieval West*, H.M. Chadwick Memorial Lecture 1 (Cambridge, 1990), esp. pp. 8-16.

⁸⁹ Discussed by Christine Fell, *Women in Anglo-Saxon England* (Oxford, 1984), pp. 35-36, 50. *Beowulf* (ed. Wrenn), lines 623-24 for the *beag-hroden cwen* serving mead.

⁹⁰ Heinrich Härke, 'Warrior graves'. The background of the Anglo-Saxon weapon burial rite', *Past and Present*, 126 (1990), pp. 37-38.

Vessels featuring in wills were of considerable value, made of, or adorned with, precious metal and highly crafted.⁹¹ Some of these items are silver, and some are valued as if they were silver, or had silver decoration, with such phrases as *on feower pund* (worth four pounds), or *on godum feo* (of good value).⁹² Several vessels are decorated; for example, one horn is *gerænodæs* (ornamented),⁹³ recalling the horn, apparently edged with gold and with a decorated finial, shown on the Bayeux Tapestry, raised to the mouth of a member of Harold's party during the feast at Bosham.⁹⁴ Where descriptions of vessels are not given, it is likely that decoration can be assumed, for these are valued items, specified and donated with care and precision.

The richness of the vessels made them appropriate as gifts to the church. It may be that some of them were fine enough to serve as liturgical vessels, although many – particularly the horns, which were inappropriate for liturgical use – were probably intended for the refectory. Two donors specifically bequeath valuable cups to the monastic refectory, envisaging their gifts having a commemorative function. Wynflæd [S1539/W3, c. 950] grants two silver cups *into beodern hiwan* (to the community refectory).⁹⁵ Æthelgifu's will, preserved in the Ramsey Chronicle, is even more specific:

... et duos ciphos argenteos de xii. marcis ad pondus hustingiæ Londoniensis, ad serviendum fratribus in refectorio, quatinus dum in eis potus edentibus fratribus ministratur memoria mei eorum cordibus arctius inculcetur.

[... and two silver goblets of twelve marks according to the weight of the

⁹¹ Lay male donors: S1485/W9, S1505/W12, S1503/W20, S1504/H20; church: S1526/W1; women: S1539/W3, S1484/W8, S1494/W14, S1486/W15, S1538/W21, S1535/W32, S1497; joint: S1511/W11.

⁹² S1538/W21. For silver vessels see S1497, S1539/W3, S1503/W20, S1511/W11, S1504/H20, S1526/W1, S1486/W15.

⁹³ S1484/W8. A wooden cup is adorned with gold (*goldfagan*), and two wooden cups are *gesplottude* (transl. by Whitelock 'ornamented with dots': see B&T, *splott*) [S1539/W3]. Two horns are *yboned*, (transl. by Whitelock as 'ornamented' but 'burnished' is also possible) [S1535/W32].

⁹⁴ Stenton, *Bayeux Tapestry*, plate 4. See also Dodwell, *Anglo-Saxon Art*, p. 39 for the seventh-century Taplow horn.

⁹⁵ I have interpreted *hiwan* as genitive. Whitelock: 'to the refectory for the community'.

London hustings for serving the brothers in the refectory, so that when drink is provided in them to the brothers at meals my memory will be impressed upon their hearts more strongly.]⁹⁶

It seems likely that such gifts were intended for use on the donor's anniversary, when a commemorative meal would be served to the monks in honour of their benefactor.⁹⁷ The will of the Ætheling Æthelstan [S1503/W20, c. 1015] indicates that religious houses were prepared to sell off their treasures, since Æthelstan bequeaths to the Old Minster, Winchester, a horn which he had bought from the community in the first place.⁹⁸

The significance of these vessels for donors is best illustrated by the bequests of Wynflæd [S1539/W3, c. 950]. Apart from the silver cups granted to the refectory, she refers to a further two gifts. First, Wynflæd bequeaths a lidded cup (*hlidfæsþe*) each to her son and daughter; she requests that they:

... findon betweox him twa smicere scencingcuppan into beodern for hi
opþe hyre agene ieredan cuppan geiccon hy sy ... [lacuna in ms.] ... an anon
punde.

[... will furnish between them two fair goblets to the refectory for her sake,
or augment her own ornamented cups ... worth one pound.]

These two lidded cups are then to be filled with half a pound of pence:

þonne wolde heo þæt man dyde innon ægbere cuppan
healf pund penega ...

Then she would like half a pound of pence to be put into each cup ...

Although the text here is compressed and incomplete, it seems that the beneficiaries are given an option: rather than donate vessels to the refectory, they may increase the value (*geican*) of Wynflæd's own gift of silver goblets, mentioned earlier in the will, either by

⁹⁶ CR 32.

⁹⁷ See Chapter 6 below.

⁹⁸ See Symons, *Regularis Concordia*, chap. 69 for strictures concerning the amassing of wealth by monastic houses, and the requirement to distribute any surplus to the poor on the death of an abbot. See also *LE II*, 11/*Lib* 10 where Bishop Æthelwold exchanges a silver cup bequeathed to him for land at Downham.

incorporating a pound's weight of silver into the fabric or decoration of the goblets, or by supplying a pound's worth of silver pence with them. Either way, this commemorative gift is apparently underwritten by the two half-pounds of pence to be placed in the lidded cups which Wynflæd bequeaths to her children. This seems an extraordinarily complex ritual.

Wynflæd's second gift involves her grandson, Eadwold:

... 7 agyfe man Eadwolde his agene .II. sylerenan cuppan; 7 hio becwið him hyre goldfagan treowenan cuppan þæt he ic his beah mid þam golde opþe hi mon æt him gehweorfe mid .XVI. mancussum reades reades [*sic*] goldes swa micel þær is to gedong ...

[... and Eadwold should be given back his own two silver cups, and she bequeaths to him her gold-adorned wooden cup in order that he may enlarge his armlet with the gold, or that he may receive sixteen mancuses of red gold in exchange; that amount has been put on it ...]

The first point of interest here is that Wynflæd appears to be holding two silver cups on her grandson's behalf, perhaps as heirlooms.⁹⁹ Second, there is a strong sense here of such items regarded as treasure: Eadwold has the option of selling the gold-adorned cup, or adding the gold with which it is decorated to his *beah*, enhancing its value.

This discussion has shown donors bequeathing vessels in two ways: firstly, as items imbued with a symbolic significance, bringing the benefactor into the commemorative cycle of a great monastic house, with all its spiritual benefits; and secondly, as treasure, transmitted within the kindred. However, it should not be forgotten that such vessels were appropriate as gifts for royalty. Vessels were bequeathed to the king alongside, or as part of, heriot payments by the ealdormen Ælfheah [S1485/W9, c. 968x971] and Æthelwold

⁹⁹ See also Wulfic Spott's bequest of a brooch to his goddaughter on behalf of her grandmother, discussed in the previous section. It should be noted here that *agifan* may also have the sense of a new gift, as opposed to the sense adduced by Whitelock here.

[S1504/H20, 946x947], and Ælfgifu [S1484/W8, 966x975] bequeaths a *sopcuppan* to the queen along with a necklace and a *beah*.¹⁰⁰

Household goods

These items should be regarded as a further category of visible wealth, rather than the mundane furnishings implied by the umbrella term ‘household goods’ used here for convenience.¹⁰¹ Although extant evidence suggests that disposition of these items was primarily the concern of women and churchmen, it is clear from the list of beneficiaries that they were also appropriate as gifts for male recipients:

<i>Donor</i>		<i>beneficiary</i>	<i>bequest</i>
Ælfric	S1490/W28	Bishop Ælfric	bedclothing suitable for a journey
Bp. Ælfwold	S1492/N&S10	Wulfgar (kinsman)	2 wallhangings, 2 seat covers
Æthelgifu	S1497	Leofsige (?son)	soft furnishings, bedsteads x2
		Wulfwynn (k/w)	soft furnishings, bedsteads
		nieces x2	chests and soft furnishings
Wulfwaru	S1538/W21	elder son	tapestry, bedclothing
		younger son	tapestry x2, table linen
		household women	good chest, well decorated ¹⁰²
Wynflæd	S1539/W3	grandson	2 chests and bedding
		granddaughter	soft furnishings, chests

Furthermore, the layman Ælfric Modercope’s bequest of his best bedclothing (*bedreaf*) to Bishop Ælfric [S1490/W28, 1042x1043] was clearly intended as a high status gift.¹⁰³

The category includes curtains, tapestries, seat covers, bedding and the occasional piece of furniture. Some may have had heirloom status. For instance, the term *heallwahrift* is used of two hangings bequeathed by Wulfwaru to her sons, prompting comparison with the hanging given by Ealdorman Byrhtnoth’s widow to Ely, and speculation that they may

¹⁰⁰ The sisters Æthelflæd and Ælflæd [S1494/W14 and S1486/W15 respectively] grant vessels to the king in the context of what appears to be a form of heriot payment.

¹⁰¹ Fleming, ‘The new wealth’, pp. 10-11 emphasizes the richness and quantity of textiles furnishing the houses of the wealthy.

¹⁰² Wulfwaru bequeaths no furnishings to her daughters.

¹⁰³ This bequest is made in the context of the pilgrimage the donor is about to make, and is linked with a further bequest of a tent – both apparently related to his prospective pious journey.

have portrayed aspects of family tradition; at least, displayed in the hall at the heart of the lord's residence, they represented family wealth and status.¹⁰⁴ A number of the fabrics bequeathed were probably of high quality, as befitted the wealth and status of the donors. Wynflæd, for example [S1539/W3, c. 950], refers to her *betste wahrift* (best wall hanging), and Æthelgifu [S1497, 985x1002] stipulates the best wall-hanging and seat cover for St Albans. The fragments of textile which survive demonstrate how rich these items may have been, both in terms of materials and craftsmanship.¹⁰⁵ Their significance is reinforced by the fact that textile workers were an important part of the household, illustrated by Wynflæd's bequest of a *crencestran* (female weaver) and a *semestran* (a seamstress) to her granddaughter.¹⁰⁶

One item which features in several wills, and may be related to the inventory process, is the storage chest, with or without description of contents:

Wulfwaru [W21]	<i>anes godes casteneres wel gerendes</i>	> h.hold women to <i>gemanum</i>
Æthelgifu [S1497]	<i>twa mydercan</i>	2 each to nieces & kinswoman
Wynflæd [W3] ¹⁰⁷	<i>twa mydreca</i> [7 þærinnan an bedreaþ ¹⁰⁸ eal þæt to anum bedde gebyreð]	> grandson
	<i>twa mydreca</i> [þærinnan hyre betste wahrift 7 lennene ruwan ¹⁰⁹ 7 ael þæt bedref þe þærto gebyreð] ¹¹⁰	> granddaughter

¹⁰⁴ See Dodwell, *Anglo-Saxon Art*, pp. 133-36 for discussion of literary references to hangings. For the hanging presented to Ely see *LE* II, 63 (p. 136) and Mildred Budny, 'The Byrhtnoth tapestry or embroidery' in Scragg (ed.), *The Battle of Maldon*, 263-78. See also Fleming, 'The new wealth', p. 10. Innes, 'Keeping it in the family', pp. 24-25 surveys the Continental evidence for tapestries linked with the commemorative responsibilities of women.

¹⁰⁵ See Dodwell, *Anglo-Saxon Art*, pp. 139-41 and plates 19, 32-35. For a survey of surviving fragments see Budny, 'Byrhtnoth tapestry' and Elizabeth Coatsworth, 'The embroideries from the tomb of St. Cuthbert' in Higham and Hill (eds), *Edward the Elder*, 292-306, with bibliography.

¹⁰⁶ See also Bishop Ælfric's bequest to his *sæmestre* in S1486/W26.

¹⁰⁷ Wynflæd also bequeaths the following items, but the beneficiary is unclear: *twa micle mydercan*; *an hræglcysð* (clothes chest); *an lytulu towmyderce* (? box for keeping spinning materials [B&T]); *twa ealde mydercan*.

¹⁰⁸ Bedclothing.

¹⁰⁹ Linen covering/rug/tapestry.

The significance of the chest as part of a woman's household responsibilities is made clear in the law of Cnut concerning stolen goods:

Ac ðara cægan heo sceal weardian, þæt is hire heddernes cæge 7 hyre cyste cæge [7 hire tægan]; gyf hit under ðyssa ænigum gebroht byð, ðone bið heo scyldig.

[But it is her duty to guard the keys of the following – her storeroom, and her chest and cupboard. If the [stolen] goods have been put in any of these, she shall be held guilty.]¹¹¹

The woman is not only responsible for the chests, but is expected to be fully aware of what they contain; that this was indeed the case is borne out by some of the detail in these bequests.

One significant factor in this category is the bequest of household goods within the kindred. The wills of female donors suggest a sharing out of goods, primarily to the direct line or, where that fails, to collateral kin. Three of the four women bequeath hangings, bedding and chests, in some combination, to their kin.¹¹² A number of bequests seem to refer to treasured items, reflecting a woman's status within the domestic environment;¹¹³ some donors refer to the *best* items, or to sets of textiles which belong together: *anes beddreafes* (a set of bedclothing); *anes heallreafes . 7 anes burreafes . mid beodreafe . 7 mid eallum hræglum swa derto gebyreð* (a tapestry for a hall and a tapestry for a chamber, together with a table cover and with all the cloths that go with it).¹¹⁴ There is also some indication of a hierarchy in the distribution of household items: in the will of Wynflæd [S1539/W3, c. 950], Eadgifu is to receive her grandmother's best bedcurtain, as perhaps an

¹¹⁰ Bishop Leofric's gifts to Exeter include six *midreca* and one *cyst* (Robertson, *Charters*, Appendix I, no.1).

¹¹¹ II Cnut 76.1a.

¹¹² Bishop Ælfwold [S1492/N&S10] bequeaths such items to his kinsman and his sister.

¹¹³ It is tempting to see some bequests as part of a woman's own dowry: see Skinner, 'Women, wills and wealth in medieval southern Italy', *EME*, 2.2 (1993), p. 138, and p. 141 for her right to bequeath (the period covered by these wills is c. 800 – 1100).

¹¹⁴ S1539/W3; S1538/W21.

important contribution to her dowry, and Leofsige, Æthelgifu's principal heir [S1497, c. 985x1002], is to receive her better wallhangings while other hangings and seatcovers go to a kinswoman.

Such items were also appropriate as gifts for those who served within the donor's household. Wulfwaru's household women were to share a good chest well decorated, while Bishop Ælfwold's chamberlains were to receive his *beddreaf*. Such bequests were perhaps the equivalent of male donors presenting members of the household with horses and swords.¹¹⁵

The preponderance of women as donors of these items is probably linked to the fact that they made their wills in widowhood.¹¹⁶ As widows, their role in the transmission of property became crucial, particularly in terms of their economic responsibility within the household.¹¹⁷ Widows' dispositions in tenth-century and eleventh-century wills of what were probably high-status domestic items associated with their domestic role may reflect one aspect of 'the grammar of display' which has been associated with sixth-century burial deposits in the diocese of Metz.¹¹⁸ The graves of women aged between twenty and forty contained artifacts which might be associated with the home, such as pottery vessels, reflecting their status within the family which focused on childbearing and motherhood.¹¹⁹ The public display of such gravegoods may also be seen as indicating that these women had a recognized status beyond the family – perhaps in relation to their own kindred – which

¹¹⁵ See also Wynflæd's bequest of two *wahrift* to her older daughter Æthelflæd, the smaller of which is appropriate for Æthelflæd to give to 'her' women – presumably Wynflæd's, although the context is ambiguous.

¹¹⁶ See Chapter Three for full discussion.

¹¹⁷ Fell, *Women in Anglo-Saxon England*, pp. 60-61.

¹¹⁸ Halsall, 'Female status', p. 13.

¹¹⁹ Halsall, 'Female status', p. 17.

was acknowledged by such ritual deposition.¹²⁰ However, a change in domestic status is suggested by the reduction in the items deposited in the graves of women past the age of forty.¹²¹ For tenth-century and eleventh-century widows, will-making may have been part of the process of acknowledging such a change in status within the family. The written will allowed a widow to assert her right to dispose of property to which she had a claim through her role within the conjugal unit, and to acknowledge the claims of the next generation.¹²²

Such a process may have been based on an inventory, as seems to have been the case in the fifteenth-century wills from Douai.¹²³ It seems likely that widowhood would prompt a review of a woman's property, with a view to dismantling the household on her death, and women's wills may have been in part a response to that process, as widows identified their disposable wealth. There is a hint of an inventory in the Ramsey Chronicle account of the bequest of Thorgunnr, in this case carried out at the first sign of her illness:

... cum omni investitura, sicut fuit in die sancto Paschæ quando cœpit mulier agrotare.

[... including everything which was on the land on the holy Easter day when the woman began to be ill.]¹²⁴

The process of inventory may explain why the wills of some churchmen follow similar patterns of bequest to those of women, particularly in the bequest of stock and domestic items.¹²⁵ A high-ranking churchman, putting his house in order in advance of death, was in an analogous position to that of a widow: just as a widow's property had to be claimed from the conjugal estate, so a churchman needed to differentiate between that which was

¹²⁰ Halsall, 'Female status', pp. 18-19.

¹²¹ Halsall, 'Female status', pp. 19-20.

¹²² See M.C. Howell, 'Fixing movables: gifts by testament in late medieval Douai', *Past and Present*, 150 (1996), p. 35 for widows following a similar process.

¹²³ Howell, 'Fixing movables', pp. 7-8.

¹²⁴ CR 107 (pp. 175-76). In this case, Thorgunnr had a living husband at the time of her death.

¹²⁵ Crick notes this parallel in 'Women, wills', p. 28.

his to bequeath, and that which was to be transmitted to his successor in office, who represented the next generation.¹²⁶

This section has shown that household items constituted an important factor in female identity, and formed a crucial part of the rituals surrounding aging and death. The underlying parallel between the social position of women, as part of a conjugal unit, and powerful churchmen, in whom domestic, public and private responsibilities were combined, may account for the similar inclusion of household goods (and other items of movable wealth) among their bequests. However, gender stereotyping gives an incomplete picture: Ælfric Modercope's inclusion of bedding as a high-status gift shows that male donors were not precluded from making such bequests, although they rarely feature in written wills. The prospect of a dangerous journey prompted Ælfric to make dispositions untypical of other lay male donors – and they were made in the context of naming the beneficiary as the (apparently principal) executor (*mund*) of his will [S1490/W28]. Bequest of high-status domestic goods to the younger generation within the kindred – including male beneficiaries – reveals their continuing importance across genders as indicators of wealth and social status of the kin within the broader social context.

Clothing and religious vestments

It is impossible here to address the complexities of the Old English terminology for clothing used in wills; in general, I have accepted the editor's translation.¹²⁷ However, attention must be drawn to the problems associated with translation of the word *hricghrægl*,

¹²⁶ See also Bishop Theodred's bequests of stock, discussed above, and Symons, *Regularis Concordia*, chap. 69 for the implication that a process existed to identify surplus on the death of an abbot.

¹²⁷ Terminology is discussed by Owen-Crocker, *Dress in Anglo-Saxon England* in the context of each category of clothing.

which occurs in a number of bequests.¹²⁸ The word *hrægl* has the generalized meaning of ‘clothing’; *hricg* translates Latin *dorsum* in Ælfric’s glossary.¹²⁹ The compound is most often translated as ‘dorsal’, implying a liturgical context for the garment and prompting speculation about lay ownership of such vestments.¹³⁰ The danger is that a liturgical dimension is acquired by the term because these items are generally bequeathed to the church. They may indeed have had a liturgical function, but a secular usage seems to be implied by Bishop Ælfwold’s bequest of a *hricghrægl* to his sister Eadgifu; since the context of the will suggests that she was married, the gift of a liturgical garment may seem unlikely.¹³¹ There is even the possibility that the term could refer to a type of hanging, perhaps for use behind the altar; in the will of Wulf [S1532, c. 1050] it appears at the end of a list of items bequeathed to St Albans, separated from mass vestments by other liturgical items:

... þæt betste mæssereaf þe ic hæbbe, 7 calic 7 disc 7 mæseboc 7 and an hricghrægl ðicoste.

[... the best set of mass vestments that I have, and chalice, dish and mass-book, and the thickest dorsal.]

In the post-Conquest list of Bishop Leofric’s gifts to Exeter, three *ricghrægel* are mentioned between seat covers (*setlhrægel*) and wall-hangings (*wahrest*), rather than among vestments.¹³² Further detailed research may clarify this issue. For the purpose of the

¹²⁸ Bishop Ælfwold: S1492/N&S10; women: S1538/W21, S1535/W32. The status of Wulf (S1532) is uncertain.

¹²⁹ See B&T under *hrycg*.

¹³⁰ See, for example, Simon Keynes in ‘The will of Wulf’, p. 19 for translation and p. 20 for discussion of this issue.

¹³¹ Ælfwold also makes a bequest to his *aðum*, which in this context appears to mean brother-in-law rather than son-in-law (Lancaster, ‘Kinship’, p. 248). No other sister is mentioned in the will.

¹³² Robertson, *Charters*, Appendix I, no. 1 (1069x1072). See B&T under *hrycghrægel*. The OE *Visio Leofrici*, surviving in a late eleventh-century or early twelfth-century account, uses the term *wahrægl* for a curtain which hung behind the altar, indicating that the term *hrycg* could theoretically be apposite in this context (A.S. Napier, ‘An Old English vision of Leofric, Earl of Mercia’, *Transactions of the Philological Society*

present discussion, the *hricghrægel* bequeathed by donors will be regarded as a secular garment which may have been adapted for liturgical use.

The most detailed bequests of clothing are found in two women's wills: those of Wynflæd [S1539/W3, c. 950] and Æthelgifu [S1497, c. 985x1002]. Æthelgifu selects items of clothing for named female beneficiaries by colour (*blæwenan cyrtel*, *dunnan cyrtla*: blue or dun kirtles); by style (*neapene unrened*, *rotostan*: untrimmed below, brightest); or by relative value (*betstan heafodgwædo*: best headdress). Household women are to divide the remainder. A similar process is adopted by Wynflæd, who also identifies garments by fabric such as *twilibrocenan* or *lennene*,¹³³ and differentiates between types of garment such as *cyrtel*, *tuneca* and *mentel*.¹³⁴ All beneficiaries of clothing in these wills are women. The selection process indicates a hierarchy: Æthelgifu disposes of certain items to named beneficiaries, but stipulates that the residue (*þ oðer*) of her clothing should be shared among her women (*hiredwifmenn*).¹³⁵

The fact that Wynflæd bequeaths to named women her *halirift* (holy veil) and *nunscrude* (nun's clothing) has prompted the suggestion that she may have taken vows of chastity in widowhood, living in seclusion or in association with a religious community, but outside the cloister.¹³⁶ The possibility that Æthelgifu may also have lived in a community

(1907-1910), 180-88. Interestingly, this curtain is *þicce gewefan* (thickly woven, line 70), a detail crucial to the narrative.

¹³³ There is uncertainty about the meaning of *twilibrocenan*: see Gale R. Owen, 'Wynflæd's wardrobe', *ASE*, 18 (1979), pp. 206-11 for full discussion.

¹³⁴ See Owen, 'Wynflæd's wardrobe', pp. 199-214 for discussion of terminology.

¹³⁵ Such distribution may also be implied by the bequest in S1538/W21 on *anes casteneres wel gerenodes* (a chest well adorned) to be shared among the household women, where *gerenodes* may refer to the stocking of the chest rather than its adornment. Wynflæd also refers to a *hræglcysð* (clothing chest) at the end of her disposition of clothing, but its intended destination is unclear.

¹³⁶ Foot, *Veiled Women*, I, pp. 137-39. For the possibility that she was responsible for the provision of religious clothing, see Owen, 'Wynflæd's wardrobe', p. 219.

of religious women has been postulated, although the exotic nature of the clothes she bequeaths does not add weight to the hypothesis.¹³⁷

There is some similarity between the bequests of clothing made by these women and those seen in the will of Wulf [S1532, c. 1050]. He, too, bequeaths kirtles, and establishes a hierarchy: *þone betere pællene cyrtel þe Godgyva ahte* (the better *pællene* kirtle that Godgifu owned)¹³⁸ is to go to St Albans, his chosen place of burial, and the other to Ramsey. He also stipulates that the greater part of any residue in gold, silver or *rægle* is to be given to the person who deserves it best by being prepared to do the most for his soul (*hæbbe se mæst þe me betst to gearnap 7 mest fore mine sawle don wille*).¹³⁹ It has been suggested that Wulf was a churchman; if so, his bequest of clothing may relate to the inventory of goods which, it has been suggested above, may have been a common factor underlying the wills of lay women and churchmen. However, it is also possible that Wulf was a layman who, unlike most lay male donors, was making a deathbed will which involved distribution of more personal items, including clothing.¹⁴⁰

Although it must be assumed that, like the household goods discussed above, clothing was valued for its practical purpose, there is evidence that at least some of the items bequeathed were of the highest quality.¹⁴¹ Both Wulf [S1532, c. 1050] and Wulfgyth [S1535/W32, 1042x1053] bequeath a *pællene* kirtle to the church. In Wulf's case, the garment had belonged to Godgifu, suggesting that he held it as a valued gift or inheritance.

¹³⁷ For consideration of the evidence, see Foot, *Veiled Women*, I, pp. 139-40. The *heafodgewædo* (headdresses), considered as possible evidence of veiling by Whitelock, could be secular apparel (*Æthelgifu*, p. 12 fn 10, and Owen-Crocker, *Dress in Anglo-Saxon England*, p.144 for the habitual covering of women's hair, as represented in art).

¹³⁸ See below for interpretation of the word *pællene*. It is unclear whether a kirtle could be worn by both sexes. Owen discusses the term *cyrtel* in 'Wynflæd's wardrobe', pp. 204-205.

¹³⁹ *rægle* is translated as 'vestments' by the editor (see Keynes, 'The will of Wulf', p. 19).

¹⁴⁰ Keynes, 'The will of Wulf', p. 20 for discussion of this issue. See Chapter 3 above for the possible distinguishing features of deathbed wills.

The term *pællene* has been linked to the imported fabric *purpura*, which may have been a type of silk, perhaps a shot taffeta, and was treasured in late Anglo-Saxon England.

Æthelgifu's *iii godwebbenan cyrtlas*, which she bequeaths to her kinswoman's daughter Godwif, may also have been made of this precious material.¹⁴² The implication of Æthelgifu's bequest of a blue kirtle *neapene unrenod* (untrimmed at the bottom) is that such trimmings were often a feature of clothing, perhaps in the form of embroidery or tablet-woven borders.¹⁴³ Gifts of such fabrics to the church, even apparently in the form of secular clothing, were thoroughly appropriate: they were recycled into vestments or altar covers, as is incidentally described by Gregory of Tours in his late-sixth-century account of a gift of a silken mantle given to the Abbess of Tours:

... et inde partem abscidisset, unde quod vellet et faceret; de reliquo vero quantum oportunum fuit, ad ornatum altaris pallam condignae condiderit ...

[... she had cut off a portion of this for her own use. From what was left she had handed over as much as was necessary to make a suitable cloth for the altar ...]¹⁴⁴

Gifts of clothing to prestigious secular figures were also likely to have been of high quality: the *crusnan* bequeathed by Æthelwold [S1505/W12, after 987] to an unnamed ealdorman seems to have been a prestigious item, possibly made of skins or fur.¹⁴⁵

¹⁴¹ Fleming, 'The new wealth', p. 9.

¹⁴² See Lowe, 'A new edition of the will of Wulfgyth', 295-98 for an adjustment of Whitelock's reading; full discussion of *purpura* and its significance here can be found in Dodwell, *Anglo-Saxon Art*, pp. 145-51. See also Owen-Crocker, *Dress in Anglo-Saxon England*, pp. 188-89. For Æthelgifu's bequest see Whitelock, *Æthelgifu*, p. 83.

¹⁴³ Owen-Crocker, *Dress in Anglo-Saxon England*, pp. 110, 178-80 for reference to decorated borders. Bishop Theodred's chasuble (see below) is also described as *ungerenad*. See Fleming, 'The new wealth', p. 9. *LE II*, 62 describes Byrhtnoth's gift of two borders of his cloak, richly decorated.

¹⁴⁴ Gregory of Tours, *Historiæ Francorum*, ed. W. Arndt and Br. Krusch, Monumenta Germaniae Historica, Scriptum Rerum Merovingicarum, vol. I, part I, (Hanover, 1884), Book 10, chap. 16, p. 428; Lewis Thorpe (transl.), *Gregory of Tours. History of the Franks* (London, 1974), p. 572. See Dodwell, *Anglo-Saxon Art*, pp. 179-81 for an account of the value of fabrics owned by both laity and church. See also *LE II*, 50 (p. 117) and John Scott (ed.), *The Early History of Glastonbury: An Edition, Translation and Study of William of Malmesbury's 'De Antiquitate Glastonie Ecclesie'* (Woodbridge, 1981), pp. 130-31 for recycling of King Edgar's gifts of garments. *LE II*, 62 describes Byrhtnoth's gift of a pair of finely-crafted gloves.

Although clothing had prestige value, it should be noted that it seems to have been equally important as a gift to kindred. Individual items or, in one case, a complete outfit (*wifscrude*) may be bequeathed by women to a daughter, granddaughter or other female relative (*Æthelgifu* names *Ælfgifu* and *Godwif*, for example, who appear elsewhere in the will respectively as step-daughter, and daughter of a kinswoman). Male donors might also acknowledge kindred: Bishop *Ælfwold* bequeaths a *strichrægl*¹⁴⁶ and a *hrichrægl* to his sister [S1492/N&S10, c. 1014], and *Wulfsige* adds a *hakele* (cloak, mantle) to land and other items which he grants to his brother's children [S1537/W27, 1022x1043].

For both male and female donors, therefore, clothing fulfilled a range of functions. Garments could provide high-status gifts to the church or a powerful lay figure such as an ealdorman. It was also appropriate for kindred: daughters, granddaughters, nieces and nephews might benefit from bequests of clothing, with some items carefully specified. There is every likelihood that such items were of high quality; many of them were probably distinctive, with bright colours and embroidery, as the details given in *Æthelgifu*'s bequests show. However, donors also saw distribution of lesser garments as a means of acknowledging members of their households: household women seem to have been particularly likely to benefit from such bequests.

Evidence for lay bequest of vestments to the church is more tenuous. The ambiguity of the term *hricghrægl* has been noted above in discussion of clothing, and will therefore be excluded here. The bequests of bishops *Theodred*, *Ælfwold* and *Leofric* of liturgical vestments to their churches, or named individuals, should be seen as personal gifts; *Theodred*, for instance, refers to two chasubles which he bought in Pavia:

¹⁴⁵ Fleming, 'The new wealth', p. 9.

¹⁴⁶ Unique usage: linked by Whitelock to the Old Norse *strik*, a kind of cloth (*EHD* I, p. 536 fn 2).

and ic an Peodred min wite massehakele þe ic on Pauie bouhte and al þat þerto bireð ... And ic an Odgar þere gewele massehakele þe ic on Pauie bouhte. 7 þat þerto bireð.

[And I grant to Theodred my white chasuble that I bought in Pavia, and all that belongs to it ... And I grant to Odgar the yellow chasuble which I bought in Pavia, and what belongs to it.]

These were clearly prized possessions. They were, in all likelihood, very rich garments: originating in Pavia, they were probably of Byzantine silk, the yellow one at least decorated with embroidery, since Theodred also bequeaths another yellow chasuble which is distinguished by its lack of ornamentation (*ungerenad*).¹⁴⁷ However, excluding *hricghrægl* for the reasons given above, the only two possible lay bequests of vestments are those of Wulf [S1532, c. 1050] and Wulfwaru [S1538/W21, 984/1016]. Uncertainty about Wulf's lay status precludes any assumption that his bequest of his *betste mæssereaf* (best mess-vestments) represents lay ownership of such garments; in fact, his apparent ownership of more than one set might suggest that he was probably a churchman.¹⁴⁸ Wulfwaru's bequest of *anes mæssereafes mid eallum þe þærto gebyreð* (a set of mass-vestments with everything that belongs to it) is equally difficult to interpret. While it is perfectly possible that this bequest, made alongside that of two gold crosses, reveals use of such vestments in a private chapel, Wulfwaru may equally have been one of the noblewomen associated with carrying out fine embroidery, for whom there is some evidence.¹⁴⁹ On the basis of this evidence, therefore, lay ownership and bequest of vestments is uncertain; further research into the term *hricghrægl* may clarify whether these items were liturgical garments or not. Whatever their precise nature, lay or religious, they were clearly of the very finest quality.

¹⁴⁷ Dodwell, *Anglo-Saxon Art*, pp. 149-53 for the significance of Pavia in the trade of silk.

¹⁴⁸ Keynes, 'The will of Wulf', p. 20.

Swords and war-gear

Swords and war-gear appear as strongly gendered items in which women had little interest, even in payment of heriot.¹⁵⁰ Not only does such bequest appear to have been very much a male concern, but (as the evidence stands) beyond the requirement of heriot it is mainly the concern of royalty and ealdormen.¹⁵¹ These valuable and fine swords represented status for a powerful section of society: to bequeath such an item was at the same time to assert wealth and social role. The swords bequeathed by Eberhard of Friuli to his sons include several decorated with gold, silver or ivory, appropriate to his aristocratic rank.¹⁵² A similar rationale for weapon burial in Anglo-Saxon graves between the fifth and eighth centuries has been suggested; not only can some swords be shown to be old when deposited, suggesting that they were heirlooms, but weapon burials were significantly richer both in number of objects and the presence of precious metals than furnished burials of men and children without weapons.¹⁵³ The symbolic association of the sword with male status seems to have remained a powerful factor in Anglo-Saxon society.

The descriptions of swords can be compared to the descriptions of cups considered above. They may be adorned with gold or silver, inlaid, distinguished by some decorative feature, or have a value in mancuses or bullion: Ælfgar's sword [S1483/W2, 946xc. 951] is *on hundtuelftian mancusas goldes* (worth a hundred and twenty mancuses of gold) with *four pund silueres on þam fetelse* (four pounds of silver on the sheath/belt). Also like cups, swords could change hands, or become heirlooms. Some had specific lineages attached to

¹⁴⁹ Dodwell, *Anglo-Saxon Art*, pp. 70-72. Fleming, 'The new wealth', p. 10.

¹⁵⁰ The exception is Ælfgifu [S1484/W8], who includes spears and shields in her heriot payment.

¹⁵¹ The exceptions are: Wulfsige [S1537/W27]: bymie to his brother's children along with horses and harness; Bishop Ælfwold [S1492/N&S10]: bymies to his kinsmen; Ælfhelm [S1505/W12] a *lecge* (?sword) to his son. See H.R. Ellis Davidson, *The Sword in Anglo-Saxon England* (Oxford, 1962), pp. 118-19 for discussion of *lecge*.

¹⁵² La Rocca and Provero, 'The dead and their gifts', pp. 251-52.

them; for instance, the Ætheling Æthelstan [S1503/W20] bequeaths to his brother a sword which had belonged to King Offa; he also refers to one which Wulfric made, and another which had belonged to Withar.¹⁵⁴

As in the case of horses, discussed above, bequest of swords is used to reflect and symbolize the relationship between a male donor and a range of beneficiaries. One element in such bequest may be the assertion or acknowledgement of lordship. Interestingly, King Alfred grants a valuable sword (worth one hundred mancuses) to Æthelred, the man who may already have been his son-in-law and who spearheaded the defence of Mercia against the Vikings [S1507/H11, 873x888]; was this bequest a symbol of Alfred's overlordship? Ealdorman Ælfgar refers to a valuable sword which was given to him by King Edmund; in his will [S1483/W2, 946xc. 951], Ælfgar states that he has given this sword to the present king, in return for the right to make his will:

And me kidde þeodred bisscop and Edric Alderman þa ic selde mine
louerd þat suerd þat Eadmund king me selde on hundtuelftian mancusas
goldes. and four pund silueres on þam fetelse þat ic moste ben mine guides
wirde.

[And Bishop Theodred and the Ealdorman Eadric told me, when I gave to
my lord the sword which King Edmund gave to me, which was worth a
hundred and twenty mancuses of gold and had four pounds of silver on the
belt,¹⁵⁵ that I might have the right to make my will.]

It is possible that Ælfgar received this sword as a symbol of his office, returning it to the king, separately from his heriot, in acknowledgement of his overlordship. There may have been a tradition of bequest of valuable swords to the king: two are included with the heriot

¹⁵³ Härke, 'The Anglo-Saxon weapon burial rite', esp. pp. 34-35, 37.

¹⁵⁴ See Dodwell, *Anglo-Saxon Art*, p. 190, with illustration of a silver sword-handle from the ninth century in Plates 51 (a and b). See Heinrich Härke, 'Circulation of weapons in Anglo-Saxon society' in Theuws and Nelson (ed.), *Rituals of Power*, p. 393 fn 64 for doubt as to the attribution to Offa, while acknowledging the probable antiquity of the sword.

¹⁵⁵ Although Whitelock here translates *fetels* as 'sheath', a belt is more likely; Davidson, *The Sword*, pp. 119-20. See below for the significance of the belt as a symbol of office.

payment, yet seem to be distinct from it.¹⁵⁶ These are high-status gifts which are intended to acknowledge the lordship of the king, but which also assert the social standing of the donor.

The disposition of ten swords by the Ætheling Æthelstan [S1503/W20, c. 1015] illustrates how a high-ranking male donor might use bequest of swords to acknowledge a range of social relationships. They are an important feature of his bequests to his male kin: his father, the king, is to receive a silver-hilted sword which was owned by Ulfketel – possibly Æthelstan’s brother-in-law, who died at *Assandun* in 1016.¹⁵⁷ A further three swords – including the one which had belonged to King Offa – are bequeathed to his older brother Edmund, and another to his brother Eadwig. Æthelstan also bequeaths swords to members of his household, including his *mæssepreost* (chaplain), *discþegn* (seneschal) and *swurdhwitan* (sword-polisher). A further bequest is more unexpected: Æthelstan bequeaths a silver-hilted sword, along with a golden *fetels* (sheath or belt), to the Old Minster, Winchester, where he wished to be buried.¹⁵⁸ Such items may have been used in the way described by the twelfth-century Waltham Abbey chronicler; it was claimed that, during the reign of Cnut, Tovi the Proud had his sword attached with silver plates to the side of the great stone crucifix in the abbey church, as well as adorning it with other treasures.¹⁵⁹ Gifts of swords to the church functioned as items of social display, but also brought the donor into the community of prayer as a beneficiary, with benefits for his soul.

¹⁵⁶ Ealdorman Ælfheah [S1485/W9, c. 968x971] and Brihtric and Ælfswith [S1511/W11, 973x987] include bequest of a *handseax* (short sword), in each case worth eighty gold mancuses, to the king.

¹⁵⁷ See Whitelock, *Wills*, p. 170 for this speculative identification: dating is problematic, since the will is generally agreed to have been drawn up before 1016.

¹⁵⁸ See King Eadred’s bequest of two swords with golden hilts to the same house [S1515/H21]. The role of the sword and the *fetels* as a symbol of public office is discussed by La Rocca and Provero, ‘The dead and their gifts’, pp. 251-52, and Karl Leyser, *Communications and Power in Medieval Europe: The Carolingian and Ottonian Centuries*, ed. Timothy Reuter (London and Rio Grande, 1994), pp. 56-59.

¹⁵⁹ *De Inventione Sanctae Crucis Walthamensis*, cited by Dodwell, *Anglo-Saxon Art*, p. 119; Leslie Watkiss and Marjorie Chibnall (eds), *The Waltham Chronicle* (Oxford, 1994), pp. 22-23.

Æthelstan's bequests are unusually detailed, possibly because his may have been a death-bed will.¹⁶⁰ He was possibly still a relatively young man when he died; it is possible that this plethora of swords reflects his youthful identity as a warrior, and his royal status. However, there is a clear case to be made for the continuing symbolic role of the sword for high-ranking males in late Anglo-Saxon England.

The bequest of shields, helmets and byrnies is limited, following the pattern of Eberhard's distribution of war-gear. It seems that such items were largely restricted to heriot.¹⁶¹ However, the requirements of national defence may have prompted the bequest of ships, which features in several wills. This may be seen in the context of the levy of ships, helmets and byrnies, recorded in the *Anglo-Saxon Chronicle* for 1008.¹⁶² Bishop Ælfwold adds the bequest of a newly-built ship to his heriot [S1492/N&S10, 1011x1015], and Ælfhelm [S1487/W13, 975x1016], bequeaths his long-ship (*scæðe*) to Ramsey, to be shared by the abbot and the community, suggesting that it was regarded as a resource to meet tax requirements.¹⁶³

In the context of the demands of heriot payment, or requirements of *fyrð* service in times of trouble, the bequests of byrnies by Wulfsige [S1537/W27, 1022x1043] and Bishop Ælfwold [S1492/N&S10, c. 1014] to their kin were of considerable value.

Religious items

Since such items bequeathed by churchmen are predictable in relation to their profession, attention here will focus on the bequests of lay donors whose gifts of liturgical

¹⁶⁰ See discussion in Chapter Three above.

¹⁶¹ La Rocca and Provero, 'The dead and their gifts', pp. 251-53.

¹⁶² *ASC*, E, s.a. 1008; see Chapter 2 above, under 'Heriot', for discussion.

¹⁶³ Archbishop Ælfric [S1488/W18, 1000x1004] bequeaths three ships, one each to the people of his diocese, Kent and Wiltshire. He also bequeaths other war-gear, and writes off debts incurred by the people, presumably as the result of a levy (see also the will of King Eadred, S1515/H21, for bequests aimed to ease

items in particular add an important dimension to lay piety in late Anglo-Saxon England.

The bequests are made largely by royalty and women.¹⁶⁴ That *inter vivos* gifts of religious items to the church were made by male donors is indicated by the inscription on a reliquary cross presented to the church by two brothers in memory of a third:

ÐA/S RODE HET ÆÐLMÆR/PYRCAN 7 AÐEL/LPOLD HYS
BEROÐO[R]/CRISTE TO LOFE FOR ÆLFRICES SAVLE HYRA
BEROÐOR

[Æthelmær, and Æthelwold his brother, ordered this cross to be made for the glory of Christ [and] for the soul of Ælfric their brother]¹⁶⁵

Similarly, the Ramsey Chronicle records a wooden cross given by Æthelstan Mannesune.¹⁶⁶

Such gifts do not appear, by and large, in the wills of male donors. The only lay male donor to feature here is Ealdorman Æthelmær [S1498/W10, 971x983], but his bequest of a shrine, which we may presume contained relics, shows at the very least his participation in the religious climate of his day: his will was made at a time when the major religious reformers were active, and their influence on the spiritual *mores* was increasingly felt. The limited evidence of such bequests by lay male donors may again be linked to the argument previously stated: that male donors, in making their wills, were concerned primarily with land; their generosity to the church in this respect will be discussed in Chapter Six.

Religious items bequeathed in wills may have been commissioned for the purpose, but they are equally consistent with the evidence for private chapels and the presence of

the burden of paying off the heathen). See Fleming, 'The new wealth', p. 20 for investment in ships and their importance as status symbols.

¹⁶⁴ Crosses: S1515/H21*, S1503/W20*, S1535/W32, S1538/W21, S1539/W3; liturgical vessels: S1532*, S1484/W8, S1539/W3; shrines/relics: S1498/W10*, S1484/W8; vestments: S1532*, S1538/W21 (* male donor).

¹⁶⁵ Backhouse, Turner and Webster (eds), *The Golden Age of Anglo-Saxon Art*, cat. no. 75, pp. 90-92, colour plate 23. See Fleming, 'The new wealth', pp. 13-14 for Earl Harold's gifts to Waltham.

¹⁶⁶ CR 33 (p. 60 fn 4). See also Byrhtnoth's gifts to Ely on the eve of battle, which included two golden crosses (*LE II*, 62).

household priests to serve them.¹⁶⁷ Some of these items were of precious metal: the reliquary cross referred to above was made of oak with silver sheeting, and both Wulfgyth [S1535/W32, 1042x1053] and Wulfwaru [S1538/W21, 984x1016] bequeath a golden cross.¹⁶⁸ Chapter Six will consider the burgeoning cult of relics in the tenth century; for the purpose of this chapter it is sufficient to note that two lay donors, Ealdorman Æthelmær (mentioned above, S1498/W10, 971x983) and Ælfgifu [S1484/W8, 966x975] bequeath shrines or reliquaries (*scrin*) to the church, and Ælfgifu refers specifically to her *haligdom* (relics – they appear to be included with the shrine).¹⁶⁹ It seems likely that such shrines would be kept in a private chapel or church under the care of the serving priest or chaplain, who may also have had responsibility for the storage of important documents.¹⁷⁰ Some of these reliquaries were highly-crafted, precious items; that of Ealdorman Æthelmær, bequeathed to the New Minster, Winchester, was recorded in the thirteenth-century *Liber Monasterii de Hyda* as *scrinum curiosum*, probably referring to the fine workmanship.¹⁷¹ What this actually meant may be imagined in the light of Goscelin's description, in his eleventh-century life of St Wulsin of Sherborne, of Bishop Ælfwold's gifts to Sherborne: *scriniis et crucibus auro et argentque* (shrines and crosses of gold and silver).¹⁷² An inscription might also identify the donor, whose name would be perpetuated in monastic

¹⁶⁷ The significance of the private church or chapel is discussed in Chapter 6.

¹⁶⁸ The term *rod* is here translated as 'cross'; This includes the possibility that such items may have represented the crucifixion. Some crosses were intended to be worn (Dodwell, *Anglo-Saxon Art*, p. 196): see S1488/W18 for the term *sweorrod* (neck cross). A fine reliquary cross, with a suspension loop, dated c. 1000 is illustrated in Backhouse, Turner and Webster (eds), *The Golden Age of Anglo-Saxon Art*, colour plate 26 (no. 118, pp. 117-18).

¹⁶⁹ Dodwell, *Anglo-Saxon Art*, p. 197 adduces later chronicle evidence for such gifts. See, for example, *LE II*, 59, 61 for bequests of relics by women.

¹⁷⁰ See S939/W16² and S1521/W29 for references to documents stored with the king's *haligdom*. Chapter 2 above has suggested the existence of lay archives.

¹⁷¹ Dodwell, *Anglo-Saxon Art*, p. 308 fn 103.

¹⁷² Dodwell, *Anglo-Saxon Art*, p. 307 fn 91. The evidence for reliquaries is surveyed by Dodwell on pp. 195-201.

memory.¹⁷³ Liturgical vessels might be of precious metal and finely worked: chalices and patens of silver and gold were among items sold by Ely to raise money in 1071.¹⁷⁴ It is not clear whether Ælfgifu's bequest of an *ofringdisc* (a paten?) is of such quality, but there seems no reason to doubt that a noblewoman should have such an object for use by her priest, and choose to bequeath it to a nunnery where her name would be remembered.¹⁷⁵

These bequests may be seen in the context of the will of Eberhard and Gisela, where items of treasure from their chapel were distributed among their children. These precious items have been described as 'not just complementary but essential elements in the definition of the family's status ... evidence of the prestige gained by the chapel through the munificence of its patrons, [which] could at the same time be used as gifts to the church'.¹⁷⁶ It seems that, in late Anglo-Saxon bequests, we see the same process on a smaller scale: the private chapel equipped with valuable religious items, establishing the prestige of the donor's family but also used as a resource for establishing links with high-status religious houses.

Books

Given the Continental evidence that, for the Carolingian nobility, books were an important appurtenance of rank and bequeathed as such, it is disappointing and surprising to find little evidence of this practice in late Anglo-Saxon wills. The ninth-century Frankish wills of Eberhard and Gisela and Eccard of Macon bequeath a wide range of books to the

¹⁷³ Dodwell, *Anglo-Saxon Art*, pp. 200-201, p. 310 fn 125; Watkiss and Chibnall (eds), *The Waltham Chronicle*, chap. 22 (pp. 88-89).

¹⁷⁴ Dodwell, *Anglo-Saxon Art*, pp. 218, 321 and fn 13. See also p. 208 for evidence from the seventh and eighth centuries, and *LE II*, 111.

¹⁷⁵ Ælfgifu bequeaths her *ofringdisc* to Nunnaminster, Winchester. Although Whitelock translates this as 'paten', the precise interpretation of its liturgical function needs further research. Cf Wynflæd's bequest of an *ofringsceat* [S1539/W3].

¹⁷⁶ La Rocca and Provero, 'The dead and their gifts', pp. 253-54. See also *LE II*, 50 (p. 117) for King Edgar's gifts to Ely from his chapel.

church, to kindred, and in the case of Eccard, to named churchmen and laymen. Some books were liturgical, for use in the private chapel; others were for private devotion or edification; still others were concerned with secular subjects such as law, military tactics or medicine.¹⁷⁷ Of lay Anglo-Saxon donors, only two, both women, mention books: Æthelgifu [S1497, c. 985x1002] bequeaths an unspecified book to St Albans, which may be presumed to have religious content, and Wynflæd [S1539/W3, c. 950] bequeaths *bocum 7 an swilcum lytlum* (books and such small things) to her daughter, Æthelflæd.¹⁷⁸ It is most likely that these books were intended for private devotion, such as those bequeathed to the daughters of Eberhard and Gisela;¹⁷⁹ it has been postulated that both women may have been associated with religious communities, and were likely to have possessed and valued such items.¹⁸⁰

There is good evidence to suggest that books were valued by the laity in Anglo-Saxon England. For example, in the late ninth century Ealdorman Alfred and his wife ransomed a gospel book, now known as the *Codex Aureus*, from the Viking Army and presented it to Christ Church, Canterbury.¹⁸¹ That lay libraries existed in tenth-century and eleventh-century England can hardly be doubted: Bishop Ælfwold, for instance, bequeathed to Ealdorman Ordulf a copy of Hrabanus and a martyrology [S1492/N&S10, c. 1014], and Ealdorman Æthelweard's commissioning of translations from Latin into the vernacular

¹⁷⁷ Books bequeathed in both wills are discussed by McKitterick, *The Carolingians and the Written Word*, pp. 244-50. Disposition of the books of Eberhard and Gisela is discussed in La Rocca and Provero, 'The dead and their gifts', pp. 256-57.

¹⁷⁸ Wulf [S1532] bequeaths a mass-book to St Albans.

¹⁷⁹ McKitterick, *The Carolingians and the Written Word*, p. 247.

¹⁸⁰ Foot, *Veiled Women*, I, pp. 136-40.

¹⁸¹ *S1069/H9*. The manuscript is now in Stockholm, Royal Library MS A. 135. Ealdorman Ælfred's will and a further bequest are extant as *S1202/H8* and *S1508/H10*.

suggests the building of a collection.¹⁸² Men of high rank presented sumptuously-bound gospels to the church which were counted as treasure in inventories.¹⁸³ It is possible that the private churches and chapels of the nobility were furnished with such volumes, as was that of Eberhard. It is all the more difficult to account for the absence of books from wills.

Conclusion

This survey has shown that vernacular wills reflect the extent of the disposable wealth available to the landed classes in tenth-century and eleventh-century England. The fact that wealth was vested in land is revealed by bequests of stock, including horses, and slaves, as donors show concern for the transmission of important economic resources. The management of estates had developed in such a way that coin was available for the purchase of luxuries and high-status goods, whether for private consumption or for generous gift-giving, as well as for distribution as a form of wealth in its own right.¹⁸⁴ Individual items bequeathed in wills were often splendid – made of precious metal or rich textile, and highly decorated. In this sense, the wills themselves became a form of display, reflecting not only the wealth of the donors, but also their social persona.

In this chapter, attention has been drawn to the relationship between burial deposits and patterns in tenth-century and eleventh-century bequest of movable wealth. This seems to indicate that certain items – particularly swords, vessels and jewellery – had a deep-rooted social symbolism linked with wealth, status and social role. To some extent, this seems to have been gendered in conventional ways: jewellery associated with women's graves and bequeathed by women, for instance, or swords associated with male burials and

¹⁸² Æthelweard's interest in books is summarized by Campbell, *The Chronicle of Æthelweard*, pp. xiv-xv. For the Carolingian courtier Einhard seeking consolation for the loss of his wife by reading Cyprian, St Augustine and Jerome, see Julia Smith, 'Einhard, the sinner and the saints', *TRHS*, 6th ser. 13 (2003), pp. 69-70.

¹⁸³ Dodwell, *Anglo-Saxon Art*, pp. 202-203; McKitterick, *The Carolingians and the Written Word*, p. 246; Fleming, 'The new wealth', pp. 13, 15.

male bequest. More detailed analysis of this striking relationship, focusing on various categories of goods, may shed light on social conventions of the late Anglo-Saxon period.

However, gender in bequest of movable wealth is not as clearly demarcated as this parallel, or indeed the passage from Sheehan quoted at the beginning of this chapter, might suggest. The survey of categories given here presents a more complex picture, as has already been perceived by Crick in her article comparing men's and women's bequests:

First, men and women bequeath in unexpected ways ... the distribution of moveables does not follow anticipated gender divisions. Women bequeathed horses and weapons; men bequeathed clothes. Second, characterization of male and female property in older publications cannot be taken for granted; they may reflect the preconceptions of the author as much as that of his sources.¹⁸⁵

The unexpectedness is apparent in a range of instances: women bequeathing deerhounds, tents, horses and their trappings, or a carriage;¹⁸⁶ men bequeathing jewellery or bedding.¹⁸⁷

It seems likely that there is a tension in the bequest of movable wealth between the conventional social persona of the donor, in part driven by gender and the gendered role, and considerations linked to specific circumstances. For example, Ælfric Modercope's bequest of bedding [S1490/W28] is linked to the prospect of a dangerous journey; in that sense, it has more in common with the deathbed wills of male donors which, it has been suggested in Chapter Three, characteristically dispose of more chattels than other wills. Another good example is the will of Æthelgifu [S1497], which reveals the complexity of her social roles as woman, as widow, as landlord and as an active member of the wider network of noble landholders; it is therefore not surprising that we find her bequeathing items which are conventionally male attributes, such as deerhounds.

¹⁸⁴ Fleming, 'The new wealth', pp. 15-18.

¹⁸⁵ Crick, 'Women, wills', p. 28.

¹⁸⁶ S1497; S1539/W3; CR 54.

A particularly interesting will, which would merit further exploration, is the joint will of Brihtric and Ælfswith [S1511/W11], apparently made as part of the resolution of a dispute with Rochester Abbey. This is an extraordinarily complex document, combining the bequest of land and movable wealth to a range of donors in response to a specific situation. It is likely that a detailed case-study, for which there has been no room here, would provide valuable insights into the complexities of male and female bequest. It would also present an excellent opportunity for research into the relationship between gift and beneficiary, which, on the whole, is a neglected area; as has been shown above, in a number of categories, bequest may appear to be gendered, but when beneficiaries as well as donors are taken into account, the transmission of wealth becomes more complex, to the point where it appears that the conventions of bequest may be different from the conventions of inheritance.

One important factor influencing the inclusion or exclusion of movable wealth in wills is the stage of the life-cycle at which bequest took place. It has been suggested that in general, men's wills, made at a time in their lives when land and its disposition was their prime concern, contain limited bequest of movable wealth, while those of women, made in widowhood with a view to the dispersal of the household, focus more on chattels. It has also been suggested that the circumstances in which women and churchmen made their wills had certain parallels, which produced similarities in bequest of some items. Further research may provide evidence to substantiate this theory. Related to it is the possibility that wills bequeathing substantial amounts of movable wealth were linked to the process of inventory (a process which may also underlie deathbed wills). That lists of chattels in lay wills survived at all in monastic records is remarkable, and may indicate a kinship between the wills and the monastic habit of listing, which surfaces in various cartularies and

¹⁸⁷ S1536/W17; S1490/W28.

chronicles, often in relation to the death of an abbot or bishop. This seems worthy of further investigation.

Reference has been made throughout this chapter to bequest of high-status items to the church. The following chapter will place those gifts, along with bequest of land, in context, by examining more closely the relationship between church and laity which has been a consistent theme of this thesis. More particularly, it will focus on wills as part of the process by which donors prepared for death, and the rituals of intercession and commemoration which were linked to bequest.

CHAPTER SIX

Pious bequest: lay donors and the church

Introduction

The emphasis so far in this thesis has been on the secular aspect of bequest. Both lay and religious donors have been shown using the process of will-making to order their affairs, disposing of land and chattels in recognition of a variety of secular obligations and responsibilities. However, as has been suggested in the Introduction, the will had a dual function: while it was certainly concerned with the disposition of the donor's temporal estate, it was also preoccupied with the welfare of the donor's soul after death.¹ This chapter is concerned with bequest as a manifestation of lay piety as donors envisage the approach of death.

All donors recognize the church in their wills.² Even if the survival of the documents is dependent on the interest of the church in their dispositions, pre-supposing that wills were made which did *not* recognize the church, this body of evidence indicates a substantial commitment of property to the church by the wealthy laity. The amount involved varies from donor to donor. The majority bequeath land. This ranges from a single estate, or even small parcels of land within an estate (as in the case of Thurketel of Palgrave [S1527/W24, s.xi], who specifies a furlong), to multiple estates. As was shown in Chapter One, it is difficult to be precise as to the amount of land transferred, since the wills are not concerned with delineation of property.³ Bequests of land may be supplemented by bequests of coin, stock or other valuable items of

¹ Binski, *Medieval Death*, pp. 33-34.

² This includes ninth-century wills. *S1200/H7* does not recognize the church explicitly, but the agreement concerning Chart must be seen in the light of the claims of Christ Church, Canterbury, discussed above (see *S1471/R101* and Brooks, *Early Church*, pp. 147-48).

movable wealth.⁴ The will of Wulfric Spott [S1536/W17, 1002x1004] includes an extraordinary distribution of coin to each archbishop, every bishop and abbot, and every monastic community.⁵ Of particular interest is the range of bequests to named churchmen. Although this cannot be pursued in detail here, such bequests indicate close links between the nobility and high-ranking churchmen.⁶ Further research is likely to reveal relationships which devolve not only upon power, leading donors to seek protection from high-ranking churchmen for their dispositions,⁷ but also upon kinship⁸ and personal friendship.⁹

This chapter will argue that such lay bequest of material wealth was a means of cementing the fundamental relationship between church and laity in the tenth and eleventh centuries, which previous chapters have emphasized. Chapter Two demonstrated the involvement of influential churchmen in secular administration; Chapter Three noted the significance of the estate church in establishing the gentry status; Chapter Four discussed the symbiotic relationship between the abbeys of Ramsey and Ely and their secular patrons, and considered the impact of these great foundations on their locale; Chapter Five showed that lavish gifts of treasure and luxury items to the church, such as those given to Waltham by Harold and Toki, were an important aspect of the noble persona. These are powerful, but worldly, motives for bequest.

³ In some cases, hidage is specified (usually for one or two hides only). See Meyer, 'Women's estates', pp. 118-19 for the use of Domesday Book to define the extent of a donor's property – in this case, that of Æthelgyth, widow of Thurstan [S1531/W31], who was still holding her inherited property in 1066.

⁴ In only two cases do bequests to the church fail to transfer land: S1538/W21 (Wulfwaru, who does, however, bequeath an estate to Abbot Ælfhere of Bath – see below for bequests to named churchmen); S1534/W19 (Wulfgeat). It must be borne in mind that this emphasis on land may reflect scribal interest in documents pertaining to land-holding in the post-Conquest period.

⁵ See also the distribution of Ealdorman Æthelmær [S1498/W10]. These may be deathbed wills.

⁶ Archbishops, bishops or abbots are named in: S1528/W25; S1527/W24; S1537/W27; S1490/W28; S1521/W29; S1531/W31; S1519/W34; S1484/W8; S1538/W21; S1536/W17; S1522/N&S9; W39.

⁷ S1536/W17; S1486/W15.

⁸ W39; Abbot Brand of Peterborough was a kinsman of Ulf, one of the donors.

⁹ S1484/W8. See also S1491/W4, where Archbishop Ælfsige places his affairs in the hands of 'my dear friend [Ealdorman] Ælfheah' (but Julia Barrow, 'Friends and friendship in Anglo-Saxon charters' in Julian Haseldine (ed.), *Friendship in Medieval Europe* (Stroud, 1999), p. 111, warns that 'friend' could

However, donors' bequests to the church were also made in anticipation of spiritual benefits for themselves and, in some cases, for their ancestors and kindred. Chapter Two has described the changing religious climate of the tenth century, with its emphasis on reformed monasticism. Evidence for its profound impact on the wealthy laity has been adduced, together with its implications for written bequest. This chapter will draw on this evidence, exploring it in more detail and relating it to Continental sources, in order to establish the spiritual return which donors could expect for their investment in the church. The relationship between lay donors and major religious houses, as it is articulated by bequest, will be considered first. It will be shown that, in anticipating death, donors were often concerned to enter into a contract with one or more religious foundations which offered powerful intercessory rituals. Second, perhaps more significantly, it will be shown that wills provide valuable evidence for the role of the estate or local church in the religious ethos of late Anglo-Saxon England. Since, unlike the religious communities, small churches left few documentary traces, such evidence has largely been derived from archaeology or from the study of architectural or funerary sculpture. In effect, the chapter will demonstrate that written wills illustrate the degree to which the religious ideology of the tenth century became embedded in late Anglo-Saxon culture.

Bequests to major religious houses

Vernacular wills show thirty lay donors making bequests to major religious houses – in some cases, to two or three different houses. Additionally, bequests by lay donors to Ely and Ramsey abbeys have been collected in Appendix Two. The majority of the beneficiaries were, by the end of the tenth century, monastic foundations subject to the Benedictine Rule: Ramsey, Ely, Bath, Burton, St Albans, Westminster,

have the sense 'in-law'). See Chapter 4 for kindred links between the laity and churchmen. Cubitt, 'The tenth-century Benedictine Reform', pp. 85-86.

Glastonbury, Peterborough and the three houses at Winchester. Bequests were also made to houses of secular canons, some of which may have established a quasi-monastic life-style;¹⁰ one of the most significant was Bury, probably served by secular clergy until c. 1020, although as the site of a royal saint's cult it acquired considerable prestige.¹¹ Although movable wealth might be included, the bulk of these bequests consisted of land. It will be suggested below that it was land which established a donor's claim on a religious house. The wills rarely make explicit donors' expectations of the beneficiary foundation. However, by drawing on Continental evidence it is possible to identify expectations which are implicit: a close association in life with the beneficiary house, which I shall call *familiaritas*; rights of burial within the monastic environs; and perpetual commemoration through continuing association with the community after death.

Familiaritas

A study of the charters of French monastic houses between the eighth and eleventh centuries has defined *familiaritas* as the 'long association and close friendship with a liturgical community' which enabled donors to be incorporated into the *societas orationum* (community of prayer), benefiting from rituals and prayers which would ensure their commemoration after death.¹² The close link between lay and religious communities is emphasised:

... it was not the church hierarchy or the church as a whole, but rather the local clerical community, the group gathered round the shrine of the local saint for collective prayer, that was viewed as the locus of salvation. That community was identified metonymically with the church as a whole and

¹⁰ *Blackwell Encyclopaedia* under CATHEDRAL CLERGY (which suggests that Christ Church, Canterbury acquired monks in the 1020s); for Christ Church, see also Brooks, *Early History*, p. 255. For the impact of rules for secular canons in late Anglo-Saxon England see Julia Barrow, 'English cathedral communities and reform in the late tenth and eleventh centuries' in D. Rollason, M. Harvey and M. Prestwich (eds), *Anglo-Norman Durham* (Woodbridge, 1994), pp. 29-34. Williams, 'Thegnly piety', pp. 5-6.

¹¹ Antonia Gransden, 'The legends and traditions concerning the origins of the Abbey of Bury St Edmunds', *EHR*, 100 (January, 1985), p. 8.

¹² McLaughlin, *Consorting With Saints*, p. 81.

figuratively with the saints in heaven. It provided the gateway through which individual men and women could enter into those wider communities.¹³

A series of transactions which took place in the ninth century between a Breton family and the newly-founded monastery at Redon, recorded in a contemporary charter, provides a useful paradigmatic example of this process.¹⁴ In December 833 Riwalt, a *machtiern* or local ruler, donated property to the newly-founded religious house at Redon in the presence of his son, Deurhoiarn. Witness lists provide evidence that the relationship continued: Deurhoiarn himself witnessed a number of the monks' transactions, and the monks witnessed Riwalt's payment of compensation to the Duke of Brittany when Deurhoiarn murdered one of his men.

On Riwalt's death in 859 Deurhoiarn, now *machtiern*, and his wife, Roiantken, continued the association. Deurhoiarn was present in 868 when the duke granted a villa to the monks as a refuge from Viking attacks. The new monastery was dedicated to St Maxent, and was close to Deurhoiarn's main holdings. In the summer of 875 Deurhoiarn and Roiantken visited the monastery to see their place of burial, which was pointed out to them by the abbot. They then made separate donations 'to St Maxent, in honour of the Saviour, and to the monks serving God in that place', placing a glove on the altar to represent the gifts. When Deurhoiarn died in January 876, Roiantken and their son, Iarnwocon, brought his body to St-Maxent, where they were met by a solemn procession of monks carrying relics who escorted the body to the monastery for burial 'in accordance with his status'.¹⁵ Iarnwocon then confirmed his parents' gifts in the presence of his mother and assembled nobles. When Roiantken died she was buried 'with great honour' next to her husband. On the following Sunday Iarnwocon visited his

¹³ McLaughlin, *Consorting With Saints*, p. 80. It should be noted that McLaughlin uses the term 'clerical' throughout in referring to religious communities, whether monastic or secular.

¹⁴ *Consorting With Saints*, pp. 1-2; 132-35. The summary given here relies on McLaughlin's account. See also Wendy Davies, *Small Worlds: The Village Community in Early Medieval Brittany* (London, 1998), especially at pp. 178-79 for further context.

parents' graves and made a new donation to St Maxent and the monks for his mother's soul, and on a subsequent visit he made a further gift for the souls of his parents.

The relationship between Redon and the family of Iarnwocon, involving three generations over about forty years, was based on an initial endowment of land to establish the house, and successive gifts over a period of time. A similar relationship, described in Chapter Four, seems to have existed between the ealdormen Byrhtnoth and Æthelwine and their favoured houses of Ely and Ramsey in tenth-century East Anglia. Such a relationship may also be implicit in the terse bequest of land to religious houses in a number of wills.

A good example of the way in which wills show land playing a part in reinforcing *familiaritas* between a family and a religious house is seen in the bequest of land at Batcombe (Som) to Glastonbury by Ealdorman Ælfheah, between 968 and 971 [S1485/W9]. The estate is to be held in the first instance by his wife:

... and brucæ heo þæs landæs æt Batancumbæ hyræ dæg and æfter hire dæge ga hit an Ælfwærdes hand unces suna gif hæ lifæs beo gyf hæ næ beo ... for mine broðorn to þa hwilæ þæ hi beon and after hyra dege ga into Glæstingabyrig for urnæ fædær and for uræ modor and for us eallæ.

[... and my wife is to possess this estate at Batcombe for her time and after her death it is to pass into the possession of our son Ælfweard if he is still alive. If he is not ... my brothers are to succeed to it for as long as they live, and after their death it is to go to Glastonbury for the souls of our father and mother and of us all.]

This estate was granted to Ælfheah and his wife by King Eadmund in 940; it was acquired land which could be invested in family commemoration at one of the most prestigious monasteries of the Reform movement, possibly a royal *Eigenkloster*.¹⁶

¹⁵ Davies, *Small Worlds*, p. 86.

¹⁶ Dumville, *Wessex and England*, p. 176. The relevant charter is S462, granting the estate to Ælfswith: H.P.R. Finberg, *Early Charters of Wessex*, (Leicester, 1964), no. 441. The text survives in a fourteenth-century manuscript; it has been suggested that the grant was originally made to Ælfheah and Ælfswith jointly, but that the later copyist omitted Ælfheah's name: see Williams, '*Princeps Merciorum gentis*', p. 148.

Glastonbury was reformed under Dunstan, who was appointed abbot c. 940, and was favoured by kings Eadmund and Edgar, both of whom were buried there.¹⁷ However, the bequest made by Ealdorman Ælfheah must be seen in the context of extensive family links with Glastonbury.¹⁸ Ælfheah was ealdorman of Central Wessex between 959 and his death c. 971. He was related to two ealdormen of Mercia: his father, Ealhelm, was appointed by King Eadmund in 940, and his brother, Ælfhere, by King Eadwig in 956. In his will, Ælfheah bequeaths land to his kinsman Æthelweard, probably the ealdorman of the Western Shires who, in his Chronicle, claimed kindred with the West Saxon kings.¹⁹ Ælfheah's brother Ælfwine became a monk at Glastonbury, presumably as a widower; he may have married the daughter of Wulfric, reeve of the Glastonbury estates and brother of St Dunstan.²⁰ His powerful brother Ælfhere was also a benefactor of Glastonbury, granting three estates and a collection of relics, and was buried there in 983.²¹ The commitment of this generation of the family to this monastery in the Wessex heartland is impressive, and must be seen not only in spiritual terms, but also in terms of the political factionalism of the tenth century, in which the family was embroiled.²²

Among Ælfheah's landholdings, Batcombe is possibly the only alienable estate he held in Somerset, the bulk of his lands lying in Buckinghamshire, Berkshire and

¹⁷ See Yorke, Introduction, *Bishop Æthelwold*, p. 2; N.P. Brooks, 'The career of St Dunstan' refers to Edgar's grants to the abbey and its prestige, and Michael Costen, 'Dunstan, Glastonbury and the economy of Somerset in the tenth century' summarises the abbey's land acquisitions between 943 and 1066, both in Nigel Ramsey, Margaret Sparks and Tim Tatton-Brown (eds), *St Dunstan: His Life, Times and Cult* (Woodbridge, 1992), at pp. 22-23 and 36-37 respectively.

¹⁸ Williams, '*Princeps Merciorum gentis*', gives a detailed analysis of the family, upon which this account is based.

¹⁹ Williams, '*Princeps Merciorum gentis*', p. 150.

²⁰ Williams, '*Princeps Merciorum gentis*', pp. 154-55; Brooks, 'The career of St Dunstan', p. 8.

²¹ Williams, '*Princeps Merciorum gentis*', pp. 166-67.

²² This is explored by Williams, '*Princeps Merciorum gentis*', pp. 148, 157-71. See also Dumville, *Wessex and England*, p. 165 for the influence of religious reform on the political role of Æthelstan Half-King and his dynasty. The political tension between the ealdormen Ælfhere and Æthelwine, and its reflection in their religious patronage, has been identified in Chapter Four.

Wiltshire.²³ Since it was an apparent outlier, it made sense to grant the estate to Glastonbury, and the abbey indeed held land there in 1066.²⁴ However, before its reversion to the church Ælfheah was at pains to protect the interest of two generations of his family in the estate: his wife was to have a life interest, possibly as joint beneficiary of the original grant, followed by their son Ælfweard, or Ælfheah's brothers if Ælfweard was already dead. The link made in the text of the will between the estate and the souls of three generations of the family reinforces the perception of their long-term relationship with Glastonbury. The bequest was therefore used as part of a programme to reinforce the relationship between a prestigious religious house and an aristocratic family of considerable wealth and power; yet the donor ensured that the family was able to gain maximum economic benefit from the land while investing in *familiaritas* with the community which could ensure their commemoration after death.²⁵

A further strategy for using land to establish *familiaritas* was the successive bequest of the same estates. Evidence for this process is limited, but it can be illustrated by the survival of two wills which bequeath the same estate, Stisted (Ex), to Christ Church, Canterbury. The widow Wulfgyth made her will between 1042 and 1053 [S1535/W32], granting a life interest in the estate to be shared by two of her sons:

and ic yan þat land at Stistede a godes ywithnesse and mine vrenden into Xristes cheriche þa muneken to uostre on þan hyrede þet Elfkitel and Kytel mine bearn bruke þa londes hye dey and seþpen gange þet land into Xristes cheriche buten ecchere ayentale vor mine saule and vor Elfwines mines louertes and for alre mine berne and by hialve þe men vrye efter here daye.

[And I grant the estate at Stisted, with the witness of God and my friends, to Christchurch for the sustenance of the monks in the community, on the

²³ Williams, 'Princeps Merciorum gentis', pp. 152-3. *Suðtun*, bequeathed to Bath Abbey, is identified by Whitelock as 'one of the Somerset Suttons' (*Wills*, p. 122).

²⁴ Whitelock, *Wills*, p. 125.

²⁵ See Matthew Blows, 'A Glastonbury obit-list' in Lesley Abrams and James P. Conley (ed.), *The Archaeology and History of Glastonbury Abbey: Essays in honour of the ninetieth birthday of C.A. Raleigh Radford* (Woodbridge, 1991), pp. 265-67, nos. 10, 15 and 17 for the names of Ælfheah, Ælfhere and Ælfswith (probably Ælfheah's widow), possibly derived from a lost Glastonbury *liber vitae*.

condition that my sons Ælfketel and Ketel may have the use of the estate for their lifetime; and afterwards the estate is to go to Christchurch without controversy, for my soul and for my lord Ælfwine's and for the souls of all my children: and after their lifetime half the men are to be free.]

However, her son Ketel reiterates the bequest in his own name in his will made sometime between 1052 and 1066 [S1519/W34], with no reference to his mother's bequest:

... ic an Stisted after mine tyme for mine fader soule and for Sefledan into Cristes kirke. And ic wille þat mine men ben alle fre 7 Mann myne refe þat he sitte on þe fre lond þat ic him to honde habben leten. his time euer fre. and after his time folege þat lond þen opere.

[... I grant Stisted to Christchurch after my time, for the sake of my father's soul and for Sæflæd's. And it is my will that all the men shall be free, and that my reeve, Mann, shall occupy the free land which I have given over into his possession, for ever freely during his life, and after his death that estate is to go with the other.]

There is no mention either of his mother's bequest, or of commemoration for her; instead, alongside the reference to his father, Ketel names a woman who was probably his own late wife, Sæflæd. Like Iarnwocon confirming the gifts of his parents 150 years before him at the monastery of Redon, Ketel was reaffirming his family's *familiaritas* with Christ Church in renewing the bequest in his own right; however, it should be noted that he exercises the right to reserve a further life interest in part of the land in favour of his reeve, who is a sitting tenant.

A similar process of multiple bequest to establish *familiaritas* is illustrated by the dispositions of Ealdorman Ælfgar and his daughters, which spanned the latter half of the tenth century.²⁶ Ælfgar's will is extremely complex, worthy of a case-study in its own right. However, the bequests relevant here are those made to his older daughter, Æthelflæd, of five estates which were to revert to the church on her death: Cockfield (Sfk) was to revert to Bury, and Lavenham (Sfk), Peldon, Mersea and Greenstead (Ex),

²⁶ S1483/W2 [946xc. 951]; S1494/W14 [962x991]; S1486/W15 [1000x1002].

were all to revert to the family foundation at Stoke-by-Nayland (Sfk).²⁷ However, the estates did not revert to the church on Æthelflæd's death as Ælfgar stipulated, but were held for a further life by her younger sister Ælfflæd before final reversion. Four of those estates were bequeathed by Æthelflæd to her sister (Cockfield, Lavenham, Peldon and Mersea); the fifth (Greenstead) does not feature in Æthelflæd's will, but is bequeathed by Ælfflæd. According to Ælfflæd's bequests, these estates finally passed to the beneficiaries designated by her father. The family can thus be shown to gain maximum economic advantage from tenure of the land over two generations, while the estates designated for the church continue to contribute to *familiaritas* with religious houses.²⁸

These examples show donors using bequest of land to establish and affirm ongoing relationships with monastic houses while retaining short-term family interest, usually over two or three generations. The term of the association could be longer; for example, Ælfgar links his gifts to Stoke strongly to the welfare of his ancestors' (*aldre*) souls, implying that the family link was established at least by the previous generation.²⁹ A study of the charters of Cluny recording land donations to the abbey between 909 and 1049 has shown that individual estates could acquire a spiritual significance:

Land given to St Peter could have the character of a *locus sanctus* in that, like so much else in the period, it could mediate between the natural and supernatural world.³⁰

²⁷ In fact, Peldon, Mersea and Greenstead were bequeathed to Stoke, with Æthelflæd allowed to maintain an interest in them for her life.

²⁸ Chapter I has suggested that reversion could be subject to renegotiation by interested parties: see Lowe, 'Nature and Effect', pp. 42-44. See also, for example, the will of Thurstan S1531/W31, where Thurstan bequeaths estates already donated by his parents, as recorded in *LE* II, 89. S1471/R101 [c. 1045] includes a reference to potential negotiation of the tenure.

²⁹ Ælfgar makes a bequest to the royal nunnery at Barking. Thurstan may have been distantly related to Ælfgar through Ælfflæd's marriage to Ealdorman Byrhtnoth, Thurstan's great-grandfather (see family tree included in Chapter 3, following p. 116); if so, Thurstan's own bequest to Barking may have perpetuated the family connection into the fifth generation: see Foot, *Veiled Women*, II, p. 30; Julia Crick, 'The wealth, patronage and connections of women's houses in late Anglo-Saxon England', *Revue Bénédictine*, 109 (1999), p. 170.

³⁰ Rosenwein, *To Be the Neighbor*, p. 5.

Particularly relevant is the evidence for donation of land as part of a 'family association' with the monastery, and for the process of redonation, which could reaffirm previous gifts.³¹ An important aspect of the gift of land was its immobility: that it remained visible to the donor and the neighbourhood. In terms of bequest, the land would also be visible to the beneficiary house as a reminder of the gift promised. This shared knowledge of the land's ultimate destination contributed to its social and spiritual significance, while similarly allowing it to participate in the local economy through usufruct and leasehold. Property transactions acted as 'a social glue ... which emphasized connections among people and between people and saints'.³² This pattern of donation seems to underlie the sequence of Anglo-Saxon wills described here.

Although tenth-century and eleventh-century wills generally present bequests to religious houses as isolated acts, it is likely that, in a number of instances, they form part of an ongoing family strategy designed to achieve *familiaritas* with favoured foundations.³³ Individual bequest, therefore, should be seen as part of a cumulative, powerful relationship between the church and the lay community.

Right of burial

Burial close to the resting place of a powerful saint seems to have warranted considerable investment on the part of donors. The cult of saints had an increasing influence on the laity in the tenth and eleventh centuries: for instance, saints' festivals structured the year, and relics were an important element in legal procedures such as manumission and trial by ordeal.³⁴ It is also significant that the majority of religious houses cited as the burial places of donors possessed high-status relics of saints whose

³¹ Rosenwein, *To Be the Neighbor*, for example pp. 69-73, at p. 73; pp. 122-25.

³² Rosenwein, *To Be the Neighbor*, p. 202.

³³ This has been demonstrated in Chapter 4 in relation to Ely and Ramsey.

³⁴ See Rollason, *Saints and Relics*, pp. 186-95. For the development of the cult of saints in the Carolingian Empire see McLaughlin, *Consorting With Saints*, pp. 190, 218; Geary, *Living with the Dead*, pp. 41-44, 167-71.

presence they promoted vigorously to attract pilgrims and benefactors. For example, the Old Minster, Winchester translated the relics of St Swithun to a new shrine with great pomp in 971, and the cult of the royal martyr St Eadmund was well established at Bury by the late tenth century.³⁵ Their significance for individual laymen and laywomen can be illustrated by the fact that two tenth-century donors owned relics, bequeathing them to their intended place of burial: Ælfgifu's shrine and relics (*hire scrin mid hiræ haligdomæ*) are to go to the Old Minster [S1484/W8, 966x975], Winchester, and Ealdorman Æthelmær's shrine to the New Minster [S1498/W10, 971x983].³⁶

Burial *ad sanctos* brought the dead closer to a powerful source of intercession.³⁷ The introduction of a regular festival to commemorate the dead – that of All Souls – shows an increasing sense of the Christian community's continuing responsibility for the welfare of the departed faithful.³⁸ The power of saints as intercessors for the soul on the Day of Judgement is reflected in a prayer included in the *Regularis Concordia*, the rule introduced in the reformed monastic houses. This prayer was to be said as part of the commemoration of a monk from another community:

Satisfaciat tibi Domine Deus noster pro anima fratris nostri, N, beatae Dei Genetricis semperque uirginis Mariae [et sancti Petri apostoli tui] atque Sancti Benedicti confessoris tui omniumque sanctorum tuorum oratio et praesentis familiae tuae devota supplicatio, ut peccatorum omnium ueniam quam precamur obtineat.

May the intercession of the Blessed and ever Virgin Mary Mother of God,

³⁵ Rollason, *Saints and Relics*, p. 182; Gransden, 'Legends and traditions', p. 3. St Albans and Ely enshrined the ancient cults of St Alban and St Æthelthryth respectively (see *Saints and Relics*, pp. 12-14, 34-35). The new foundation of Ramsey acquired the relics of the Kentish royal princes Æthelred and Æthelberht before 992, and the bones of St Ivo which were miraculously discovered in a local field in 1001 (*CR* 29, 65).

³⁶ See also S1515/H21, where King Eadred refers to the chaplains in charge of his relics (*reliquium*). Both S939/W16² and S1521/W29 refer to the storage of documents in the king's *haligdom*. See also the phrase *thesaurus regis* in the same context in the will of Leofflæd, *LE* II, 88.

³⁷ The development of this belief in Merovingian Gaul, with its implications for burial practice, is surveyed by Bonnie Effros, 'Beyond cemetery walls: early medieval funerary topography and Christian salvation', *EME*, 6.1 (1997), 1-23.

³⁸ McLaughlin, *Consorting With Saints*, pp. 75-77 summarises the development and significance of the festival. See also Cubitt, 'Tenth-century Benedictine Reform', p. 81 (with refs), and J. Gerchow, '*Societas et fraternitas*. A report on a research-based project based at the universities of Freiburg and Münster', *Nomina*, 12 (1988-89), esp. pp. 156-57.

of St Peter Thy Apostle, of St Benedict Thy Confessor, and of all Thy saints and the devout beseeching of this Thy present family make satisfaction unto Thee, O Lord our God, for the soul of our brother, N, that he may obtain that forgiveness of all his sins for which we pray.³⁹

The relevance of such a prayer for the lay community will be discussed more fully in the next section, but it is important here to note that rites for the dying and the dead developed in Continental monastic houses during the ninth century – particularly at Lorsch – could be adapted for the laity.⁴⁰

Gild statutes from the tenth and eleventh centuries show a similar concern on the part of the laity for appropriate burial rites.⁴¹ Both the Cambridge and Abbotsbury statutes emphasise the responsibility for ensuring that a dead gild-brother is buried appropriately in the place he has designated. The Cambridge statutes stipulate that:

Gif hwilc gegilda forþfære gebrynge hine eal se gildscipe þær he to wilnie. 7 se þe þærto ne cume gyldes syster huniges. 7 se gyldscipe hyrfe be healfre feorme þone forðferedan. 7 ælc sceote twegen pænegas to þære ælmæssan.

[If any gild-brother die, all the gildship is to bring him to where he desired, and he who does not come for that purpose is to pay a sester of honey; and the gildship is to supply half the provisions for the funeral feast in honour of the deceased; and each is to contribute twopence for the almsgiving.]⁴²

It seems likely that most gild members would normally be buried at the minster with which the gild was associated, as the Abbotsbury statutes imply:

... þæt he [ða gegyldan] þærto cumon 7 þæt lic wurðlice bestandan 7 to mynstre ferian 7 for ðære sawle georne gebiddan.

[... that they [the gild brothers] may come there and worthily attend the body and bring it to the minster, and pray earnestly for the soul.]⁴³

³⁹ Symons, *Regularis Concordia*, chap. 68. See also Thompson, *Dying and Death*, pp. 195-206 for an account of perceptions of the Last Judgement and the role of saints in intercession.

⁴⁰ Paxton, *Christianising Death*, pp. 196-200.

⁴¹ The statutes from Cambridge, Exeter, Bedwyn and Abbotsbury are translated in *EHD* I, nos. 136-39, pp. 557-60. Those from Exeter and Abbotsbury are ed. and transl. by Whitelock, *C&S*, pp. 57-60 and 516-20 respectively. See also Rosser, 'Anglo-Saxon gilds', and Williams, 'Thegnly piety', pp. 23-24.

⁴² Thorpe, *Diplomatarium*, pp. 610-11 (transl. *EHD* I, p. 558).

⁴³ *C&S*, p. 519. This applies when the man dies in the neighbourhood (*on neawyste*); it is unclear whether the body will be brought to the minster if the man dies at a distance. The phrase in the Cambridge statute *þær he to wilnie* is ambiguous; a similar phrase in the Abbotsbury statutes (*7 þa hine gebringan to ðære stowe þe he to gyrnde on his life*) seems to refer to the commitment of the dead person to the gild church in life, although it is possible that it refers to an alternative burial site.

Also significant is the fact that three sets of the statutes – those of Cambridge, Bedwyn and Exeter – were entered in gospel books in tenth-century hands, giving the responsibilities enjoined on members all the weight of the church.⁴⁴ The Cambridge statutes, in addition, refer to an oath of loyalty sworn on the relics.⁴⁵

A number of vernacular wills specify that certain bequests – usually of land – are linked to right of burial, with further references in the Ely and Ramsey chronicles.⁴⁶ A typical example is the bequest of Leofgifu in a multi-gift will made between 1035 and 1044 [S1521/W29]:

And ic kithē þe mine guide wat ic Crist an and his halegan mine louerdes soule to alisidnesse and mine into þe holy stowe þer ic self resten wille þat is at seynt Eadmundes byri. þat is þat lond at Hintlesham and þat lond at Gristlyngthorp ...

[I declare to you my will, what I grant to Christ and his saints for the redemption of my lord's soul and mine, to the holy place where I myself wish to be buried, namely, Bury St Edmunds. That is, the estate at Hintlesham, and the estate at Gestingthorpe ...]

Here, the link between bequest of land and right of burial within the monastic precinct is made explicit; Leofgifu's reference to her lord's soul in relation to the bequest implies that he may already be buried at the abbey.⁴⁷ There seems to have been no restriction on the burial of women in the monastic cemeteries: for example, the Ramsey Chronicle

⁴⁴Exeter: written on a leaf of an eighth-century gospel book from Exeter, in a hand dated *sx*¹ (Ker, *Catalogue*, no. 194 and p. xx for dating conventions); Cambridge: written on a leaf of an eighth-century Ely gospel book in a hand dated *sx*² (Ker, *Catalogue*, no. 22); Bedwyn: written on a blank leaf of a gospel book (s. viii-ix) in a hand dated *sx*¹-*sx*^{med} (Ker, *Catalogue*, no. 6).

⁴⁵Thompson, *Dying and Death*, pp. 112-15 discusses the responsibility of gilds for the rituals of death.

⁴⁶S1503/W20; S1498/W10; S1484/W8; S1505/W12; S1524/W5; S1521/W29; S1533/R26; S1506/R32; S1515/H21; S1517; S1532; S1497. Wulfgeat [S1534/W19, c. 1000] grants to God his *saulsceat*, but it is unclear where he intends to be buried. The will of Wynflæd [S1539/W3, c. 950] uses the term *saulsceat* in the more general sense 'for my soul' without specific reference to burial. The ninth-century will of Abba [S1482/H2, 833x839] cites Folkestone as his place of burial. Chronicle refs: *LE* II, 61, 62, 69, 89; *CR* 34, 38, 107 (See Chapter 4).

⁴⁷See also Æthelgifu [S1497], whose bequest to St Albans includes commemoration of her husband who may have been buried there. The wills which do not grant land in return for burial are: S1505/W12 (gold and a cup); S1517 (stock only).

describes how Thorgunnr's body was taken to the abbey for burial, and two women donors other than Leofgifu stipulate burial at a monastic house.⁴⁸

The Ramsey and Ely chronicles provide useful evidence, discussed in detail in Chapter Four, for the formal arrangements for funerary rites and burial which donors of wills might expect. When Siferth of Downham viewed his burial site at Ely, those already buried there were described as *karissimi* and *fidelissimi*, suggesting that this may have been a family plot.⁴⁹ Byrhtferth's description of Ealdorman Æthelwine's funeral, incorporated into his Life of Saint Oswald, also gives a vivid picture of what may have been a grander version of common practice.⁵⁰ The term *cum custamento* used to describe the procedure to be adopted by the Ramsey community in collecting the corpses of Ærnketel and his wife, Wulfrun, for burial indicates a well-established custom.⁵¹ Such customary procedures underlie the relevant clause in the will of Ordnth and his wife [S1524/W5], who made such an arrangement in the mid-tenth century with the community of the Old Minster, Winchester:

... þ man unc gefecce. æt uncrum ændedæge mid þes mynstres crafte
7 unc swylc legerstowe forescewian swylc unc for gode þearflice sy.
7 for worulde gerysenlic.

[... on the day of our death they will fetch us with the minster's resources⁵²
and provide for us such resting-place as is necessary [*þearflice*] for us in
God's sight and fitting in the eyes of the world.]

The concern for appropriateness in burial rites is clear in the wording of the will: their burial place is to be spiritually appropriate (*for gode þearflice*), but also fitting in worldly terms (*for worulde gerysenlic*).⁵³ Although this phrasing may be conventional,

⁴⁸ CR 107 (pp. 175-76); S1497; S1484/W8.

⁴⁹ LE II, 11/Lib 12. See Chapter 4 above for the full text and discussion.

⁵⁰ See Chapter 4.

⁵¹ CR 38.

⁵² Whitelock's translation of *cræft*; for the suggestion that this might be interpreted as 'skill', with implications for the quality of the funerary service offered, see Thompson, *Dying and Death*, p. 104.

⁵³ This phrasing may be formulaic: see S1386/Harmer, *Writs*, no. 27 from the Christ Church, Canterbury archive for the conjunction of the words *gerysenlic* and *þearflice*: *þearflice for Gode. 7 eac gerysenlic for worolde*. See also VI Æthelstan 8.9.

it is tempting to imagine an impressive funeral procession as the corpse was conveyed to the Old Minster, and a marked grave appropriate to their wealth and social position.⁵⁴

Gild statutes certainly imply impressive ceremonial; the Abbotsbury gild statutes require their members 'worthily [to] attend the body and bring it to the minster'.⁵⁵

Overall, this evidence provides a vivid picture of well-established rituals lying behind the brief bequests in the wills – a further example of the texts depending upon well-established social procedures for their implementation.⁵⁶ It also shows the culmination of the transition from the 'endowed nuclear burial' to the church as 'an alternative destination for accumulated wealth', which could 'perpetuate the reputation of the giver and could make lasting provision for his kinfolk'.⁵⁷

Perpetual commemoration

The formula 'for my soul' is often associated with bequests to religious houses, but should not be regarded merely as a scribal convention. It reflects two aspects of donation. The first is the benefit for the donor's soul of 'redemptive gift-giving'; that is to say, the distribution of worldly property will, in itself, earn a celestial reward.⁵⁸ The second is the expectation of donors, demonstrated in this chapter, of active spiritual intercession on their behalf, both within their own churches and as part of monastic liturgy.⁵⁹

⁵⁴ For discussion of the concept of 'dying with decency' (*mid gedefenesse*), see Thompson, *Dying and Death*, chap. 3, esp. at p. 61.

⁵⁵ *þæt lic wurðlice bestandan. 7 to mynstre ferian* (C&S, p. 519; translated in *EHD* I, p. 560); up to thirty men could be involved in collecting the corpse. See also the Cambridge statute quoted above.

⁵⁶ See Chapter I above for discussion of context-dependence in the documents.

⁵⁷ D. Bullough, 'Burial, community and belief in the early medieval west' in Wormald, Bullough and Collins (eds), *Ideal and Reality*, pp. 193-94, 195-96.

⁵⁸ Rosenwein, *To Be the Neighbor*, p. 41.

⁵⁹ Belief in the effectiveness of prayer for the dead is explored in F. Cabrol and H. Leclercq, *Dictionnaire d'Archéologie Chrétienne et de Liturgie* (Paris, 1903-53), vol. 7, cols. 443-45, 451.

The importance of commemoration within religious communities is well attested, as is the growing significance of confraternity with other houses.⁶⁰ There is evidence to show that lay donors could expect their memory to be kept alive in very practical ways within the *societas orationum*, primarily through the perpetual intercession of the religious community.⁶¹ It has been argued that, in France at this period, rituals for the dead were ‘associative’; because the doctrine of Purgatory was not at this time fully formulated, prayer for the dead was intended to ‘emphasise the complex network of relationships that bound together the intercessor, the dead and the divine’.⁶²

Rituals associated with death and burial in a monastic context may have been adapted to include the laity.⁶³ The increasing use of the vernacular in liturgical books of the late tenth and eleventh centuries – ‘nibbling at the margins of the liturgy’, in the words of one scholar – makes this entirely possible.⁶⁴ Recent work has drawn attention to the existence of detailed and elaborate rituals, either written or glossed in the vernacular, for confession, the administration of extreme unction and preparation of the body for burial.⁶⁵ The wider implications of such texts will be discussed in the section on bequest to local churches below, but it was not impossible that monastic practice was modified for lay funerals. The eleventh-century Red Book of Darley, for example, probably designed for parish use, and deriving from the *Regularis Concordia*, contains a

⁶⁰ See Cubitt, *Church Councils*, pp. 192, 194, 201-202 for examples. See also Scheibelreiter, ‘The death of the bishop in the early middle ages’, p. 36 for episcopal concern about place of burial. For confraternity between monastic houses, see Paxton, *Christianising Death*, pp. 100-102; McLaughlin, *Consorting With Saints*, pp. 91-92, discusses the *liber confraternitatum*. See also Symons, *Regularis Concordia*, chap. 67 (p. 66) for the sending of a notification of a monk’s death to other houses.

⁶¹ For the significance of the term *societas orationum* see McLaughlin, *Consorting With Saints*, p. 81.

⁶² McLaughlin, *Consorting With Saints*, p. 20. Thompson, *Death and Dying*, pp. 201-206 reinterprets the illustration in the New Minster *Liber Vitæ* (London, British Library Stowe 944, folios 6v and 7r), usually seen as a representation of the Last Judgement, as an exploration of intercessory prayer. This drawing is also discussed by Jan Gerchow, ‘Prayers for King Cnut: the liturgical commemoration of a conqueror’ in Hicks (ed.), *England in the Eleventh Century*, pp. 230-31.

⁶³ Paxton, *Christianising Death*, pp. 196-200.

⁶⁴ David N. Dumville, *Liturgy and the Ecclesiastical History of Late Anglo-Saxon England* (Woodbridge, 1992), p. 132. See also Bedingfield, *Dramatic Liturgy*, pp. 20-21.

burial service with Latin rubrics glossed in Old English.⁶⁶ The Rule also includes prayers for benefactors (using the term *familiares*) following Lauds, None, Vespers and Compline, and monks were enjoined to pray individually for the dead faithful.⁶⁷ At the end of the daily chapter meeting, the monks were to sing five psalms for the dead.⁶⁸ Three offices on behalf of the dead followed the daily Vespers: Vespers of All Saints; Vespers of the Dead; Vigils of the Dead.⁶⁹ Furthermore, names of dead benefactors were recorded to ensure that they would remain in the community's memory and its collective prayers: necrologies were organized in calendar format, with names read out in Chapter on the appropriate anniversary; and *libri memoriales* were used during the daily liturgy, as the preface to the eleventh-century New Minster *Liber Vitae* indicates:

Et omnium qui se eius orationibus ac fraternitati commendant. hic generaliter habeantur inscripta. Quatinus cotidie in sacris missarum celebrationibus. vel psalmodiarum concentibus eorum commemoratio fiat. Et ipsa nomina per singulos dies a subdiacono ante sanctum altare ad matutinalem seu principalem missam presentur [sic] et ab ipso prout tempus permiserit in conspectus altissimi recitentur. Postque oblatem Deo oblationem dextra manu cardinalis qui missam celebrat sacerdotis.

[And may the names be entered here of all those who commend themselves to [the community's] prayers and its fraternity, in order that there may be a commemoration of them every day, in the holy solemnities of Mass or in the harmonies of psalmody. And may the names themselves be presented by the sub-deacon every day before the holy altar at the Morrow or principal Mass, and may they be read out by him in the sight of the Most High, as time permits. And, after the offering of the oblation to God, placed on the altar at the right hand of the principal priest who is celebrating Mass.]⁷⁰

⁶⁵ Thompson, *Dying and Death*, chap. 3, esp. pp. 67-81, 87-89.

⁶⁶ Cambridge Corpus Christi 422; Ker, *Catalogue*, 70B. Discussed by Sarah Larratt Keefer, 'Manuals' in Richard W. Pfaff (ed.), *The Liturgical Books of Anglo-Saxon England*, Old English Newsletter, *Subsidia*, 23 (Kalamazoo, 1995), p. 105; Dumville, *Liturgy*, pp. 74-75 and p. 131 for other mss containing vernacular rubrication. Links between this text and both Worcester and Winchester are made by Christopher Hohler, 'The Red Book of Darley' in H. Slott (ed.), *Nordisk Kollokvium*, 2: I Latinsk liturgi forskning (Stockholm, 1972), 39-47.

⁶⁷ Symons, *Regularis Concordia*, chap. 16: *pro fidelibus defunctis*.

⁶⁸ Symons, *Regularis Concordia*, chaps 21, 25.

⁶⁹ Symons, *Regularis Concordia*, Introduction, p. xxxvii. See also McLaughlin, *Consorting With Saints*, pp. 73-78 for discussion of commemoration of the dead in monastic liturgy.

⁷⁰ Walter de Gray Birch (ed.), *Liber Vitae: Register and Martyrology of New Minster and Hyde Abbey, Winchester*, Hampshire Record Society (London and Winchester, 1892), p. 12; transl. Keynes, *Liber Vitae*, Introduction, p. 83. For the use of *libri vitae* and necrologies, see McLaughlin, *Consorting With*

Donors could therefore expect to be commemorated in general prayers, and by name, in perpetuity. In fact, it is the proud claim of the twelfth-century Ramsey chronicler that, in his history, he is able to commemorate the names of early benefactors, even though so many of the lands they gave have been lost to the abbey.⁷¹ William of Malmesbury records in his twelfth-century *De Antiquitate Glastonie* what may have been tenth-century and eleventh-century practice:

In anniuersariis uero regum, episcoporum, abbatum et ducum qui Glastonie ecclesiam construxerunt debent fratres per singula altaria pro eorum animabus missas celebrare et maxime in communi conuentu honorifice coram positis ornamentis que huic ecclesie dederunt.

[On the anniversary of kings, bishops, abbots and ealdormen who helped build the church, the brethren were obliged to celebrate mass for their souls at each altar, and, in particular, in the presence of the whole convent, to do so using the ornaments that they had given to the church.]⁷²

This passage is particularly interesting because it highlights the use of the valuable vessels, textiles and other gifts bequeathed by donors as a physical focus for commemoration.⁷³

Some donors can be identified in extant memorial lists, although references can be puzzling. For example, in the Christ Church, Canterbury lists, Ælflæd and her husband Byrhtnoth are recorded alongside one of the estates that Ælflæd bequeathed in her will [S1486/W15], with two additional estates not named in her will; and Wulfgyth is recorded alongside Stisted, which she bequeathed to Christ Church [S1535/W32], and Coggeshall, which her son Ketel bequeathed to his brother [S1519/W34]. More research

Saints, pp. 90-95; Keynes, *Liber Vitæ*, Introduction, especially at pp. 52-53. See also Gerchow, 'Societas et Fraternitas', 156-57 for a summary of changing commemorative practice.

⁷¹ CR 23; for the importance of monastic memory in establishing and protecting the endowment see Geary, *Phantoms of Remembrance*, pp. 117-18. For the *obit* lists at Christ Church, Canterbury, see Robin Fleming, 'Christ Church's sisters and brothers: an edition and discussion of Canterbury obit lists' in Marc A. Meyer (ed.), *The Culture of Christendom: Essays in memory of Denis L. T. Bethell* (London and Ohio, 1993), and 'History and liturgy at pre-Conquest Christ Church', *Haskins Society Journal*, 6 (1994).

⁷² Scott, *The Early History of Glastonbury Abbey*, chap. 80, p. 162. See also Blows, 'A Glastonbury obit-list', pp. 256-57.

will be needed to elucidate the way in which donors were recorded; as the editor of these lists remarks, interpretation is clearly fraught with difficulty!⁷⁴

The process of intercession expected by donors is set out in relative detail in the will of Æthelgifu, preserved in a single-sheet document roughly contemporary with the will which, at present, can be dated only to the final quarter of the tenth century.⁷⁵ This will makes a range of bequests of land, movable wealth, stock and slaves to a number of beneficiaries, both lay and religious.⁷⁶ The bequests relevant here are the estates in Hertfordshire, possibly inherited from her husband, which Æthelgifu grants to St Albans. They can be tabulated thus, alongside the commemoration which they were expected to earn for the donor:

burial	2 estates (Westwick and Gaddesden), stock, chattels
30 masses & 30 psalters annually (for her & her lord)	reversion of 1 estate (Standon), stock
<i>ditto</i>	3 days' food-rent (specified) from 3 estates (Offley, Tewin & Standon) possible reversion of 1 estate (Offley) after 1 or 2 lives
30 th day	specified food-rent from all her estates ⁷⁷

The references here to the thirtieth day, and to thirty masses all suggest that there were established ritual procedures for commemoration: special masses said on the third, seventh and thirtieth days after death, with a further commemorative mass on the

⁷³ See Elisabeth van Houts, *Memory and Gender in Medieval Europe 900-1200* (London, 1999), chap. 5: 'Objects as pegs for memory' (although this is not primarily concerned with liturgical memory). See also CR 32 for the gift of silver goblets to the refectory to stimulate memory of the donor.

⁷⁴ See Fleming, 'Christ Church's sisters and brothers', under G 3Id Aug. and 3Id Mar. respectively, and Fleming, 'History and liturgy', p. 80 for the perception that it was the acquisition of the land rather than the donors which was being remembered.

⁷⁵ S1497; Whitelock suggests c. 990x1002 in *Æthelgifu*, pp. 22-24, 45-46. For other specific references to prayer see S1516/W33; S1235; S1504/H20; and the dubious S1523/W23, will of Mantat the Anchorite.

⁷⁶ It has been suggested that Æthelgifu was a widowed vowess, dedicated to chastity and a religious life, who gathered around her an informal spiritual community. For discussion of Æthelgifu's status see Whitelock, *Æthelgifu*, pp. 33-34; Foot, *Veiled Women*, I, pp. 139-40. See also J. L. André, 'Widows and Vowesses', *Archaeological Journal*, 49 (1892). Another female donor who may have taken vows of chastity is Wynflæd [S1539/W3]: see Foot, *Veiled Women*, I, pp. 136-39; Kelly, *Charters of Shaftesbury Abbey*, p. 56.

⁷⁷ The estate at Weedon (Bucks) is also to deliver one barrel of ale to an unspecified religious beneficiary for the souls of her parents, her brother, her lord and herself.

anniversary.⁷⁸ Lay donors could therefore expect inclusion in the regular liturgical cycle of the community with which they sought to associate themselves through bequest.

Bequest of annual food-rent seems to have been directly linked with the provision of special meals for the monks, usually on the anniversary of the donor's death. One eleventh-century charter from Cluny, in particular, links anniversary meals to commemoration. It records a gift by Geoffrey in memory of his father:

... this *refectio* should be prepared in a most praiseworthy manner for the lords of Cluny, so that the brothers may keep his memory more willingly in all their divine services.⁷⁹

Although outside the period under consideration here, the ninth-century will of Badanoth Beotting [*S1510/R6, 845x853*] gives useful insight.⁸⁰ He places his wife and children into the protection of Christ Church, Canterbury, giving them a life interest in 'my heritable land' (*min ærfe lond*).⁸¹ During their lifetime they are to:

... gefeormien to minre tide swæ hie scelest ðurhtion megen 7 higon us mid heora godcundum godum swe gemynen swæ us arlic 7 him ælmeslic sie.

[... provide the community with a food-rent at my anniversary, as good as they can afford, and the community shall remember us in their divine services, as shall be honourable for us and charitable in them.]

The land is then to pass to Christ Church, for the refectory (*to heora beode*), and Badanoth enjoins the community to ensure that whoever holds the lease of the land should:

... ða ilcan wisan leste on swæsendum to minre tide 7 ða godcundan lean

⁷⁸ McLaughlin, *Consorting With Saints*, pp. 51-53, 71 and 224 for discussion of the development of commemorative masses, with particular reference to French monastic houses, and p. 243 for the possible numerological significance of the number thirty. Cabrol and Leclercq, *Dictionnaire*, vol. 7, col. 453, review the designated days for commemoration. The gild statutes from Exeter and Bedwyn refer to the funding of masses for dead brothers; Exeter stipulates the singing of a mass for the departed at each gild meeting (Exeter: *C&S*, p. 59; Bedwyn: Meritt, 'Old English entries', pp. 344-45, *EHD* I, p. 559).

⁷⁹ McLaughlin, *Consorting With Saints*, p. 151, with other examples pp. 150-53.

⁸⁰ See also the confirmation by Archbishop Wulfred [*S1188/H1, 805x810*] of the gift of land to Christ Church, Canterbury by Oswulf and Beornthryth in return for annual commemoration, including a meal for the monks.

⁸¹ Robertson's translation, but see Wormald, 'Kingship and royal property', pp. 265-66 for detailed discussion of the term *ærf*.

minre saule mid gerece swe hit mine ærfenuman ær onstellan.

[... carry out the same arrangements with regard to a feast at my anniversary as my heirs shall have appointed it, and so obtain the divine reward for my soul.]

It is likely that such a purpose underlies the bequests of a number of donors.⁸² Few bequests of food-rent are as detailed as that of Æthelgifu:

selle man leofsiges þ land æt offanlege 7 eall þ seo boc tæcð. 7 þ lond æt twingum him to swinlande on þa gerad þe he gefeormige of þam twam tunum þone hired æt sce albane .iii. dagas ælce gere oððe xvi. mittan mealtes 7 .iii. melwes 7 anne sester huniges of offanlege mid þam lonfeo. 7 viii. weþeras 7 vi. lomb 7 an slegeryþer 7 xxx. cysa. 7 of standune anne oman wines 7 xx. cysa 7 vi. swin. 7 an hryðer 7 nyme man of æghwylcum tune to þam þrytgyþan dæge gelice mycel ge of gæddesdene ge of eallum þam oþrum þe þær on lande sint.

[The land at Offley, and all that the title-deed directs, is to be given to Leofsiges, and the land at Tewin as swine-pasture for him, on condition that he provide from those two estates for the community at St Albans three days' food-rent each year, or 16 measures of salt, and 3 of meal and 1 sester of honey from Offley and the rent,⁸³ and eight wethers and six lambs, and one bullock for slaughter and thirty cheeses; and from Standon one measure of wine and twenty cheeses and six swine and one bullock.]⁸⁴

However, it is probable that, where reference to payment of food-rent is summary, similar provision was involved. For example, Brihtric and Ælfswith, making a joint will between 973 and 987 [S1511/W11], stipulate payment of two days' food-rent (*twegra daga feorme*) from each of four estates bequeathed to lay donors; it is to be paid to the abbey at Rochester for their commemoration (*to heora gemynd*). Such commemorative meals should be seen in the context of monastic *caritas*, an additional allowance of food or drink served on special occasions: the *Regularis Concordia* refers to the brothers

⁸² Other wills including references to food-rent: S1484/W8; S1506/R32; S1483/W2; S1538/W21; S1511/W11. See Crick, 'Posthumous obligation', p. 200 for possession of land as the trigger for commemorative obligations.

⁸³ Whitelock suggests in a footnote that this is a payment representing the abbey's claim to reversion: in legal terms, *precaria remuneratoria*.

⁸⁴ A similarly detailed account is found in the codicil added by Heregyth to the ninth-century will of her husband, Abba [S1482/H2]: payment is enjoined upon those holding the estates in question after her death, and is to be made annually 'when the community is bled' (*to higna blodlese ymb twelf monað agefan*).

receiving *caritas* in the refectory each Saturday, apparently accompanied by reading.⁸⁵ These could be bibulous occasions, as indicated by Alcuin's phrase describing monastic feasting: *caritas quae in pleno potatur calice* (the allowance which is drunk in full from the cup). Such occasions were probably to be compared with the feasting of the lay gilds.⁸⁶ Accounts show that monastic feasts could be both grand and convivial, often with the presence of lay guests.⁸⁷ It has been suggested that the poem *The Battle of Maldon*, recording the death of Ealdorman Byrhtnoth in 991, and the tapestry recording his deeds presented to Ely by his wife, could have been linked to annual commemorative feasts at the abbey.⁸⁸ Few donors could expect such magnificent commemoration. However, such occasions served not only to draw the dead benefactor metaphorically into the community of prayer, but also to reinforce the ties between monks and lay guests.

Lay donors of late Anglo-Saxon wills could expect to benefit spiritually after death from incorporation into the life of prayer of the community. That the soul's welfare after death was at the heart of the contract between lay donor and beneficiary community is illustrated by the wording of a number of wills. Nine texts, spanning the mid-tenth to mid-eleventh centuries, refer specifically to redemption, using variants of the phrase *heora saule to alysednesse*.⁸⁹ One example is the will of Edwin, from the Bury archive [S1516/W33, s.xi]:

þis is þat frescet þe Eadwine haueð Crist vnnen and seynte Marie 7
alle Cristes halegen his sowle to alisidnesse and his sinne tor [*sic*]
forgiuenesse.

⁸⁵ Symons, *Regularis Concordia*, chap. 26 (pp. 22-23). Æthelgifu's bequest of two silver cups or goblets (*ciphos*) to the Ramsey monastic refectory seems entirely appropriate (CR 32).

⁸⁶ Bullough, *Friends, Neighbours and Fellow-Drinkers*, pp. 8-11, with references at fn 17. Funeral feasting is specified in the Cambridge gild statutes (Thorpe, *Diplomatarium*, p. 611 and transl. *EHD* I, p. 557).

⁸⁷ Campbell, 'England c. 991', pp. 5-6.

⁸⁸ Campbell, 'England c. 991', pp. 2, 12. See *LE* II, 63 (p. 136) for the tapestry: *cortinam gestis viri sui intextam atque depictam in memoriam probitatis eius*.

⁸⁹ Bury: S1528/W25, S1490/W29, S1516/W33, S1608; Canterbury: S1503/W20, S1234/R116; Winchester NM: S1515/H21, S1419/R29; Peterborough: W39.

[This is the free property which Edwin has granted to Christ and St Mary and all Christ's saints for the redemption of his soul and the forgiveness of his sins.]

The aspirations of donors and religious houses have been well summarized in relation to Christ Church, Canterbury:

Lay benefactors craved the spiritual benefits offered by commemorative ritual, and Christ Church's *familia*, for its part, wished to encourage the flow of benefactions by offering such services and protecting additions to their patrimony by enmeshing them in awesome ritual.⁹⁰

Surrounding the process of donation was 'a mythology of permanence, both of prayers and patrimony'.⁹¹ An analysis of the Christ Church obituary lists has identified two points in their history where political exigency prompted adjustment of the lists, removing names of benefactors who, in the current climate, would be regarded as *non grata*: the mid-ninth century, and the period after the Conquest. In the intervening period, names accumulated steadily.⁹² It is significant that this period coincides precisely with the flowering of the written will in Anglo-Saxon England, reinforcing the evidence adduced above to suggest an ideology shared by laity and religious which found its expression primarily in bequest of land.

Bequests to local churches

A further factor influencing lay bequest was the maintenance of the local estate churches which had become widespread by the tenth century, particularly in East Anglia.⁹³ Ten donors make bequests to such local churches, although the specific term

⁹⁰ Fleming, 'History and liturgy', p. 72.

⁹¹ Fleming, 'History and liturgy', pp. 80, 81.

⁹² Fleming, 'History and liturgy', pp. 75-76.

⁹³ See Chapter 2 above. John Blair, 'Secular minster churches in Domesday book' in P.H. Sawyer (ed.), *Domesday Book: a Reassessment* (London, 1985), p. 119, and 'Local churches in Domesday Book and before' in J.C. Holt (ed.) *Domesday Studies* (Suffolk and New Hampshire, 1987), p. 270; Barrow, 'Ecclesiastical institutions', pp. 166-67.

tunkirke (estate church) is used in only two wills.⁹⁴ In Chapter Three above, it was shown that such churches, closely linked topographically to the principal residence of an estate, contributed to the establishment of thegnly status.⁹⁵ They do not seem to have had the parochial role of the mother church, with rights to tithe, burial payment and other dues as suggested in the second law-code of Edgar:

7 man agife ælce teoðunga to ðam ealdum mynstrum þe seo hynes tohyrð.

[And all tithes shall be paid to the old churches to which obedience is due.]⁹⁶

These minster churches also have a claim on the *saulsceat*, or burial payment, of those within the parish.⁹⁷ However, the same code recognizes the existence of churches on estates held by title-deed:

2. Gif hwa þonne þegna sy þe on his boclande circan hæbbe þe legerstow on sy, gesylle þone þridan dæl his agenra teoðunga into his circan.

§1. Gif hwa circan hæbbe þe legerstow on ne sy, do he of þam nigoðan dæle his preoste þæt þæt he wille.

§2. 7 ga ælc cirisceat into ðam ealdan mynstre be ælcum frigan heorðe.

[If, however, there is a thegn who, on the land which he holds by title-deed, has a church to which is attached a graveyard, he shall pay a third part of his own tithes to his church.

§1. If anyone has a church to which there is no graveyard attached, he shall pay what he will to his priest out of the ninth part.

§2. And every church-due for every free household shall go to the old church.]⁹⁸

Although one third of the land-holder's tithes may be diverted for the support of the church with a graveyard, *saulsceat* is still the perquisite of the minster church. The

⁹⁴ S1531/W31 [1043x1045] and S1525/W38 [s.x²-s.xi]; see Blair, 'Local churches', p. 271 for discussion of the term *tunkirke*. The wills under discussion here are: S1531/W31; S1516/W33; S1519/W34; S1535/W32; S1533/R26; S1517; S1525/W37, W38; S1497; S1501/W16¹; S1527/W24.

⁹⁵ The example given in Chapter 2 is that of Raunds Furnells (Northants). See also Blair, *Minsters and Parish Churches*, p. 6; Richard Morris, *Churches in the Landscape* (London, 1997 edition), pp. 163-65; Andrew Reynolds, *Later Anglo-Saxon England: Life and Landscape* (Stroud and Charleston, 1999), pp. 123-34.

⁹⁶ II Edgar 1.1. See also V Æthelred 12.1. Blair, 'Local churches', pp. 268-70. Only one will distinguishes between the *elde kirke* and the *kirke*: S1516/W33, s.xi^{mod}.

⁹⁷ II Edgar 5.2.

⁹⁸ II Edgar 2 – 2.2.

obscure phrase *þam nigoða dæle* is clarified in the law of Cnut to *ðam nigan dælum*, indicating that, where there is no graveyard attached to the estate church, funding must come from the nine parts of the landholder's resources remaining after payment of tithe. The fact that this legislation is reiterated in the first code of Cnut indicates that the maintenance of such churches remained a factor of estate management into the eleventh century, and probably beyond the Conquest.⁹⁹

Bequest to these churches follows a typical pattern. An estate is bequeathed to a named beneficiary, often a major religious house. Reserved from this bequest is a small amount of land for the use of the church associated with that estate. An example can be taken from the will of Wulfgyth [S1535/W32, 1042x1053]; she bequeaths the estate at Stisted (Ex) to Christ Church, Canterbury, but reserves land for the church established on the estate:

... ad ic yan into þare cheriche at Stistede to þan þe ic on lyue yupe Eldemes land and þertohycken þet þer sy alles vifty ekeres on wude and on velde efter mine forthsipe ... and ic yan minen twam doytren. Gode and Bote. Sexlingham and Sumerledetun and into þere cheriche at Sumerledetune sixteen eker londes and enne eker med.

[... And I grant to the church at Stisted, besides what I granted during my life, *Eldemes* land and in addition so much that in all there shall be after my death fifty acres of woodland and of open land ... and I grant to my two daughters, Gode and Bote, Saxlingham (Nfk) and Somerleyton (Sfk). And to the church at Somerleyton sixteen acres of land and one acre of meadow.]

The estate church at Stisted, already well-endowed by Wulfgyth in her lifetime, is to receive fifty acres, as well as the unidentified *Eldemes* land, all taken from the estate with which it is apparently identified topographically, and which is mainly destined for Christ Church, Canterbury. Domesday Book shows that the estate of Stisted was being administered as a manor by Holy Trinity, Canterbury, in 1066, but there is no mention

⁹⁹ I Cnut 11.1. Chapter 2 above has considered law as a reflection of contemporary practice. For the foundation of an estate church 1079x1087, see P.H. Hase, 'The mother churches of Hampshire' in Blair (ed.), *Minsters and Parish Churches*, pp. 54-56.

of a church.¹⁰⁰ The estate church at Somerleyton is similarly endowed from land bequeathed to Wulfgyth's daughters.¹⁰¹ The precise status of these churches is difficult to assess: the implication seems to be that they pass with the estate to which they belong, while maintaining an independent endowment. This issue will be pursued below in relation to Siflæd's bequest of an estate church to Bury.

Bequests to estate churches must also be seen in the context of lay preoccupation with appropriate burial, demonstrated above in relation to gild statutes and investment in burial in the cemeteries associated with religious houses. As the quotation from King Edgar's second law-code shows, in the mid-tenth century private graveyards attached to estate churches had become numerous enough to prompt royal recognition. Burial in such a location did not require the alienation of land required to subsidise transactions with religious foundations, and provided a family cemetery with local prestige.¹⁰²

References in wills to burial at prestigious houses suggest that it was the preserve of the wealthiest minority: local burial, either at a minster church or an estate church with a graveyard, was probably the rule for the majority. This can be most clearly demonstrated by the distribution of funeral monuments in Lincolnshire in the tenth and early eleventh centuries, where the pattern of small numbers of carved stone slabs occurring at many churches has been interpreted as indicating sites for elite family burial over a number of generations.¹⁰³ Similarly, it has been suggested that the graveyard at Raunds Furnells contained a founder's grave marked by a cabled slab,

¹⁰⁰ *DB II*, 8a (Ex: 2, 3).

¹⁰¹ *DB II*, 284a (Sfk: 1, 52), recording a free priest and a church with twenty acres, valued at three shillings. Wulfgyth bequeaths no land to the church at Saxlingham; it is possible that this church was already sufficiently endowed, or that Wulfgyth held only part of the estate which did not include the church.

¹⁰² It is possible that some thegnly estates were at some distance from minster churches holding rights of burial: see Blair, *Minsters and Parish Churches*, p. 8-9 for an example from 1080. For comment on burial customs in transition, see J. Blair, 'Minster churches in the landscape' in Della Hooke (ed.), *Anglo-Saxon Settlement* (Oxford, 1988), pp. 56-57.

possibly with a cross at the head, with the presence of a number of stone coffins suggesting the high local status of the cemetery.¹⁰⁴

It is likely, therefore, that an important reason for donors' bequests to estate churches was the provision of resources for the maintenance of the fabric of the church, and of the graveyard where one existed. The rebuilding and enlarging of the church at Raunds in the mid-tenth century, at the same time that the graveyard was established, is evidence of investment of this type.¹⁰⁵ Furthermore, Æthelgifu's will [S1497, c. 985x1002] suggests that day-to-day maintenance was the responsibility of the priest, who is to have a life interest in the church *on þa gerad þe he hi abotege* (on condition that he keep it in repair).¹⁰⁶

A number of donors also used their wills to acknowledge their obligations to, and provide endowment for, the clergy who served the estate churches. Endowment of an estate church meant the employment of at least one priest, a responsibility recognized by the law of Edgar quoted above. Nine donors refer to priests in their bequests.¹⁰⁷ Most bequests to priests are made in relation to the church they serve and, again, usually reserve land from other bequests, as in the case of Æthelric [S1501/W16¹, 961x995]:

7 ic geann Leofwynne minan wife ealles þæs þe ic læfe hire dæg. 7 ofor hire dæg. gange þ land on Bocking into Cristes circean þam hirede for uncera saule 7 for mines fæder þe hit begeat eall buton anre hide ic gean into þære cyrcean þam preoste þe þar gode þeowap.

[And I grant all that I leave to my wife for her lifetime; and after her death the estate at Bocking is to go to the community at Christ Church, for our souls

¹⁰³ David Stocker, 'Monuments and merchants: irregularities in the distribution of stone sculpture in Lincolnshire and Yorkshire in the tenth century' in Hadley and Richards (eds), *Cultures in Contact*, pp. 181-83.

¹⁰⁴ Boddington, *Raunds Furnells*, pp. 67; Rosemary Cramp, 'The monumental stone' in Boddington, *Raunds Furnells*, pp. 111-112. The only reference in a will which may refer to burial in an estate graveyard is ambiguous: see the opening clause of S1534/W19, c. 1000, which may refer to burial at Donington.

¹⁰⁵ Boddington, *Raunds Furnells*, particularly at pp. 67-68.

¹⁰⁶ Whitelock's translation: *abotege* is otherwise unrecorded (*DOEC*).

¹⁰⁷ S1494/W14; S1501/W16¹; S1487/W13; S1497; S1521/W29; S1531/W31; S1519/W34; S1525/W37; S1527/W24. See also CR 35 for Ælthild's bequest of a life interest in land to *capellano meo*. See Blair, 'Local churches', pp. 269, 271 for discussion of the staffing of estate churches.

and that of my father who obtained it; all except one hide which I give to the church for the priest who serves God there....]

One donor gives a glimpse of one way in which the priest could be maintained from the estate on which the church was situated: Thurketel [S1527/W24, s.xi] bequeaths the priest's homestead (*prestes toft*), along with a specified furlong of land and *Shortland*, to the church. Both Æthelgifu and Siflæd show their sense of obligation to resident priests by protecting their tenure: Æthelgifu grants the priest Edwin his freedom, and life tenure of the church at Stondon (Beds); Siflæd asserts not only the tenure of the priest Wulfmær at her church of Marlingford (Nfk), but the right of his issue to hold that post *so he þen to þen hode* (as long as they are in holy orders).¹⁰⁸ Ketel's bequest of an estate to *Alfric mine prest and mine cuthen*, where *cuthen* could be translated 'relation' or 'friend', suggests a more personal relationship.¹⁰⁹

These priests most probably belonged to the category defined in the law of Æthelred as the *folciscne mæssepreost... þe regollif næbbe* (the secular priest who does not live according to a rule).¹¹⁰ They may equally have belonged to the category of the *uplendisca preost* (rustic priest) promulgated by other sources.¹¹¹ In the pastoral letters of Ælfric of Eynsham, written between 992 and 1006, the view of the secular church is one of moral laxity, ignorance and ill-discipline.¹¹² However, this view must be understood in context: Ælfric and his recipients – Bishop Wulfsige of Sherborne and Wulfstan, Bishop of Worcester and Archbishop of York – were intent on promoting the

¹⁰⁸ Dating of both wills is difficult. Æthelgifu: S1497, 985x1002; Siflæd: S1525/W37, sx²-s.xi. See VIII Æthelred 30 for the directive that priests should not marry.

¹⁰⁹ Thurstan also refers to *Þurstan mine hirdprest* and *Ordeh mine hirdprest*, who are to share an estate with the priest Ælfric [S1531/W31].

¹¹⁰ VIII Æthelred 21. See Hase, 'Mother churches', pp. 54-56, 60 for an estate church founded 1079x1087, served by a priest from a local secular community.

¹¹¹ For example, *Byrhtferth's Enchiridion*, Book II, chap. 3, lines 237-41 (pp. 120-21), where the phrase is used to compare the priest's intellectual abilities with that of a *cleric*, as opposed to those expected of a monk. I hope to expand upon these ideas in a future article.

¹¹² Joyce Hill, 'Monastic reform and the secular church' in Hicks (ed.), *England in the Eleventh Century*, p. 110. See also *The Northumbrian Priests' Law* (c. 1023) for a code of practice implying serious misdemeanours in the secular church: C&S, pp. 449-68, where Whitelock notes correspondences with the

monastic ideal in the secular church.¹¹³ Bequests made to priests imply that they were regarded as part of the thegnly household, and earned the gratitude and respect of their patrons, which is an important counterbalance to the views of monastic reformers.¹¹⁴

Donors' bequests to their priests were intended not only to support the regular cycle of the liturgy, but also to create for themselves and their families local rituals of commemoration which would complement the less personal rituals implemented by the prestigious religious houses, described above. The regular duties which might be expected of the estate priest are summed up by Ælfric in his pastoral letter for Bishop Wulfsige, written between 993 and 995:

Nu gebyrað mæssepreostum 7 eallum Godes þeowum þæt hi healdan heora cyrcum mid halgum þeowdome, 7 þa seofon tidsangas gesyngon þærinne þe him gesette synd, swa swa se sinoð hi gedihte: uhtsang 7 primsang, undernsang 7 middægsang, nonsang 7 æfensang 7 nihtsang sefoðan. 7 hi sceolon gebiddan geomlice for þone cyning 7 for heora bisceop 7 for þa þe him god doð 7 for eall Cristen folc ... Se mæsse preost sceal secgan Sunnandagum 7 mæssedagum þæs godspelles angyt on englisc þam folce; 7 be þam paternostre 7 be þam credan eac, swa he oftost mage.

[Now it befits mass-priests and all God's servants that they maintain their churches with holy service, and sing the seven canonical hours therein which are appointed for them just as the synod regulated them: nocturns and prime, tierce and sext, nones and vespers and compline the seventh. And they are to pray zealously for the king and for their bishop and for those who do good to them, and for all Christian people ... The mass-priest shall tell to the people on Sundays and festivals the meaning of the gospel in English; and about the paternoster and about the creed also, as often as he can.]¹¹⁵

The late tenth-century or early eleventh-century will of Siflæd [S1525/W37] uses the verb *singan* in referring to the priest Wulfmær's responsibilities at her church of Marlingford, suggesting some compliance with Ælfric's stipulation. Although no complete manual for priests has survived, the eleventh-century Red Book of Darley

works of Archbishop Wulfstan; Wormald, *Making of English Law*, pp. 208-10, 396-97 doubts Wulfstan's authorship but recognizes his influence.

¹¹³ Hill, 'Monastic reform', pp. 104, 111.

¹¹⁴ Barrow, 'Ecclesiastical institutions', p. 166 evaluates the role of the secular clergy.

¹¹⁵ Ælfric's pastoral letter for Wulfsige III, *C&S*, pp. 206-209.

includes vernacular instructions for baptism and visitation of the sick alongside Latin masses, as well as the vernacular glosses of the burial service mentioned earlier, suggesting that such books existed.¹¹⁶ Ælfric's letter to Bishop Wulfsige also includes correct procedures for baptism, anointing of the sick and burial.¹¹⁷ However, the will of Æthelgifu is again unique in detailing the commemorative practice donors could expect from their priests:

byrhstanes swustur into standune eadwine on þa gerad þe heo 7 hire hlaford habban ælce gere on ælcere wucan .iii. mæssan 7 á heora gebedrædenne arære.

[Byrhstan's sister (is to be given) to Stondon, for Edwin (the priest), on condition that she and her lord have every year three masses a week and that he ever raise intercession for them.]

Furthermore, in arranging for the distribution of the surplus (*oforeacan*) of her Langford estate, Æthelgifu stipulates:

... geþence mon þa nehtwæccan mid þam oforeacan 7 hire preoston.

[... and with the surplus one is to think about vigils and [give it] to her priests.]¹¹⁸

The plural noun *preoston* implies that, as an important patron of a number of estate churches, Æthelgifu can expect intercession from their incumbent priests – perhaps those at the churches at Hitchin, Bedford, Flitton, Ashwell and Henlow, which are to receive stock from Langford. The Latin term *vigilia* (*nehtwæccan* in the will) is used in the *Regularis Concordia* for Nocturns, the nine psalms, lessons and responds which, we are told, should be said daily for one week after the burial of a monk. Ælfric's

¹¹⁶ Cambridge, Corpus Christi College 422; see above, fn 66. For brief discussion see Keefer, 'Manuals', pp. 99-100, 102, 104-106; Dumville, *Liturgy*, pp. 74-75; Hohler, 'Red Book', p. 44. In addition see the discussion of Bodley Laud Misc. 482, particularly of folios 47-48 which contain *ordines* for use by a priest, in Thompson, *Dying and Death*, pp. 67-81. Ælfric refers to a manual (*handboc*) in his first letter to Wulfstan, quoted below. See also Helmut Gneuss, 'Liturgical books in Anglo-Saxon England and their Old English terminology' in Lapidge and Gneuss (eds), *Learning and Literature in Anglo-Saxon England*, pp. 134-35.

¹¹⁷ C&S, pp. 293-96.

¹¹⁸ I have followed Whitelock's translation of this elliptical passage.

instructions for priests in his first letter to Archbishop Wulfstan, c. 1006, include a similar reference to nocturns:

7 sceolon singan Sunnanuhtan 7 mæsseuhtan æfre nigan repsas, æfre mid nigon rædingon.

[And on Sunday nocturns and festival nocturns you must always sing nine responses, always with nine lessons.]¹¹⁹

Ælfric's stipulations may reflect the monastic ideal, but the fragmentary evidence of the wills suggests a degree of liturgical observance which could satisfy lay patrons.

If wills reveal that donors made considerable investment – material and spiritual – in estate churches, they also reveal those donors using their wills to protect that investment. Local foundations were vulnerable. The endowment of Stoke-by-Nayland, the family foundation which benefited substantially from the wills of Ealdorman Ælfgar and his daughters, Æthelflæd and Ælfflæd,¹²⁰ had been dispersed by 1066, in spite of Ælfflæd's attempts in her will c. 1002 to establish protection for the family investment:

7 ic gean Æðelmære æaldorman þes landes æt Lellinge ofer mine deg mid mete. 7 mid mannum. æalswa hit stent on þet gerad þ he beo on minum life min fulla freod. 7 forespreca. 7 mira manna. 7 efter minum dege beo þara halgan stowe. 7 þeræ are ful freod. 7 forespeca æt Stocæ þe mine ylðran on restap.

[And I grant to the ealdorman Æthelmær the estate at Lawling after my death, with its produce and men, just as it stands, on condition that during my life he shall be a true friend and advocate to me and to my men, and after my death, be a true friend and advocate of the holy foundation at Stoke, where my ancestors lie buried, and its property.] [S1486/W15]¹²¹

In fact, much of the land was in royal hands in the early eleventh century.¹²² Of particular interest, therefore, is the evidence for bequest of churches to powerful religious foundations. The intention seems to have been the establishment of protection,

¹¹⁹ Symons, *Regularis Concordia*, chap. 66 (p. 65). Ælfric's first OE letter to Wulfstan, *C&S*, p. 292. For Continental monastic practice of vigils for the dead before and after burial, see McLaughlin, *Consorting With Saints*, pp. 44, 75, 89.

¹²⁰ S1483/W2 [946xc. 951]; S1494/W14 [962x991]; S1486/W15 [1000x1002].

¹²¹ See also S1521/W29 and S1536/W17 for explicit assignment of *mund* (protection).

both for the establishment itself, and for the spiritual welfare of the family vested in it.¹²³ This is most clearly stated in the will of Brihtmær [S1234/R116, 1052x1070], who grants the reversion of his church and homestead to Christ Church, Canterbury, on the following terms:

... þet se hired sholde witen. þet se þeudom ne adeswen. þe into þare cheriche belimpcht ne ne atfalle al be þan. þe si chereche were ygoded.

[... that the community shall see to it that the service which belongs to the church neither ceases (?) nor falls off in view of the endowments of the church.]¹²⁴

The term *þeudom* (service) used here undoubtedly refers to the service of God, the liturgy performed by a resident priest and endowed by the donor and his family – a point strongly asserted in the text.¹²⁵

A similar intention lies behind Siflæd's arrangements for the church of Marlingford (Nfk) in W37, one of two texts printed by Whitelock as wills of Siflæd and given a joint number by Sawyer [S1525]. At some point in the latter tenth or early eleventh century Siflæd, having decided to undertake a pilgrimage, took steps to dispose of her estate at Marlingford in case she should fail to return. These dispositions constitute the document W38, in which the church at Marlingford is referred to as the *tunkirke*, and granted land and two wagonloads of wood. However, in W37 we have a separate document specifically drawn up to protect the integrity of the estate church:

¹²² For the fate of the land see Fleming, *Kings and Lords*, p. 46; Simon Keynes, 'A Tale of Two Kings: Alfred the Great and Æthelred the Unready', *TRHS*, 6th ser. 36 (1986), p. 207 fn. 43; C.R. Hart, 'The Mersea Charter of Edward the Confessor', reprinted in *The Danelaw*, p. 502.

¹²³ Bequest of churches: S1525/W37, 38; S1521/W29; S1234/R116; S1497; S1608/Hart 133; *CR* 25, 54, 55. S1235 records the abbot of St Albans providing wood for the building of a church on an estate as part of a reversionary agreement.

¹²⁴ The query is Robertson's. This is an extremely difficult passage, but I believe that the sense is caught by Robertson's translation. *Adeswen* is a unique usage (*DOEC*).

¹²⁵ See S1533/R26 for the phrase *Godes þeowum* used to describe the community at Kintbury. It is also used by Ælfric in his letter to Bishop Wulfsig, quoted above (B&T, *þeow-dom*, Ia: service of the church, divine service). S1608 (ed. Hart, *Early Charters*, no. 133) shows similar concern (although in rather garbled form) to ensure that the liturgy should continue. Both S1608 and S1234/R116 survive in much later versions: the former from the fifteenth century, the latter from the fourteenth.

Her svitelep ihu Sifled an hire aihte ouer hire day. þat is erst into seynt Eadmunde Marþingforð for hire leue soule. al buten tuenti acres. and tueye Waine gong wudes. and þere Wude norþouer. 7 mine kirke be fre. And Wlmer prest singe þerat. and his bearntem so longe. so he þen to þen hode. and fre leswe into þere kirke. and mine men fre. And be seynt Eadmund mund þer ouer þen freschot. Se þe þise cuide wille awenden be he amansid from god almichtin 7 from alle hise halegen 7 fram sce Eadmunde.

[Here it is made known how Siflæd grants her possessions after her death. First to St Edmund's for her dear soul, Marlingford, all except twenty acres and two wagonloads of wood and the woods over to the north. And my church is to be free and Wulfmær the priest is to sing at it, he and his issue, so long as they are in holy orders. And free meadow to the church. And my men are to be free. And may St Edmund be guardian there over the free property. He who wishes to alter this will, may he be excommunicated from Almighty God and from all his saints and from St Edmund.]

The estate is bequeathed to Bury, but the focus of the document is the freedom of the church and its property, and the right of Wulfmær the priest and his progeny to maintain their tenure. The emphasis here on the rights of this potential priestly dynasty may reflect Siflæd's awareness of Wulfmær's vulnerability as a married priest in a climate where priestly celibacy was promoted by the monastic reformers.¹²⁶ Bury does not appear to inherit rights over the land bequeathed to the estate church, or over the church itself; the bequest of the bulk of the estate to Bury apparently earns the protection (*mund*) of the community for the independence of Siflæd's church. Like Ælfflæd, Siflæd is acknowledging that, on her death, her church would need another protector.

There is, in fact, some contemporary evidence that a church was expected to have a guardian.¹²⁷ For example, a writ of King Edward grants Tole, Urk's widow, the right to bequeath land to their refounded monastery at Abbotsbury:

7 ic me sylf wille beon geheald. 7 mund þer ofer. 7 ofer þa are þe þar inn to hirð. 7 ic nelle nanan menn gefafian þ þar geutige ænig þæra þinga þæs þe hig þider inn gedon habbað.

[And I myself will be protector and guardian over it and over the property that belongs to it. And I will not permit anyone to alienate from it any of the

¹²⁶ For the ideological emphasis placed on chastity see Cubitt, 'Virginity and misogyny', p. 3. The apparent lapse of a late ninth-century priestly dynasty is recorded in S1446/H15 (c. 903).

¹²⁷ The Latin term is *avocatus/avocata* (CR 25, 53).

things that they [Urk and Tole] have bestowed upon it.]¹²⁸

The will of Wulfric Spott [S1536/W17, 1002x1004] sought to establish protection for his newly-founded abbey of Burton-on-Trent (Staffs):

7 ic wylle þ se cyning beo hlaforð. þæs mynstres ðe ic getimbrede.¹²⁹ 7 þæra landára þe ic ðyðerinn becweden hæbbe gode to lofe. 7 to wurðmynta minan hlaforde 7 for minra sawla. 7 Ælfric arceb. 7 Ælfhelm min broðor. þ hig beon mund. 7 freond. 7 forespreocan. into ðære stowe wið ælcne geborene mann. heom to nanre agenre æhta. butan into sanctus Benedictus regole.

[And I desire that the king be lord of the monastery which I built and the estates which I have bequeathed to it to the glory of God and the honour of my lord and for my soul; and that Archbishop Ælfric and my brother Ælfhelm be protectors and friends and advocates of that foundation against any man born, not as their own possession, but (as belonging) to St Benedict's order.]

In each of these cases the emphasis is on disinterested guardianship of the independent church, which is certainly implied by the term *mund ouer þen freschot* in W37; such an arrangement seems equally likely for the church at Stisted mentioned in the will of Wulfgyth, discussed above [S1535/W32, 1042x1053].¹³⁰ Donors who bequeath churches or assign *mund* are seeking to protect not only the integrity of the estate church, but their own commemoration which would inevitably have formed part of the regular liturgy, as is indicated in the will of Æthelgifu. It is this concern which underpins the elliptical references to service and endowment in Brihtmær's bequest of his church to Canterbury.

It has already been suggested that the frequency of bequests by the laity (especially women) of liturgical vestments and vessels, with the occasional book, to religious houses may be explained by the presence of such items in the estate

¹²⁸ Harmer, *Writs*, no. 2, 1058x1066.

¹²⁹ This verb may reflect use of timber for some estate churches: see Morris, *Churches in the Landscape*, p. 149. S1235 includes an agreement that the abbot of St Albans would supply timber for the building of an estate church.

¹³⁰ See S1235, the will of Oswulf and Leofrun, (Crick, *Charters of St Albans*, forthcoming) for another view of the relationship between estate church and powerful abbey: here the donors of the land ask the abbot to provide wood for the building of an estate church. Williams, 'Thegnly piety', pp. 6-7, gives other examples of churches under the aegis of minsters or religious houses.

churches.¹³¹ Although there is no evidence in the wills for bequest of liturgical vessels, books or vestments to estate churches, Ælfric's first vernacular letter to Wulfstan shows what these churches may have contained – again, perhaps idealistically:

Mæssepreost sceal habban mæsseboc 7 pistelboc 7 sangboc 7 rædingboc
7 saltere 7 handboc 7 penitentialem 7 gerim; 7 þa beon wel gerihte; 7 clæne
mæssereaf to Cristes þenungum ... Beo his calic geworht of ecum antimbre,
gylden opþe sylfren, glæsen opþe tinen. Ne beo he na hyrnen ne huru treowen
... 7 his weofod beo clæne 7 wel gescryd æfre, na mid musa tyrdlum ne mid
meoxe befiled.

[A mass-priest must have a missal and a book of the epistles, and a hymn-book and a reading-book and a psalter and a manual and a penitential and a computus; and they are to be well corrected; and clean mass-vestments for Christ's service ... His chalice is to be made from imperishable material, of gold or silver, glass or tin. It is never to be of horn, and especially not of wood ... and his altar is always to be clean and well draped and never soiled with mouse-droppings or with dung.]¹³²

Patrons of such churches were likely to adorn them, just as Ealdorman Æthelwine adorned the church at Ramsey.¹³³ Architectural sculpture survives from the tenth-century church at Barton-upon-Humber (Lincs), which may have been in proprietary ownership, and from parish churches in southern England, some of which may have begun life as estate churches. The eleventh-century list of the treasures belonging to the church of Sherburn-in-Elmet (Yorks) included books, vestments, vessels and bells. Even the unassuming church at Raunds Furnells acquired plaster on the inner walls of its tenth-century chancel.¹³⁴ There is, therefore, every reason to suppose that

¹³¹ See Chapter Five above.

¹³² *C&S*, pp. 291-93, and see discussion of manuals above.

¹³³ *CR* 57.

¹³⁴ Boddington, *Raunds Furnells*, p. 8. For Barton, see W. Rodwell and K. Rodwell, 'St. Peter's Church, Barton-upon-Humber', *Antiquaries Journal*, 62 (1982), pp. 308-10, and P. Everson and D. Stocker, *The Corpus of Anglo-Saxon Stone Sculpture, vol. 5: Lincolnshire* (Oxford, 1999), pp. 101-105 and plates 17-33. For southern England see Dominic Tweddle, 'The development of sculpture c. 950-1100' in Dominic Tweddle, Martin Biddle and Birthe Kjølbye-Biddle, *The Corpus of Anglo-Saxon Stone Sculpture, vol. 4: South-East England* (Oxford, 1995), pp. 62-67 and plates. For the Sherburn inventory see Nicholas Barker (ed.), *The York Gospels* (London, 1986), fol. 161r (and transl. pp. 96-97).

commemorative rituals which are hinted at in the wills would have been carried out in a style appropriate to the patron's status and with attention to liturgical procedures.¹³⁵

Some donors intended, through their bequests, to maintain links with small local communities which appear to have had family associations. This is well illustrated by Wulfgar's bequest of an estate at Inkpen (Berks) to a foundation at nearby Kintbury [S1533/R29, 931x939]. Kintbury is described in the will as a *halgan stowe* (holy place or foundation), served by *Godes þeowum* (the servants of God). Under the terms of the bequest, the estate is to be held by Wulfgar's widow, Æffe, for her life, with payment of a food-rent. On her death, it is to revert to Kintbury. The estate in question was first acquired, the will tells us, by Wulfgar's grandfather, Wulfhere, and it is granted by Wulfgar *for mine sawle 7 for mines fæder 7 for mines ieldran fæder* (for my soul and my father's and grandfather's). During her tenure, Æffe is to pay to Kintbury one day's food-rent per year for each of them.

The bequests of Ealdorman Ælfgar and his daughters to *þan hirde* (the community) at Stoke-by-Nayland (Sfk), which have already been discussed in another context, reflect a similar relationship with a local religious community. The estates bequeathed have been mapped by Blair, showing Stoke at the centre of a network of estates roughly within a twenty mile (thirty km) radius.¹³⁶ The reversion of a series of estates following the life interest of Ælfgar's daughters was firmly linked in the wills of Ælfgar himself and his younger daughter, Ælflæd, to family commemoration. Under the terms of Ælfgar's will, land is to revert to Stoke *for vre aldre soule* (for our

¹³⁵ See David Parsons, 'Liturgical and social aspects' in Boddington, *Raunds Furnells*, pp. 63-64 for the liturgical implications of the chancel arrangements at Raunds, and pp. 59-63 for the possible *sacrarium* found in association with the first phase of the church; see also comments by Barrow, 'Ecclesiastical institutions', p. 169. Evidence for the dedication of churches (including the placing of relics within the altar) comes from pontificals: Rollason, 'Two Anglo-Saxon rituals', pp. 7-10. See Williams, 'Thegnyl piety', p. 21 for the relationship between piety and conspicuous consumption in the endowment and adornment of churches.

¹³⁶ Blair, *Minsters and Parish Churches*, p. 4. The series of wills in question is: S1483/W2, 946 x c. 951 (Ælfgar); S1494/W14, 962x991 (Æthelflæd); S1486/W15, 1000 x 1002 (Ælflæd).

ancestors' souls).¹³⁷ Grants are indeed made to other foundations on the same terms, but

Ælfgar places particular emphasis on the family's link with Stoke:

And ic an þat lond at Piltendone and at Mereseye into Stoke. And ic an þat Athelfled bruke þe lond þer wile þe hire lef beth one raða heo it on riht helde. and on þe red þat heo do þan hirde so wel so heo best may into Stoke for mine soule and for ure aldre. And ic an þat lond at Grenstede into Stoke for mine soule 7 for Athelwardes 7 for Wiswiðe. And ic Athelfled þere brice wille hire lif beth on þe red þat heo do for þa saule so wel so heo best may.

[And I grant the estate at Peldon and that at Mersea to Stoke, and I grant that Æthelflæd is to have the use of the estates as long as it is agreeable to her, on condition that she holds it lawfully, and on condition that she does the best she can for the community at Stoke for the sake of my soul and of our ancestors' souls. And I grant the estate at Greenstead to Stoke for my soul and for Æthelweard's and for Wiswith's. And I grant to Æthelflæd the use of it for as long as her life lasts, on condition that she does the best she can for those souls.]

Æthelflæd's responsibility during her tenure of the land may have been to provide a regular food-rent, as described in an earlier section, to encourage the community to commemorate the anniversaries of her dead forebears.¹³⁸ Ælflæd's will refers to Stoke as *þa halgan stowæ... þæ mine ylðran on restap* (the holy place in which my ancestors lie buried), suggesting that this was a family burial plot such as that of Siferth of Downham at Ely.¹³⁹

Neither community is recorded in Domesday Book: Inkpen was in royal hands by 1066, and lands granted to Stoke had been dispersed.¹⁴⁰ It was perhaps awareness of the long-term vulnerability of such small communities that prompted donors to invest in the stability of larger houses.¹⁴¹ The relationship between the estate churches and the

¹³⁷ Whitelock consistently translates *ealdor* as 'ancestor', but it is possible that the term refers to the preceding generation only, i.e. the parents of the donor. (See B&T, *ealdor* I, and the will of Ælflæd, W15, p. 38, line 15 where the term is used apparently to refer to her father's bequests).

¹³⁸ For the view that Wiswith and Æthelweard may have been the wife and son of Ælfgar, see Whitelock, *Wills*, p. 107.

¹³⁹ For Siferth, see discussion under 'Right of burial' above, and Chapter 4 for full text.

¹⁴⁰ See note 122 above.

¹⁴¹ A similar small community may have existed at Colne (Ex), where a deacon and two priests are to receive the minster [S1521/W29, 1035x1044]. A number of beneficiary churches named in the will of Æthelgifu [S1497] may also have been small communities: Whitelock, *Æthelgifu*, pp. 29-32; Blair, 'Secular minster churches', p. 120.

religious houses to which they were bequeathed is beyond the scope of this thesis.¹⁴²

However, one possibility is that donors envisaged the ultimate transfer of responsibility for the continuation of the liturgy at their estate churches to larger institutions, as in the case of Brihtmær [S1234/R116, 1052x1070]; his concern was to protect the family association for his life, and those of his wife and children, a time-span characteristic of wills overall, which are, in general, interested in the disposition of property over two or three generations. It is also noteworthy that the majority of donors bequeathing churches are women.¹⁴³ As widows, responsible for maintaining commemoration rituals, their bequest of a church may reflect the wishes of a husband or father; this is explicitly so in the case of Leofgifu [S1521/W29, 1035x1044], who refers to the wishes of her husband concerning the tenure of the small community at Colne (Ex).¹⁴⁴ These widows show their concern for the priests' tenure and the destiny of the church, but within limits. For example, the Ramsey Chronicle provides a revealing sequence of events. Ælfwaru, daughter of Æthelstan Mannesune, bequeathed the church at Elsworth (Cambs), of which she was *avocata*, together with part of the estate; she also bequeathed land at Holywell (Cambs), but does not refer to the church.¹⁴⁵ At Holywell, she seems to have reserved the church and associated land for the priest, Gode, who himself bequeaths it to Ramsey.¹⁴⁶ Are these donors acknowledging that, with the transfer of the bookland on which the churches were built, family responsibility for them had run its natural course?

Conclusion

The evidence of the vernacular wills, particularly when placed in the context of non-testamentary sources, offers an unusual perspective on the religious reforms of the

¹⁴² See Rosenwein, *To Be the Neighbor*, pp. 144-53 for well-documented gifts of churches to Cluny. This would be a useful starting point.

¹⁴³ S1525/W37, 38; S1521/W29; S1497; CR 54.

¹⁴⁴ Ælflæd's attempts to engage protection for the family community at Stoke-by-Nayland (Sfk) reflect the intentions of her father [1486/W15]. See Innes, 'Keeping it in the family', pp. 18-29 for the role of women in preserving and perpetuating family memory.

tenth century, in that it provides an insight into the commitment of the wealthy laity to the church which is not refracted by the ideology of monastic writers. That commitment seems to have been established from the reign of Æthelstan, when the sequence of wills begins. In fact, rather than resulting from the activities of the key reformers, Oswald, Dunstan and Æthelwold, this lay piety provided fertile soil which enabled their activities to flourish.

However, as the continuing sequence of wills shows, the impact of the reformed monasteries on the laity was profound, with the investment of considerable amounts of land and movable wealth in return for funerary ritual and commemoration. The ceremonial focused on saints' cults and relics in monasteries was the public face of private devotion, for individual laymen and laywomen, too, had their shrines and relics, which they bequeathed as treasures. The network of kin relationships which permeated Anglo-Saxon society impinged strongly on the church; powerful kindred groups were represented at all levels, from bishops to the lower orders of communities, and were thus embedded in systems of intercession. But *fraternitas* with one of the powerful religious houses did not come cheap – it was the province only of the most wealthy.

The estate church was strongly linked with bookland. It is tempting to see the use of land held by title-deed for *post obitum* benefaction of the church rooted in the earliest royal grants, castigated by Bede in his letter to Ecgrith of 734 and continuing after the Conquest, since Alvrice's church at Milford (Hants) was built on land granted to him in c. 1079 by King William.¹⁴⁷ Transfer of tenure by bequest therefore had considerable implications for the lay patrons, for whom the church represented not only status, but also spiritual investment in terms of regular observance and for commemoration of the founders. A graveyard provided a focus for the founding dynasty

¹⁴⁵ CR 54.

¹⁴⁶ CR 55.

and those associated with it. There seems good reason to believe that the clergy serving such churches (or small secular communities) had the respect of their patrons, and followed a recognized liturgical cycle in some style, perhaps exemplifying the influence of the second generation of reformers.¹⁴⁸ The responsibility vested in them is illustrated by the strenuous attempts of those patrons to secure the independence of their churches and provide for them. This evidence adds to the sense that the forms of lay piety were not superficial, but represented an ethos that was deeply embedded in late Anglo-Saxon culture.

This sense of a deeply-embedded religious ethos is embodied in the written will itself. It has been argued in earlier chapters that donors made wills at varying stages of the life-cycle, and that most of the extant documents represent dispositions made before the onset of mortal illness. This chapter has shown that spiritual concerns were closely related to estate management; endowment of the church, directly or by reversion, protection of estate churches, and the ultimate fate of those churches, are shown by wills to have been close to the heart of the landed classes. These bequests were not the pious impulse of the death-bed; rather, they were part of a carefully considered strategy. The estate churches, which had the potential to function as private chapels and cemeteries, were as much part of family identity as the spiritual alliance with powerful intercessors.

That lay commitment to the church ran deeper than the nobility is illustrated by the mid-eleventh-century wills of Edwin and his nephew, Ketel [S1516/W33, S1519/W34]. Both donors survived until 1066, and appear in Domesday Book as thegns, but not of the highest status, and in this may be compared to the members of gilds.¹⁴⁹ These men of relatively modest wealth make considerable commitment to the

¹⁴⁷ Hase, 'Minster churches', p. 54.

¹⁴⁸ Cubitt, 'The tenth-century Benedictine Reform', p. 85.

¹⁴⁹ Whitelock, *Wills*, pp. 199-200, 201-202. The Cambridge gild statutes represent the resolutions (*gerædnisse*) of the *þegna gilda* (Thorpe, *Diplomatarium*, p. 610, *EHD* I, p. 557).

church. Edwin bequeaths estates to Bury, Holme and Ely, in each case reserving land for churches associated with those estates. In addition, the wills of both uncle and nephew reveal a complex family agreement concerning land at Thorpe and Melton (Nfk), due to revert after both of their lives to Bury and Holme respectively, reserving land for a further six churches, one of which, that at Wreningham (Nfk), is designated *þe elde kirke*. These dispositions, together with those of Edwin's sister and Ketel's mother, Wulfgyth [S1535/W32, 1042x1053], require further study to elucidate the tenorial implications for and status of these churches, but for the purpose of the present argument, these wills indicate that lesser land-holders were as influenced by a culture of piety as their aristocratic lords.

Throughout this chapter, links have been made between late Anglo-Saxon England and Continental practice in terms of investment of land by donors in return for religious ritual. There can be little doubt of the influence of the religious reforms of late ninth-century and early tenth-century Frankia on the court of King Æthelstan and the key churchmen of the Benedictine Reform.¹⁵⁰ The *post obitum* disposition of land to the church in late Anglo-Saxon England for spiritual purposes and as a key element in family strategy is, in all likelihood, closely related to the type of land transaction most clearly demonstrated at Cluny, where it has been shown that estates acquired a social meaning. In this respect, the evidence of the wills is important, since they represent social acts encapsulating an aspect of the relationship between church and laity which is otherwise rarely visible.

However, compared with the archival material available from Continental archives, Anglo-Saxon material is extremely limited. Since it is rarely possible to follow

¹⁵⁰ Patrick Wormald, 'Æthelwold and his Continental counterparts' in Yorke (ed.), *Bishop Æthelwold*, pp. 30-37; John Nightingale, 'Oswald, Fleury and continental reform' in Brooks and Cubitt (ed.), *St Oswald*, pp. 23-45; D.A. Bullough, 'The Continental background of the reform' in Parsons (ed.), *Tenth-Century Studies*, pp. 20-36.

the history of a given estate in any detail, it is difficult to know whether the land bequeathed to the church acquired, in itself, a special significance, as seems to have been the case at Cluny. Unlike movable wealth, it could not be physically incorporated into the monastic environment, and it is likely that many aspects of agriculture and administration remained unchanged.¹⁵¹ However, the stipulations of some donors that land should not be alienated from the monastery, or that lessees should be required to pay food-rent, suggest that land bequeathed to the saint acquired a social role beyond the transfer of rents and obligations.¹⁵² Such restrictions imply that the estates in question embodied the memory of the donor, and symbolized the forging of a spiritual link between the donor and the church.¹⁵³ It would be interesting to know whether the regular Rogation processions had a role in reinforcing the spiritual significance of estates granted to the church.¹⁵⁴

One of the key distinctions between the reversionary grants of the ninth century and what might be termed the developed will format of the tenth and eleventh centuries lies in the sense of strategy they represent. For ninth-century donors, a strategy for disposition of land and other possessions, *post obitum* or *inter vivos*, no doubt existed, but the documents represent specific relationships with specific religious houses, related to specific estates. For donors of the tenth and eleventh centuries, more options are available: bequest of land to local churches or major houses, or to secular or monastic communities; bequest acknowledging a long-term relationship with a house, or establishing one, taking into account political and kindred issues; bequest focused on the most powerful intercessors enshrined in the various houses, some local, some at a

¹⁵¹ For example, land was leased by the church in the form of working estates, including the work-force and stock: Faith, *English Peasantry*, p. 162.

¹⁵² See, for example: S1530/W30; S1533/R26; S1509/R27. In the ninth-century will S1570/R6 the donor insists that lessees of the land he has bequeathed to the church should be responsible for the continuing payment of food-rent for his anniversary meal.

¹⁵³ Rosenwein, *To Be the Neighbor*, pp.76, 132-33.

distance; bequest to subsidise the rituals appropriate for departure from this life, and intercession beyond it; bequest to perpetuate a dynasty, and support an individual within it; bequest to religious institutions, or to religious individuals. These choices required thought and imagination, and it is these factors which make late Anglo-Saxon vernacular wills such powerful and revealing documents.

¹⁵⁴ Bedingfield, *Dramatic Liturgy*, pp. 194-207.

CONCLUSION

Although the late Anglo-Saxon vernacular will may not fully satisfy the criteria of legal historians for an instrument of *post obitum* disposition, it was an effective and sophisticated document, well adapted for its purpose. Its use of the vernacular reflects that emphasis on practical literacy which is highlighted in the reign of Alfred, and which sustained communication and record-keeping in many areas of secular life. Wills themselves were not performative documents: they seem to have had no legal force. Rather, they served as evidence of an oral transaction (or a sequence of oral transactions), and as a means of communicating the donor's intentions to interested parties. Written bequest of the earlier ninth century was associated with royal grants of bookland, and largely restricted to the transmission to the church of a specific estate. King Alfred's will [S1507/H11, 873x888] signals the way forward: the free-standing multi-gift document had the potential to encompass not only bequest of bookland, but a range of chattels, to both secular and religious beneficiaries. The process which produced these documents, already apparent in the multi-gift wills of King Alfred and Ealdorman Alfred [S1508/H10, 871x889], seems to have been well established by the mid-tenth century. The emphasis was on oral declaration before witnesses, a recurrent feature of later chronicle accounts and vernacular texts, and the ratification of dispositions by higher authority, usually the king and his council. It was a flexible process; bequest could, and did, take place well in advance of mortal illness, prompted by a range of factors, some related to the life-cycle. In this respect, vernacular wills might be seen as a strategy for the living, as well as preparation for death.

Donors' ordering of their affairs in recognition of the inevitability of death presents a vivid picture of the complexity of the social networks to which they

belonged. Their dispositions take account of their worldly obligations and responsibilities. Bequest of land was an important element in family strategy, as is particularly well illustrated by the evidence of the Ely and Ramsey chronicles. It played a part in consolidating or manipulating relationships within the kindred, while placing the kin group within the wider social network, particularly in relation to the church. Donors also used bequest of land and chattels to acknowledge such relationships as friendship or business partnership, or to subsidise the protection of the will. Gifts to the king, whether as formal heriot or its informal equivalent, articulated the relationship between the monarchy and the nobility, recognising the origins of bookland in royal gift and the continuing interest of the monarchy in its transmission.

Wills also provide evidence for the role of individuals within the social network. For lay male donors, in general making their wills in the prime of life, social identity was predicated upon land. Their responsibilities focused on the conjugal unit and its progeny, and on their own wider kindred. A few wills, probably made *in extremis*, show the distribution of coin, swords and other items of movable wealth commensurate with the status of the noble male donor. However, for women, making their wills as widows, social identity as revealed through their bequests is more complex. They were responsible for the management and transmission of estates inherited from husbands or parents, in which they often held a life interest, with reversion to kindred or to the church already stipulated. This brought them into a tenorial relationship with the king, so that, for example, a writ of King Edward the Confessor refers to Tole, Urk's widow, as *min mann*.¹ It also made them vulnerable to predation – often at the hands of a husband's disgruntled kindred. In addition, widows held responsibility for the continuing commemoration of their own kindred, and that of their husbands; their

¹ Harmer, *Writs*, no. 2.

bequests show them transmitting land to the church with this end in view. However, their social identity was also bound up in visible wealth, such as high-status household goods, jewellery and clothing. Wills show women bequeathing such items, together with surplus stock, across the full social network, including sons and daughters, collateral kin, royalty and the church as beneficiaries. The identity of high-ranking churchmen was similarly complex; their kindred links with the nobility, their judicial and administrative activities, and their spiritual role are revealed in bequests which acknowledge these wide-ranging responsibilities.

Overall, wills provide important evidence of the life-style of this wealthy elite. Most obviously, luxury items such as valuable textiles or objects made of precious metal are bequeathed as treasure, constituting a form of display. Such items may have had heirloom status or, as in the case of the sword, social symbolism which had its origins in an earlier warrior society. However, we also find evidence of the broader picture. For example, estate centres are mentioned, sometimes with a church attached and under lay patronage. There is also reference to the management of estate resources, as donors deploy stock or slaves, or bequeath land dedicated to a specific purpose. Some sense of the personnel surrounding donors may be gathered from the documents: a number of skilled slaves are bequeathed or freed, and valued members of a household may be designated as beneficiaries. It is certainly the case that donors emerge as men and women of affairs, embroiled in business transactions or disputes, and attending assemblies of various kinds, either as principals or witnesses. The existence of lay archives in which wills were stored, for which little other evidence survives, reflects the value placed on documentation by the nobility.

The spiritual dimension of the noble persona is also strongly represented in the wills, revealing the extent to which the religious and cultural changes of the tenth

century pervaded contemporary cultural thinking and influenced bequest. While the formula 'for my soul' attached to bequests may in itself be conventional, bequests to the church show that the concern for spiritual well-being after death was deeply embedded. Wealthy donors could afford, and were prepared, to invest in the appurtenances of religion: relics, shrines, crosses, liturgical vessels and vestments all feature among bequests, along with the patronage of estate churches and their clergy, who were committed to intercession on behalf of their patrons. However, the most significant investment is the bequest of land and movable wealth to the great religious houses which, with their powerful relics, cycle of prayer and, in the reformed monasteries, chaste communities, could provide the most effective intercession with the saints. Family allegiance to a religious house reflected the responsibility of the living for the spiritual well-being of the departed, and concern for the spiritual well-being of those who must eventually join them. Religious communities of the tenth and eleventh centuries were increasingly geared to provide donors with appropriate funerary and commemorative rituals.

Finally, for all their allusiveness and opacity, vernacular wills provide an important perspective on late Anglo-Saxon culture because they represent voices which are scarcely distinguishable in the surviving literature and documentation of the time. Since the majority of donors are lay, their wills allow a secular perspective on a culture which is inevitably dominated by the literature of the church. Women form a substantial minority of donors, articulating the interests of a social group which otherwise rarely speaks for itself. The affairs of lesser thegns can also occasionally be detected, representing that stratum of society which emerges into the half-light in Domesday Book. Furthermore, the concerns of these donors, as recorded in their wills, are largely personal and local, inhabiting the margins of the major political and cultural events; at

present, few of them can be identified with any certainty elsewhere in the documentary record.

It has been the purpose of this thesis to allow these voices to be heard more clearly by placing the wills in the social context within which they were generated. Further research will undoubtedly show that they have yet more to reveal.

APPENDIX I

Corpus of Anglo-Saxon Vernacular Wills

Introduction

The corpus of wills on which this thesis is based draws primarily on that compiled by Lowe.¹ Reference is made by the number in Sawyer's list,² together with the editor of the most readily available text. One text [W39] is not included in Sawyer, and has been placed at the end of the relevant list.

The common factor governing the inclusion of texts in the corpus is evidence of an intention to defer completion of a gift until the death of the donor. This may sometimes be difficult to determine: the will of Bishop Ælfric [S1489/W26] is a case in point, where the *post obitum* intention is implicit in the instructions for the payment of his outstanding debts and the distribution of coin to his household. Some texts which make gifts of land for the good of the donor's soul have been excluded because there is no other evidence to suggest intended deferment of the gift.³ I have also excluded – with regret – the text (dated between 1069 and 1072) listing the gifts of Bishop Leofric to Exeter; the list of what appear to be *inter vivos* gifts concludes with a single *post obitum* gift of the bishop's *capella* with a request for prayers, followed by an anathema characteristic of the vernacular will.⁴ The bequest of Toki [S1466/R90] and the related text S1464/R80 are also omitted, since there is good evidence for later forgery.⁵

¹ 'Nature and effect', Appendix, pp. 48-57, also found in her *Vernacular Will*, chap. 1. Lists have also been compiled by Sheehan, *The Will*, p. 21 and Crick, 'Women, posthumous benefaction', Appendix, pp. 419-22.

² Sawyer, *Anglo-Saxon Charters*. The updated electronic version may be found at www.trin.cam.ac.uk/chartwww/:

³ For example: S1228 (Æthelwine Niger to St Albans, for the good of his soul, that of his wife and those of his ancestors; Keynes, 'St Albans' p. 253); S1232/R113 (a grant of land to Worcester by Earl Leofric and his wife, in return for intercession for their souls).

⁴ Robertson, *Charters*, Appendix I, no. 1; Pelteret, *Catalogue*, no. 91.

⁵ Brooks, *Early History*, pp. 301-302.

I have added to the corpus six texts not included by Lowe. My reasons for including the reversionary bequest-agreement S1468/R97 have been given in Chapter One. Three further agreements have been included: S1470/R100, which involves similar *post obitum* gift to the church of an estate along with reversion of land held on lease by the donors; S1474/R105, which records the resolution of an inheritance dispute by the shire court, resulting in the successful litigant granting the estate in question to the church on his death; and S1486/R86, an account of the future Bishop Eadsige's bequest of land to Christ Church, Canterbury, in return for the co-operation of the community.⁶ A further addition is S1608, which is a late cartulary version of a joint bequest by Oswulf and Leofrun; its integrity, which I have accepted, has been discussed in Chapter One.⁷ Finally, S1235 is a bequest-agreement between the joint donors Oswulf and Æthelgyth and St Albans, the vernacular text of which is included in the seventeenth-century copy of a St Albans cartulary.⁸

One further decision should be clarified here: the separation of the multi-gift will of Abba from the single-gift bequest of his wife Heregyth [S1482/H2, 833x839], usually regarded as a joint will. The document survives as a contemporary single sheet in the archive of Christ Church, Canterbury. Abba's dispositions are written in one hand, together with his attestation; Heregyth's bequest appears on the dorse in a different hand (which was also responsible for the rest of the witness attestations on the face of the document): details are given of food-rent to be paid, following her own death and that of her husband, from an estate at Challock (Kt) which is unmentioned by Abba.

⁶ Brooks, *Early History*, p. 295.

⁷ Hart, *Early Charters*, no. 133.

⁸ Keynes, 'St Albans', p. 266; Crick, *Charters of St Albans* (forthcoming). I am indebted to Dr Crick for an early draft of this text and her commentary.

This suggests the possibility of separate transactions; I have therefore treated Abba and Heregyth as separate donors.⁹

Since this thesis is not primarily concerned with textual transmission, the manuscript source and approximate date have been indicated briefly in the table. For manuscript details, see the lists provided by Sawyer and Lowe cited above. For the information included in the tables, I have drawn gratefully on the scholarship of the editors.

Organisation of the lists

The texts are listed in four sections:

Section A: wills surviving in pre-Conquest manuscripts (listed by Sawyer number).

Section B: wills surviving in post-Conquest manuscripts (listed by Sawyer number).

Section C: statistical analyses under a variety of headings. Donor groups are arranged alphabetically by name. Any uncertainty as to the appropriate allocation of a donor to a group has been indicated in footnotes. The decision to separate the bequests of Abba and his wife [S1482/H2], usually classified as a joint will, has been explained above.

Section D: a list of donors whose vernacular dispositions are supplemented by additional dispositions surviving in Latin texts.

⁹ Lowe, *Vernacular Will*, p. 7; Brooks, *Early History*, p. 354 n. 60 suggests a time-lapse between the transactions.

Abbreviations used in the lists

Editorial references for wills

- H F.E. Harmer (ed. and transl.), *Select English Historical Documents of the Ninth and Tenth Centuries*, (Cambridge, 1914).
- Hart , *The Early Charters of Eastern England* (Leicester, 1966).
- K J. Kemble (ed.), *Codex Diplomaticus Ævi Saxonici* (6 vols, London, 1847).
- Keynes 1 Simon Keynes (ed. and transl.), 'A lost cartulary of St Albans Abbey', *ASE*, 22 (1993), Appendix.
- Keynes 2 _____, 'The will of Wulf', *Old English Newsletter*, 26.3 (1993), 16-21.
- N&S A.S. Napier and W.H. Stevenson (ed. and transl.), *The Crawford Collection of Early Documents and Charters* (Oxford, 1895).
- R A.J. Robertson (ed. and transl.), *Anglo-Saxon Charters* (Cambridge, 1939).
- S P.H. Sawyer (ed.), *Anglo-Saxon Charters. An Annotated List and Bibliography* (London, 1968).
- W Dorothy Whitelock (ed. and transl.), *Anglo-Saxon Wills* (Cambridge, 1930).
- Whitelock Dorothy Whitelock (ed. and transl.), *The Will of Æthelgifu* (Oxford, 1968).

British Academy volumes (for full reference, see Bibliography)

- I *Charters of Rochester*, ed. A. Campbell.
- II *Charters of Burton Abbey*, ed. P. Sawyer.
- III *Charters of Sherborne*, ed. M.A. O'Donovan.
- IV *Charters of St Augustine's Abbey, Canterbury & Minster in Thanet*, ed. S. E. Kelly.
- VIII *Charters of Abingdon Abbey, Part 2*, ed. S.E. Kelly.
- IX *Charters of the New Minster, Winchester*, ed. Sean Miller.

Nature of transaction (see Chapter One for full discussion of these categories)

sg single-gift bequest

mg multi-gift will

agr agreement

Dating

I have in general followed the dating margins of the cited editor, with occasional refinement to take account of more recent scholarship. Where abbreviated dates are given, the system is that used by Ker:¹⁰

s. x/s. xi the end of the tenth/beginning of the eleventh century

s. x¹ about the middle of the first half of the tenth century

s. x^{med} the middle of the tenth century

s. x² about the middle of the second half of the tenth century

Archive

Ab Abingdon

Bath Bath Abbey

Burton Burton-upon-Trent

By Bury St Edmunds

CCC Christ Church, Canterbury

Ex Exeter

NMW the New Minster, Winchester

OMW the Old Minster, Winchester

Pb Peterborough

¹⁰ Ker, *Catalogue*, p. xx.

R	Rochester
Shafts	Shaftesbury
Sherb	Sherborne
St Alb	St Albans
St Aug	St Augustine's, Canterbury
St P	St Paul's, London
Thorney	Thorney Abbey
Wm	Westminster, London
Worcs	Worcester

Manuscript status and details

ss	single sheet
G	entered in gospel book
cart	cartulary copy (followed by date of ms). This category does not distinguish between the cartulary proper and other manuscripts incorporating vernacular pre-Conquest material.
ch	chirograph, followed by indicator of portion.
x2/3	text includes a marker clause indicating that original document was created in multiple copies (see Chapter I for discussion).
WL	witness list

NB Italics are used to indicate wills dated before c. 900.

A. WILLS SURVIVING IN PRE-CONQUEST MANUSCRIPTS

S ref	Ed. ref	BA vol/no.	Donor(s)	Trans.	Date	Archive	Ms status & date	Copies	WL
1200	H7		<i>Cynethryth</i>	<i>agr</i>	867x870	CCC	<i>ss [s.ix²]</i>		*
1455	R62	IV, 31	Ealdred	<i>agr</i>	985x1006	St Aug	G [s.x ²]		*
1471	R101		Æthelric Bigga	<i>agr</i>	c. 1045	CCC	<i>ss [s.xi^{med}]</i>	ch (central)	*
1482	H2		<i>Abba (& Heregyth)</i>	<i>mg</i>	833x839	CCC	<i>ss [s.ix¹]</i>		*
1486 ¹	W15		Ælflæd	<i>mg</i>	1000x1002	By	<i>ss [s.xi]</i>		
1487	W13		Ælfhelm (Polga)	<i>mg</i>	975x1016	Wm	<i>ss [s.xi]</i>	ch (lower)	
1489	W26		Ælfric, Bishop	<i>mg</i>	1035x1040	By	<i>ss [s.xi]</i>		
1492	N&S10		Ælfwold, Bishop	<i>mg</i>	1011x1015	Ex	<i>ss [s.xi]</i>		*
1494	W14		Æthelflæd	<i>mg</i>	962x991	By	(as S1486)		
1497	Whitelock		Æthelgifu	<i>mg</i>	c.985x1002	St Alb	<i>ss [s.x]</i>		
S1500	R3		<i>Æthelnoth & Gænbург</i>	<i>sg</i>	805x824	CCC	<i>ss [s.x¹]</i>		*
1501	W16 ¹		Æthelric of Bocking	<i>mg</i>	961x995	CCC	<i>ss [?s.xi²]</i>		

¹ S1494 precedes this text on the same sheet.

S ref	Ed. ref	BA vol/no.	Donor(s)	Trans.	Date	Archive	Ms status & date	Copies	WL
1503	W20		Æthelstan, Ætheling	mg	1012x1015	CCC	ss x2 [s.xi ¹]	ch (upper)	*
1506	R32		Æthelweard	agr	958	CCC	ss [s.x]	ch (lower)	*
1507	H11	IX, 1	Alfred, King	mg	873x888	NMW	cart [s.xi]		
1508	H10		Alfred, Ealdorman	mg	871x889	CCC	ss [s.ix ²]		*
1510	R6		Badanoth Beotting	sg	845x853	CCC	ss [s.x ^{med}]	x 2	*
1522	N&S9		Leofwine	mg	998	Wm	ss [s.x/s.xi]	ch (lower)	
1530	W30		Thurstan	sg	1042x1043	CCC	ss x2 [s.xi ^{med}]	ch x2 (upper)	*
1533	R26		Wulfgar	mg	931x939	OMW	ss [s.xi]		
1534	W19		Wulfgeat	mg	c. 1000	Worcs	ss [s.xi ¹]	ch (lower)	
1536 ²	W17	II, 29	Wulfic (Spott)	mg	1002x1004	Burton	ss [s.xi ²]		*
1539	W3		Wynflæd	mg	?c. 950	?Shafts	ss [s.x ¹ -s.x ^{med}]		

² Later copy: follows King Æthelred's confirmation S906 (dated 1004) on the same sheet.

B. WILLS SURVIVING IN POST-CONQUEST MANUSCRIPTS

S ref	Ed. ref	BA vol/no.	Donor(s)	Trans.	Date	Archive	Ms status & date	Copies	WL
1202	H8		<i>Alfred, Ealdorman</i>	<i>agr</i>	c. 871	CCC	<i>cart [s.xiii]</i>		*
1224	R92		Stigand (?priest)	<i>agr</i>	c. 1040	By	<i>cart [s.xiii]</i>	x 2	*
1234	R116		Brihtmær	<i>sg</i>	1052x1070	CCC	<i>cart [s.xiii]</i>		*
1235			Oswulf & Æthelgyth	<i>agr</i>	1053x1066	St Alb	<i>cart [s.xvii]</i>		*
1419	R29	IX, 16	Eadwulf (priest)	<i>mg</i>	947x955	NMW	<i>cart [s.xiv]</i>		[*]
1465	R86		Eadsige (priest)	<i>agr</i>	1032	CCC	<i>cart [s.xiii]</i>	x 3	
1468	R97		Æthelmær (priest)	<i>agr</i>	1043x1044	By	<i>cart [s.xiii]</i>	x 2	*
1470	R100		Wulfgeat & wife	<i>agr</i>	1043x1047	By	<i>cart [s.xiii]</i>	x 3	
1474	R105	III, 17	Care, son of Toki	<i>agr</i>	1046	Sherb	<i>cart [s.xii]</i>	x2	*
1483	W2		Ælfgar, Ealdorman	<i>mg</i>	946xc.951	By	<i>cart [s.xiii]²</i>		
1484	W8		Ælfifu	<i>mg</i>	966x975	OMW	<i>cart [s.xii]</i>		
1485	W9		Ælfheah, Ealdorman	<i>mg</i>	c.968x971	OMW	<i>cart [s.xii]</i>		*
1488	W18	VIII, 133	Ælfric, Archbishop	<i>mg</i>	1003x1004	Ab	<i>cart [s.xiii]</i>		

S ref	Ed. ref	BA vol/no.	Donor[s]	Trans.	Date	Archive	Ms status & date	Copies	WL
1490	W28		Ælfric Modercope	mg	1042x1043	By	cart [s.xiii ²]		*
1491	W4	IX, 18	Ælfsige, Bishop	mg	951x958	NMW	cart [s.xiv]		
1495	W22		Æthelflæd	sg	?1004x1014	St Paul's	cart [s.xiii,lost]		*
1496	W6	IX, 21	Æthelgeard	sg	957xc.958	NMW	cart [s.xiv]		
1498	W10	IX, 25	Æthelmær, Ealdorman	mg	971x983	NMW	cart [s.xiv]		
1499	W35		Æthelmær, Bishop	sg	1047x1070	By	cart [s.xiii ²]		
1504	H20		Æthelwold, Ealdorman	mg	946x947	OMW	cart [s.xii]		
1505	W12	IX, 29	Æthelwold	mg	after 987	NMW	cart [s.xiv]		
1509	R27	IX, 11	Alfred (thegn)	sg	932x939	NMW	cart [s.xiv]		*
1511	W11	I, 35	Brihtric & Ælfswith	mg	973x987	R	cart [s.xii ¹]		*
1512	W7		Brihtric Grim	sg	964x980	OMW	cart [s.xii]		*
1513	RI7		<i>Ceolwynn</i>	sg	c. 900	OMW	<i>cart [s.xii]</i>		
1514	R9	I, 23	<i>Dunn</i>	sg	c. 855	R	<i>cart [s.xii¹]</i>		
1515	H21	IX, 17	Eadred, King	mg	951x955	NMW	cart [s.xiv]		

S ref	Ed. ref	BA vol/no.	Donor(s)	Trans.	Date	Archive	Ms status & date	Copies	WL
1516	W33		Eadwine	mg	s. xi med	By	cart [s.xiii ²]	x 3	
1517	Keynes 1		Eadwine of Caddington	mg	c. 1050	St Alb	cart [s.xvii]		
1519	W34		Ketel	mg	1052x1066	By	cart [s.xiii ²]		
1521	W29		Leofgifu	mg	1035x1044	By	cart [s.xiii ²]	x 3	
1523	W23		Mantat the Anchorite	mg	1017x1035	Thorney	cart [s.xiv]		
1524	W5		Ordnoth & wife	sg	? s.x	OMW	cart [s.xii]		
1525	W37		Siflæd	mg	s.x ² -s.xi	By	cart [s.xiii ²]		
1525a	W38		Siflæd	mg	s.x ² -s.xi	By	cart [s.xiii ²]		
1526	W1		Theodred, Bishop	mg	942xc.951	By	cart [s.xiii ²]		
1527	W24		Thurketel (of Palgrave)	mg	s. xi ?pre 1038	By	cart [s.xiii ²]	x 3	
1528	W25		Thurketel Heyng	mg	s.xi ?post 1020	By	cart [s.xiii ²]	x 3	
1529	W36		Thurkil & Æthelgyth	sg	s.xi ^{med}	By	cart [s.xiii ²]		
1531	W31		Thurstan	mg	1043x1045	By	cart [s.xiii ²]	x3	*
1532	Keynes 2		Wulf	mg	c. 1050	St Alb	cart [s.xvii]		

S ref	Ed. ref	BA vol/no.	Donor(s)	Trans.	Date	Archive	Ms status & date	Copies	WL
1535	W32		Wulfgyth	mg	1042x1053	CCC	cart [s.xiii]		[*]
1537	W27		Wulfsige	mg	1022x1043	By	cart [s.xiii ²]		
1538	W21		Wulfwaru	mg	984x1016	Bath	cart [s.xii ²]		
1608	Hart/133		Oswulf & Leofrun	sg	1044x1052	By	cart [s.xv]		
	W39		Ulf & Madselin	mg	1042x1066	Pb	cart [s.xii ²]		

C. STATISTICAL BREAKDOWN

<i>Full corpus</i>		<i>Wills made before c. 900</i>	
Total number of texts:	69	S1200/H7	Cynethryth 867x870
Pre-Conquest mss:	23	S1202/H8	Ealdorman Alfred c. 871
Post-Conquest mss:	46	S1482/H2	Abba (& Heregyth) 833x839
Total number of donors:	65 (joint wills counted as single donors)	S1500/R3	Æthelnoth & Gænburg 805x824
		S1507/H11	King Alfred 871x899
		S1508/H10	Ealdorman Alfred 871x889
<i>Donors featuring twice, in separate texts:</i>		S1510/R6	Badanoth Beotting 845x853
Thurstan [S1530/W30; S1531/W31]		S1513/R17	Ceolwynn c. 900
Ealdorman Alfred [S1202/H8; S1508/H10]		S1514/R9	Dunn c. 855
Æthelmær: as priest [S1468/R97]		<i>Royal donors</i>	
as bishop [S1499/W35]		King Alfred	S1507/H11 873x888
Siflæd [S1525/W37, 38]		Æthelstan, Ætheling	S1503/W20 1012x1015
		King Eadred	S1515/H21 951x955
		(3 donors; 3 texts)	

Ealdormen

Alfred S1202/H8 c.871
S1508/H10 871x889
Ælfgar S1483/W2 946xc.951
Ælfheah S1485/W9 c.968x971
Æthelmær S1498/W10 971x983
Æthelwold S1504/H20 946x947
(5 donors; 6 texts)

Religious donors

Ælfric, Archbishop S1488/W18
Ælfric, Bishop S1489/W26
Ælfsige, Bishop S1491/W4
Ælfwold, Bishop S1492/N&S10
Æthelmær, Bishop S1499/W35
Æthelmær, priest S1486/R97
Eadsige, priest S1465/R86

Mantat the Anchorite S1523/W23

Stigand (?priest) S1224/R92
Theodred, Bishop S1526/W1
(10 donors; 11 texts)³
Wills made jointly by husband and wife
Æthelnoth & Gænbург S1500/R3 805x ?824
Brihtric & Ælfswith S1511/W11 973x987
Ordnoth & wife S1524/W5 ? s.x
Oswulf & Æthelgyth S1235 1053x1066
Oswulf & Leofrun S1608 1044x1052
Thurkill & Æthelgyth S1529/W36 s.xI^{med}
Ulf & Madselin W39 1042x1066
Wulfgeat & wife S1470/R100 1043x1047
(16 donors; 8 texts)

³ S1486/R97 was made before Æthelmær became bishop. I have excluded here S1532 (Wulf), who may have been a churchman but whose status is uncertain. Stigand is probably the later bishop and archbishop.

Single female donors

Ælflæd	S1486/W15	1000x1002	
Ælfgifu	S1484/W8	966x975	(13 donors; 14 texts)
Æthelflæd	S1494/W14	962x991	
Æthelflæd	S1495/W22	71004x1014	See next page for thegns
Æthelgifu	S1497	c. 985x1002	
Ceolwynn	S1513/R17	c. 900	
Cynethryth	S1200/H7	867x870	
Heregyth ⁴ (& Abba)	S1482/H2	833x839	
Leofgifu	S1521/W29	1035x1044	
Siflæd	S1525/W37,W38	s.x ² -s.xi	
Wulfgyth	S1535/W32	1042x1053	
Wulfwaru	S1538/W21	984x1016	
Wynflæd	S1539/W3	7c. 950	

⁴ Heregyth is included as a single donor; see introduction to this appendix.

Single male donors (thegns): 26 donors; 27 texts⁵

<i>Abba (&Heregyth)</i>	S1482/H2	833x839	<i>Dunn</i>	S1514/R9	c. 855
<i>Ælfhelm Polga</i>	S1487/W13	975x1016	<i>Eadwine</i>	S1516/W33	s. xi ^{med}
<i>Ælfric Modercope</i>	S1490/W28	1042x1043	<i>Eadwine of Caddington</i>	S1517	c. 1050
<i>Æthelgeard</i>	S1496/W6	957xc.958	<i>Ealdred</i>	S1455/R62	985x1006
<i>Æthelric Bigga</i>	S1471/R101	c. 1045	<i>Ketel</i>	S1519/W34	1052x1066
<i>Æthelweard</i>	S1506/R32	958	<i>Leofwine</i>	S1522/N&S9	998
<i>Æthelwold</i>	S1505/W12	after 987	<i>Thurketel of Palgrave</i>	S1527/W24	s. xi
<i>Alfred, thegn</i>	S1509/R27	932x939	<i>Thurketel Heyng</i>	S1528/W25	s. xi
<i>Badanoth Beotting</i>	S1510/R6	845x853	<i>Thurstan</i>	S1530/W30 S1531/W31	1042x1043 1042x1045
<i>Brihtmær</i>	S1234/R116	1052x1070	<i>Wulf</i>	S1532	c. 1050
<i>Brihtric Grim</i>	S1512/W7	964x980	<i>Wulfgar</i>	S1533/R26	931x939
<i>Care, son of Toki</i>	S1474/R105	1046	<i>Wulfgeat</i>	S1534/W19	c. 1000
			<i>Wulfric</i>	S1536/W17	1002x1004
			<i>Wulfsige</i>	S1537/W27	1022x1043

⁵ The single-gift bequest of Thurstan [S1530/W30] and his multi-gift will [S1531/W31] exist as separate documents. I have included here Abba [S1482/H2] as an independent donor, and Wulf [S1532], whose status is uncertain.

D. CROSS-REFERENCING FOR LATIN TEXTS

Vernac. text	donor	Latin ref.	Comment
S1471/R101	Æthelric Bigga	S1502/K1338	c. 1050. Additional bequest to St Augustine's, Canterbury, reserving life interest for two <i>miles</i> . WL [cart s.xiii-s.xiv]
S1501/W16 ¹	Æthelric of Bocking	S1218 ⁶	995x999. Latin version of one bequest from multi-gift will: land to CCC. Wife named as Leofwyn. Hart suggests that this version is related to King Æthelred's confirmation [S939/W16 ⁷]. WL [cart s.xij]
S1486/W15	Ælflæd	LE II, 68	1000x1002. Summary of bequest to Ely in multi-gift will (land and ring). Adds ref. to <i>cortinam gestis viri</i> .
S1484/W8	Ælfgifu	LE II, 47/Lib 58	966x975. Ref. to bequest of land to King Edgar, which he & Queen Ælfhryth gave to Ely.
S1487/W13	Ælfhelm Polga	LE II, 73	975x1016. Latin version of bequest of land to Ely, from multi-gift will, including the reservation of 2 hides. Ely may have had a copy of the will, (Whitelock, <i>Wills</i> , p.135) or an OE extract (see for example S1530/W31).
		CR 34	Bequest of 2 estates contradicting disposition in multi-gift will.

⁶ C.R. Hart, *Early Charters of Essex: The Norman Period* (Leicester, 1957), no. 31.

APPENDIX 2

Table showing evidence for written bequest in the *Liber Eliensis* and *Chronicon Rameseiensis*

Introduction

This appendix collects the references to bequest which I have been able to find in the *Liber Eliensis* and *Chronicon Abbatiae Rameseiensis*.¹ It does not claim to be exhaustive, nor is it a list of lost vernacular documents. In some cases, bequests are given in some detail, apparently based on vernacular texts; the compiler may refer to original documents, or claim to translate them.² These items are indicated with an asterisk. Otherwise, the bequests are summary versions, or are embedded in narrative accounts. Most bequests concern gifts to the church. Where bequests to lay persons are recorded, brief indication is given in the final column of the table. Since the *Liber Eliensis* Book Two, which contains the bequests to Ely, draws on the *Libellus Æthelwoldi* for much of the information it records from the 970s and 980s, I have added *Libellus* chapter references to those for the *Liber Eliensis* itself.

I have included as bequests all gifts which are clearly specified as *post obitum*. I have also included those gifts given for the benefit of the donor's soul or as payment for burial, where the context implies that they are to take effect on the death of the donor. Occasionally wider contextual evidence has been used to determine *post obitum* intention, but where there is doubt, I have added a question mark to the bequest column.

Dating in general follows Hart, *Early Charters of Eastern England*. However, since dating evidence is tenuous, for ease of reference bequests have been arranged alphabetically by donor's name for each chronicle. Where donors appear in both

¹ A number of these bequests have been identified and discussed in Hart, *Early Charters*; Crick, 'Women, posthumous benefaction'; Kennedy, 'Law and litigation'; Lowe, *Vernacular Will* and Wareham, *Aristocracy*.

chronicles, or are related to other donors, links have been indicated by cross-referencing the appendix numbers. Where a vernacular will is extant for a donor, the reference appears in square brackets. Where a Latin text has been accorded a number in Sawyer's list, that is also given in square brackets with a note of the language.

Key

- * evidence for an original OE document implicit in the Latin text
- ? possibly not *post obitum*
- name of donor* where there is evidence for bequest made at the point of death, the donor's name is italicised

² See Chapter 4 for full discussion of this material.

LIBER ELIENSIS (Book II)

Donor	Chapter	Date	Bequest
1. Ælfflæd (wid of 10)	II, 63	1000x1002	land to Ely [S1486/W15]
2. Ælfgar of Milton	II, 35/ <i>Lib</i> 46	s.x	land to Wulfstan of Dalham
3. Ælfgifu	II, 47/ <i>Lib</i> 58	966x975	land to Kg Edgar [S1484/W8]
4. Ælfhelm Polga	II, 73	975x1016	land to Ely (see 37) [S1487/W13]
5. Ælfmær (br of 18)	II, 70	996x1001	land to Ely
6. Ælfwaru* (? eldest d of 9/45) ³	II, 61	c. 1007	land and movables to Ely; see also 40 for bequest to <i>Ramsey</i>
7. Æthelgifu*	II, 59	981x1022?	land and movables to Ely
8. Æthelric* ? br of 27, 30	II, 68	c. 1000	land and movables to Ely; son>monk
9. Æthelstan Mannesune (?f of 6/40)	II, 13	986	land to Ely (see 45, 46)
10. <i>Byrhtnoth</i>	II, 62	991	land and movables to Ely (see 50)
11. <i>Byrhtsige</i>	II, 11/ <i>Lib</i> 10	970x984	silver cup to Bp Æthelwold
12. Eadgifu (g. mother of Kg Edgar)	II, 31/ <i>Lib</i> 41	c. 919xc. 961?	land to <i>nobili matroni</i> Ælfthryth
13. Eadric the Tall*	II, 27/ <i>Lib</i> 38	c. 975	land to Kg Edgar
14. Eanflæd	II, 21/ <i>Lib</i> 32	s.x ^{med}	land to Ely and Wine
15. Edric	II, 34/ <i>Lib</i> 45	970x984	reversion of land to Ely
16. <i>Godgifu</i> *	II, 81 & 83	1022x1029	land to Ely; additional deathbed bequest
17. Goding, monk	II, 26/ <i>Lib</i> 37	c. 970	land to Ely

³ Hart, 'Eadnoth', p. 614.

Donor	Chapter	Date	Bequest
18. <i>Godwine*</i> (br of 5)	II, 69	975x979	land to Ely (see 54 for bequ. to <i>Ramsey</i>)
19. <i>Leofflæd*</i> (wid of 27, d of 10)	II, 88	1017x1035	bequ. to Ely and daughters; tripartite chirograph [S1520: Latin]
20. <i>Leofric</i>	II, 10/ <i>Lib</i> 7	970x984	ref. to bequ. to sisters
21. <i>Leofwine*</i>	II, 60	1002x1016	multiple estates: penance; son>monk
22. <i>Lustwine & Leofwaru*</i>	II, 89	1017x1043	multiple estates to Ely; parents of <i>Thurstan</i> [S1531/W31]
23. <i>Ogga of Mildenhall</i>	II, 18/ <i>Lib</i> 27	before 970	attempted oral bequ. to Ely
24. <i>Ordmær & Ealde</i>	II, 7/ <i>Lib</i> 5	959x975	land to Kg <i>Edgar</i> (with charter)
25. <i>Oskytel Bp of Dorchester</i>	II, 22/ <i>Lib</i> 33	before 972	land to Bp <i>Æthelwold</i>
26. <i>Osmund Hocer</i>	II, 12/ <i>Lib</i> 16	970x971	reversion agreement with Ely
27. <i>Oswi*</i> (br of 8,30; husb of 19)	II, 67	995x1001	land <i>ad vestimentum</i> with son>monk; reversion to Ely
28. <i>Siferth of Downham*</i>	II, 11/ <i>Lib</i> 12	c. 970	land to Ely and daughter
29. <i>Thurcytel Abbot of Bedford</i>	II, 11/ <i>Lib</i> 41	c. 966	land to St Paul's (for entry to community)
30. <i>Ufi*</i> (br of 8, 27)	II, 66	996x1001	land to Ely
31. <i>Wulfric the reeve</i>	II, 32/ <i>Lib</i> 42	c. 970	land to nephew (priest)
32. <i>Wulfsige, Mawa & son, Ælfsige</i>	II, 15	970x981?	land to Ely
33. <i>Wulfstan of Dalham</i>	II, 7&55/ <i>Lib</i> 5	973x975	land to Ely
34. <i>ditto</i>	II, 10/ <i>Lib</i> 9		bequest to daughter?

Donor	Chapter	Date	Bequest
35. Unnamed mother of Ælfric & Leofwine	II, 11/ <i>Lib</i> 13	c. 970	land to sons
36. unnamed	II, 11/ <i>Lib</i> 14	c. 970	land to wife of Ælfwold the Fat by previous husband?

CHRONICON ABBATIAE RAMESEIENSIS

Donor	Chapter	Date	Bequest
37. Ælfhelm & Æffe*	34	975x1016	land to Ramsey [S1807: Latin] [S1487/W13] (see 4)
38. Ælfhild* (wid of 41)	35	990x c.1000	confirms bequest of husband; estate with son > monk [S1808: Latin]
39. Ælfsige & Leva	107	1043x1066	land to Ramsey after death of both
40. Ælfwaru. (?eldest d of 9/45)	54	c. 1007	land, church + movables to Ramsey (see 6) (?protects tenure of priest: see 52)
41. Ælfwold (br of 47)	34	c. 990	land to Ramsey <i>viva voce</i> res. usufruct x2 for wife (see 38)
42. Ærnketel & Wulfrun*	37, 38	before 992	land, coin, chattels (unspec.) to Ramsey for burial [S1493: Latin]
43. Æthelflæd (1 st wife of 47)	28	c. 977	land to Ramsey for burial
44. Æthelgifu* (2 nd wife of 47)	32	c. 985	land, coin & movables to Ramsey [S1809: Latin]
45. Æthelstan Mannesune* (f of 6/40)	33	986	multigift will: land to Ramsey, Ely & kin; manumission; ? wooden cross to Ramsey. (See 9)
46. Widow of 45	33	987	reversionary agreement with Ramsey
47. Æthelwine (eald.)	28	c. 992	d.bed bequest of fishery etc.
48. Æthelwine <i>Niger</i>	103	after 1044	land to Ramsey; disputed by kinsman
49. <i>Berric</i>	51	c. 970?	bequ. of land to Ramsey
50. <i>Byrhtnoth</i> (eald; husb of 1, f of 19)	68	before 991	bequ. of land to Ramsey & Ely before battle (see 10)
51. Eadnoth & uxor*	106, 107	after 1044	land to Ramsey to clothe son > monk; manumission
52. Gode, priest	55	c. 1007	land & church (? life tenure from 40)

Donor	Chapter	Date	Bequest
53. Godric* (br of Abbot Eadnoth)	62, 63	c. 1007	multigift will: land to br & son; other gifts not detailed [S1518: Latin]
54. Godwine (br of 5)	53	969x979	his share of estate held with br. > Ramsey. Reversion of 2 nd estate (see 18)
55. <i>Kinemund</i> , priest	28	before 992	ref. to bequ. of land to 47.
56. Ralph,* Earl of Hereford ⁴	105	c. 1053x1057	reversionary agreement with Ramsey
57. <i>Thorgunnr</i>	107	c. 1055x 1066	land to Ramsey for burial
58. Tostig	107	c. 1050x1065	land to Ramsey for burial
59. Wach	172	c. 1054	fishery to Ramsey? ⁵
60. Wulfifu* (3 rd wife of 47)	30, 31	995x1001	land to Ramsey [S1810: Latin]; tripartite chirograph
61. Wulfwine (son of Ælfwine)	89	c. 1044	reversionary agreement with Ramsey
62. parents of 47	28	s.x. ^{med}	ref. to land inherited from both parents
63. <i>father-in-law</i> of 54	53	s.x. ^{med}	ref. to land bequ. by father-in-law

⁴ Barlow, *The English Church*, p. 61.

⁵ Perhaps given in return for confraternity: Hart, *Early Charters*, p. 235.

LIST OF ABBREVIATIONS

Editions of vernacular wills

(In the text, the editorial initial is followed by the relevant number of the will within the edition).

- H F.E. Harmer (ed. and transl.), *Select English Historical Documents of the Ninth and Tenth Centuries* (Cambridge, 1914).
- N&S A.S. Napier and W.H. Stevenson (ed. and transl.), *The Crawford Collection of Early Documents and Charters* (Oxford, 1895).
- R A.J. Robertson (ed. and transl.), *Anglo-Saxon Charters* (Cambridge, 1939).
- W Dorothy Whitelock (ed. and transl.), *Anglo-Saxon Wills* (Cambridge, 1930).

Counties

Beds	Bedfordshire
Berks	Berkshire
Bucks	Buckinghamshire
Cambs	Cambridgeshire
Derbs	Derbyshire
Dev	Devon
Dors	Dorset
Ex	Essex
Glos	Gloucestershire

Hants	Hampshire
Herts	Hertfordshire
Hfds	Herefordshire
Hunts	Huntingdonshire
Kt	Kent
Leics	Leicestershire
Lincs	Lincolnshire
Nfk	Norfolk
Northants	Northamptonshire
Notts	Nottinghamshire
Oxon	Oxfordshire
Sfk	Suffolk
Som	Somerset
Staffs	Staffordshire
Warks	Warwickshire
Wilts	Wiltshire
Worcs	Worcestershire
Yorks	Yorkshire

General

Æthelgifu *The Will of Æthelgifu*, ed. and transl. Dorothy Whitelock (Oxford 1968).

ANS *Anglo-Norman Studies*.

ASC *Anglo-Saxon Chronicle* (see Note on the System of Reference (p. 9)).

- ASE* *Anglo-Saxon England.*
- B&T** Bosworth, J. and Northcote Toller, T. (eds, with supplement by A. Campbell), *An Anglo-Saxon Dictionary* (2 vols, reprinted Oxford, 1972).
- BAR** British Archaeological Reports.
- Birch** *Cartularium Saxonicum*, ed. W. de Gray Birch (3 vols. and index, London, 1885-1893).
- BM** British Museum.
- CR* *Chronicon Abbatiae Ramesiensis*, ed. W. Dunn Macray (London, 1886), Rolls Series 83 (followed by chapter number).
- C&S* *Councils and Synods with other Documents relating to the English Church, vol. I, A.D. 871-1204*, ed. D. Whitelock, M. Brett and C.N.L. Brooks (Oxford, 1981).
- CUL** Cambridge University Library.
- DB* Domesday Book (Phillimore edition; see **Note on the System of Reference** (p. 9) and **Bibliography**).
- DOEC* *Dictionary of Old English Corpus*, ed. A. diP. Healey, Toronto University Centre for Medieval Studies (Ann Arbor, in progress).
- EHD I* *English Historical Documents, vol. 1: c. 500-1042*, ed. and transl. Dorothy Whitelock (1st edition, London, 1955).
- EHR* *English Historical Review.*
- EME* *Early Medieval Europe.*
- LE II* *Liber Eliensis*, ed. E.O. Blake, Camden Society, 3rd ser. 92 (London, 1962), Book II (followed by chapter number).

- Lib* *Libellus quorundam insignium operum beati Æthelwoldi episcopi* (followed by chapter number). Forthcoming in *Anglo-Saxon Ely: Records of Ely Abbey and its Benefactors in the Tenth and Eleventh Centuries*, ed. and transl. S. Keynes and A. Kennedy.
- OE* Old English.
- P&M II* Pollock, F. and Maitland, F.W., *The History of English Law Before the Time of Edward I* (2 vols, 2nd edition, Cambridge, 1911), vol. 2.
- S* *Anglo-Saxon Charters: An Annotated List and Bibliography*, ed. P.H. Sawyer (London, 1968). An updated version is available at: www.trin.cam.ac.uk/chartwww/>:
- SEHD* *Select English Historical Documents of the Ninth and Tenth Centuries*, ed. and transl. F.E. Harmer (Cambridge, 1914).
- TRE* *Tempore Regis Edwardi* (indicating the tenorial position before 1066).
- TRHS* *Transactions of the Royal Historical Society*.
- Writs* *Anglo-Saxon Writs*, ed. and transl. F.E. Harmer (2nd edition, Manchester, 1989).

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(Texts and translations in the thesis are taken from these editions unless otherwise stated).

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The Will of Æthelgifu, ed. and transl. Dorothy Whitelock (Oxford, 1968).

'The will of Eadwine of Caddington', ed. and transl. Simon Keynes. A provisional edition and translation appended to 'A lost cartulary of St Alban's Abbey', *ASE*, 22 (1993), 275-79.

'The Will of Wulf', ed. and transl. Simon Keynes, *Old English Newsletter*, 26.3 (1993), 16-21.

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- extracts from the others*, ed. J. Earle and C. Plummer (2 vols, Oxford, 1892-99).
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- Anglo-Saxon Writs*, ed. and transl. F.E. Harmer (2nd edition, Manchester, 1989).
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