

## **Wills and inheritance in late Anglo-Saxon England 871-1066.**

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Wills and Inheritance  
in  
Late Anglo-Saxon England,  
871-1066.

Submitted for the degree of Ph.D in History  
by  
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## ABSTRACT

In this thesis, the sources considered suitable for the study of inheritance were reviewed, and a theoretical model for a system of customary inheritance was developed. The study divides into two parts, each relating either to the sources or to the model. The first part of the thesis re-evaluates the traditional divisions of sources for the study of inheritance and devises new divisions for use in this study. The second part of the thesis uses these new divisions in developing a model for the operation of inheritance and discusses the role of these sources in relation to that model.

In place of the traditional division of source material for the study of inheritance, a system was devised consisting of two broad areas: Wills and Additional Documents. The area of Wills was divided into the following headings: Written Wills, Oral Declarations, Category A,B,or C Lost Wills, and Grants made while Dying. Additional Documents included the following material: Reference to an Inheritance, Reference to Property Descent, and Documents relevant to the nature of wills. The merits and limitations of these sources were discussed with reference to their preservation whether as single sheet contemporary copies or in cartularies.

The theoretical model for a system of customary inheritance is relatively simple. The relationship between that system and the sources alters the traditional perspective on those sources with the result that the evidence from written wills is seen as supplemental rather than central to the study of inheritance. From this new perspective, it becomes apparent that the property donated inside wills represents only a portion of a donor's total possessions and that in the operation of the customary inheritance system, male donees are preferred as the recipients of landed property.

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Eric Whiteside Hemming  
Sevenoaks, 1991.

## CHAPTER ONE: A New Look at the Sources.

The history of the study of wills reflects the changes and increasing professionalization of history as a discipline. As this thesis draws on both the techniques and conclusions of earlier works, it is first necessary to make apparent the body of scholarship on which it draws.

Wills exercised a curious fascination for the antiquarians. Early source collections included wills and considerable awareness was shown with regard to their distinction from the bulk of evidence represented by charters and chronicle material. Wills were visibly different, and this difference was worthy of comment. With the increasingly legal historical interests of the nineteenth and twentieth century, comment focused on the legal nature of wills. Evidence provided by wills was grist for the mills of debate concerning the development of testament as a legal act and as a legal document. Scholars of the calibre of H. Brunner<sup>1</sup>, F. Pollock and F.W. Maitland<sup>2</sup> and H.D. Hazeltine<sup>3</sup>, to name a few, derived from the wills evidence for complex technical arguments which placed Anglo-Saxon wills into the history of bequest stretching from the Germanic past to the late middle ages. In tandem with the legal interests came the

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<sup>1</sup>For a useful discussion of German work in this area see M.M. Sheehan, *The Will in Medieval England*, Pontifical Institute of Medieval Studies, Studies and Texts, Vol. 6 (Toronto, Canada, 1963) pp.6-10. Hereafter this work will be cited as 'Sheehan-Will'.

<sup>2</sup>F. Pollock and F.W. Maitland, *The History of English Law*, Vol.II, Second Edition (Cambridge, 1895, reprinted 1911) pp.240-363.

<sup>3</sup>*Anglo-Saxon Wills*, edited by Dorothy Whitelock (Cambridge, 1930). Hereafter this work will be cited as 'Whitelock-Wills'. The general preface to this work, pp.vii-xl, is by H.D. Hazeltine. Hereafter references to that preface will be cited as 'Hazeltine-Preface'.

desire for a purity of text, and the study of wills benefitted from the production of superior editions.

Individual collections of source material, such as those of Walter de Gray Birch<sup>4</sup>, J.M. Kemble<sup>5</sup>, J. Earle<sup>6</sup> and B. Thorpe<sup>7</sup> grew out of, and stimulated, interest in documents of the Anglo-Saxon period. From their efforts arose better editions possessing critical apparatus and a greater degree of sensitivity to textual variations. The works of A.S. Napier and W.H. Stevenson<sup>8</sup>, F.E. Harmer<sup>9</sup>, D. Whitelock<sup>10</sup> and A.J. Robertson<sup>11</sup> represent the early fruition of this kind of scholarly pursuit--a pursuit

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<sup>4</sup>Walter de Gray Birch, *Cartularium Saxonicum: A Collection of Charters Relating to Anglo-Saxon History*, Vol. I (London, 1885), Vol. II (London, 1887, reprinted New York, 1964), Vol. III (London, 1893, reprinted New York, 1964). Hereafter references to this work will be cited as 'C.S.' followed by the document number in that work.

<sup>5</sup>J.M. Kemble, *Codex Diplomaticus Aevi Saxonici*, Vol. I (London, 1839), Vol. II (London, 1840), Vol. III (London, 1845), Vol. IV (London, 1846), Vol. V (London, 1847), Vol. VI (London, 1848). Hereafter references to this work will be cited as 'K' followed by the document number in this work.

<sup>6</sup>J. Earle, *A Hand-Book to the Land-Charters, and Other Saxon Documents* (Oxford, 1888).

<sup>7</sup>B. Thorpe, *Diplomatarium Anglicum Aevi Saxonici* (London, 1865).

<sup>8</sup>*The Crawford Collection of Early Charters and Documents, Now in the Bodleian Library*, edited by A.S. Napier and W.H. Stevenson (Oxford, 1895). Hereafter this work will be cited as 'Crawford Collection'.

<sup>9</sup>*Select English Historical Documents of the Ninth and Tenth Centuries*, edited by F.E. Harmer (Cambridge, 1914). Hereafter this work will be cited as 'SEHD'. See also F.E. Harmer, *Anglo-Saxon Writs* (Manchester, 1952). Hereafter this work will be cited as 'Harmer-Writs'.

<sup>10</sup>Whitelock-Wills.

<sup>11</sup>*Anglo-Saxon Charters*, Second Edition, edited by A.J. Robertson (Cambridge, 1956). Hereafter this work will be cited as 'Robertson-Charters'.



ongoing today and which is perhaps best represented by the British Academy series of Anglo-Saxon charters. It is remarkable that the theoretical interest in Anglo-Saxon wills has not kept pace with the interest shown in presenting a better text.

The major theoretical works on Anglo-Saxon wills today are the preface by H.D. Hazeltine found in the collection edited by Dorothy Whitelock and the first three chapters of M.M. Sheehan's work on wills in England.<sup>12</sup> Appropriate to its publication in 1930, the work by Hazeltine is highly legalistic though the critical apparatus supplied by Dorothy Whitelock hints at social historical considerations without providing any argumentation. While M.M. Sheehan's work provides an interesting overview on Germanic and Christian origins of bequests and a different means of organising the body of evidence, his debt to both Hazeltine and Whitelock remains, as he himself acknowledges, great.<sup>13</sup>

In the last quarter century, Anglo-Saxon scholarship has begun to emerge from the shadow of F.M. Stenton to rediscover a diversity in the interpretation of evidence greater than was allowed for in his magisterial, but monolithic, work on that subject.<sup>14</sup> Work undertaken on the charter evidence alone has exposed a mother lode of un-mined resources which can be especially useful to social historians. At the very least, it was necessary to re-evaluate the Anglo-Saxon will in light of both the advancements made in scholarship and the interests of today's historians. One aim of this thesis was to begin to bring the study of wills up to the level achieved in the study of charters.

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<sup>12</sup>Sheehan-Will, pp.1-106.

<sup>13</sup>Sheehan-Will, p.2.

<sup>14</sup>F.M. Stenton, *Anglo-Saxon England*, Third Edition (Oxford, 1971).

The primary goal of the analysis undertaken in this work was to determine, using the evidence of Anglo-Saxon wills and other supporting, or additional documents, whether there existed a pattern of inheritance common throughout Anglo-Saxon England between the ninth and eleventh centuries. Two aspects of this goal call for clarification and that clarification forms the basis of this chapter. The first aspect concerns whether it is useful or even desirable, to study wills over such a large geographical area and over such a broad swathe of time. The second aspect concerns the matter of terminology and of what constitutes an Anglo-Saxon will, an additional document and a pattern of inheritance.

The work of Nicholas Brooks on the property transactions of Archbishop Wulfred and his kinsman, Werhard the *presbiter*, demonstrates the utility of wills as evidence of family activity in the acquisition and transmission of property.<sup>15</sup> However, the limitations of using this tightly focused approach in studying the larger role of wills in society are also revealed. Dr. Brooks produced a detailed study of the acquisition, by Archbishop Wulfred, of a number of properties and then traces the transmission of this acquired property to Archbishop Wulfred's kinsman, Werhard, and beyond. Such a study provides a useful snapshot of a particular situation in the history of those properties and provides an insight into how a will could be used under a particular set of circumstances to effect, or to ensure, a change. The problem for the social historian is that such an approach tends to emphasize the uniqueness of the situation.

Knowing the background to the composition of the will of Werhard the *presbiter* does not necessarily provide much insight into the creation of other wills. Ideally, the approach to be taken would involve a

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<sup>15</sup>N. Brooks, *The Early History of the Church of Canterbury* (Leicester, 1984) pp.139-42.

detailed analysis of the circumstances behind the composition of all wills and generalizations would flow from that analysis. While this represents the basic approach followed here, it should come as no surprise to find that, in reality, the evidence is not so plentiful elsewhere as it is in Canterbury. Indeed, often the only evidence consists of the will itself. It is the attempt to obtain the largest possible resource base, in terms of evidence, which necessitated the geographical width and chronological breadth of this work.

The advantage of the largest possible resource base of evidence is that it reduces the chance that exceptional circumstances are interpreted as representing the normal practice of society simply because the selected samples for study were too few. This is not to say that the factors of regionality, or of changes over time, if known, in the particular circumstances of a will's composition have been suppressed in a headlong pursuit of unity. The paucity of evidence dictates a more general approach, but sensitivity to the particular has been retained as both are necessary to produce a realistic view of inheritance in Anglo-Saxon society.

Although not an obvious source of difficulty initially, terminology and the problems related to it became of tremendous consequence to this analysis. The simple question of 'What is an Anglo-Saxon will?' was inescapable; yet providing an answer to that question proved difficult as inconsistencies, as to which documents constituted wills and which did not, emerged. The problems in defining the Anglo-Saxon will are at least partially historiographical.

The publication of Dorothy Whitelock's *Anglo-Saxon Wills* in 1930 had the no doubt unintentional effect of ending both research, and debate, on the subject of wills. The *corpus* of documents deemed suitable for study as wills became sealed, and despite a few additions, it has remained so. The subject was 'done'. The impact of



her work is comparable to that of F.M. Stenton in terms of the length of time it has dominated the field. Its enshrinement *in toto* in Sawyer's handlist<sup>16</sup> and in the regional studies of charters emanating from Leicester University<sup>17</sup> bears eloquent witness to its influence. It is an excellent work and even a cursory glance through the footnotes of this thesis will reveal the degree of my own indebtedness to it. The approach taken in *Anglo-Saxon Wills* in determining which documents are to be considered wills is based very solidly on diplomatic criteria which reflects the interests of its time. This is not, however, the best approach when studying the will as evidence concerning inheritance in the Anglo-Saxon world.

It rapidly became apparent that prior to the publication of *Anglo-Saxon Wills* there had been considerable diversity of opinion as to which documents were considered wills. The same document could well be given an entirely different status when it appeared in different collections of published documents. After the publication of Dorothy Whitelock's work, documents which were obviously wills were given the status of bequests or agreements--apparently for the reason that they could not now be considered part of the *corpus* of wills. An example of this rather arbitrary method of dividing sources would be the will of Werhard the *presbiter* which was listed as a bequest in Sawyer's handlist under the

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<sup>16</sup>P.H. Sawyer, *Anglo-Saxon Charters: An Annotated List and Bibliography* (London, 1968). Hereafter this work will be cited as 'S'. The number which follows the 'S' indicates the number of the document in Sawyer's handlist.

<sup>17</sup>These are the volumes edited by H.P.R. Finberg, M. Gelling and C.R. Hart, found in the 'Studies in Early English History' series under the general editorship of H.P.R. Finberg and which deal with early charters. For further information concerning these texts see the bibliography.



heading of 'Grants by Other Ecclesiastics'<sup>18</sup> rather than as a will. While the use of diplomatic criteria is one way of organizing the material, it is highly intolerant and provides a slanted and rather misleading view of the evidence. There is little sense of experimentation or development in the body of documents as they are presently compiled. The overall impression is that wills sprang, as Athena, fully formed, into the world of Anglo-Saxon land transfer. That this was the case is highly improbable, and this impression is the direct result of having imposed a rigid set of criteria, based on a series of diplomatic hurdles, which must be cleared in order for any document to be considered a will.

The use of diplomatic means in establishing whether a particular document is a will or not seems to have been widespread. Even the normally cautious F.M. Stenton can be seen to place considerable weight on the importance of diplomatics in the sorting of evidence. His pronouncement on the will of Hean represents one of the most explicit examples of this approach: One of the documents, purporting to be the will of 'Hean', may be summarily dismissed; in every respect it is at variance with authentic Old English testaments.<sup>19</sup> Regardless of any other legitimate objections to the authenticity of this document, it does deserve attention for what it is attempting to do. It is apparent that in this passage, Hean is attempting to determine, prior to his own demise, how his property will be transferred at his death. The words of the passage itself make this clear:

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<sup>18</sup>S.1414, p.398.

<sup>19</sup>F.M. Stenton, *The Early History of the Abbey of Abingdon*, Reading Studies in Local History (Reading, 1913) p.9.

ac conditione Cillan sorori meæ ad possidendum  
contuli, ut post obitum meum, si ipsa superstes  
vixerit, disponat et regat cum Dei timore; et  
post se ad istum monasterium omnino reddat.<sup>20</sup>

While this particular example predates the limits of this study, it would be perverse not to consider it a will.

The so-called 'grant' of Brihtmær of Gracechurch is a further example of the problems inherent in choosing form over function as a means of determining whether a document is a will.

Hyer suotelen on thisen ywrite embe tho  
vorewerde the Brithmer at Gerschereche wrogte  
with Stigant archebiscop. and with Godric thane  
den. and with alle than hird at X̄pes chereche  
at Cantwarberi. thet is thanne thet he uthe X̄pe  
into X̄pes chereche thane homstal thet he on  
set. and alre halegene cheriche efter his dage.  
and efter Eadgefān his ybedden. and efter his  
childrene dage. Edmeres and Ethelwines swo hi  
hit altherbest ygodeden. vor hire saule .  
alesednesse. and swo thet se hired sholde  
witen. thet se theudom ne adeswen. the into  
thare cheriche belimpcht ne ne atfalle al be  
than. the si chereche were ygoded. Hierto  
byeth.ywitnessse Lyefstan portireue and biscop.  
and Eylwine stikehare. and manye othre. theyne  
binne burg an bute.<sup>21</sup>

In this example, Brihtmær has established the descent both of the homestead he occupies and of the Church of All Hallows with its endowment. Property passes from

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<sup>20</sup>*Chronicon Monasterii de Abingdon*, Vol. I, Rolls Series Vol. 2, edited by J. Stevenson (London, 1858) No. XV, p.13. All texts which appear in this thesis are derived, unless otherwise stated, from published sources. As these texts are widely available, the considerable critical apparatus which accompanies them has been omitted for the sake of space. At no time has any variation, which substantially affects the example given, been deliberately suppressed. (§.1179).

<sup>21</sup>Robertson-Charters, No. CXVI, pp.216-17. It should be noted that due to the absence of keys denoting the runic symbols for thorn, eth and wynn on the computer used to prepare this thesis, both thorn and eth have been written as 'th' and wynn has been rendered as 'w'. The only exception to this standardization occurs when the runic symbol thorn has been used to form an abbreviation. When this occurs, the symbol for thorn has been inserted into the text by hand. (§.1234).

Brihtmær to his wife, then to his children, and, ultimately, to Christchurch in Canterbury. The reason for not including this record as part of the *corpus* of wills is likely related either to the use of the term *vorewerde* or perhaps to its variance from the canons of will format. For the purposes of this work, the above 'grant' is to be considered a will.

Having considered the limitations of using diplomatic as the sole means of establishing whether a document is a will, and having found such a means of limited value, it is necessary to formulate new criteria. The single, fundamental criterion that must be met in order that any source be considered a will for the purpose of this thesis is this: the record must state clearly the donor's intentions towards their own property after that donor's own death. Insofar as any diplomatic, or, more accurately, terminological requirement must be met, it is essential that the record employs the Old English expression *æfter heora dæge*, or the Latin equivalent *post obitum meum* or any similar phrase which has that meaning when it refers to the time at which the donation is to occur.

The impact of this new criteria is substantial. It permits a considerable expansion both in the number of records considered wills and in the number of records which can be considered relevant to the study of wills. This expansion, in turn, requires that a reorganisation of the categories by which wills have been traditionally studied be undertaken. The potential for 'shades of greyness' in differentiating types of sources becomes greater as a result of this increase in the number of records suitable for analysis.

H.D. Hazeltine in his preface focused on two aspects of wills both of which have been taken up by later works on wills. The first, and an aspect that is explored in greater detail in the second chapter, is the division between the oral and the documentary nature of the will.



The second aspect concerns the legal nature of the will. H.D.Hazeltine felt that the legal nature of the will was that it was a bilateral contract. Under the terms of this contract, the donor rendered property to the church at death, so that the church would act of behalf of the donor in the spiritual world.<sup>22</sup> Of these two aspects, the first was the most useful in the development of categories for the study of wills.

In his book, M.M. Sheehan divided wills into the following three non-mutually exclusive categories: the gift *verba novissima*, the *post obit* gift; and the *cwide*.<sup>23</sup> The gift *verba novissima*, or death-bed gift, referred to the grant made by a donor while on their deathbed. The *post obit* gift was a grant which took place, after the donor's death, of a single property, or set of related properties, to a single donee. *Cwide* was the term he reserved for more complex *post obit* grants of multiple properties to multiple donees. While these categories were useful for the traditional and more restricted *corpus* of wills, their usefulness was limited when the body of material available for study was expanded. The difference between the *post obit* gift and the *cwide*, being only one of degree, tended to lose significance as a result of that expansion. This essentially left two categories to encompass all of the considerable variation found in sources available for study. The inadequacy of such categorization came to the fore with the realization that the death-bed gift was actually not, at least by the new criteria, a type of will.

The death-bed gift was a grant made in life between living persons and is, therefore, not a will. This is not to deny that such grants, made just before the time of death, have considerable relevance to questions of inheritance. Indeed, without the evidence of such

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<sup>22</sup>Hazeltine-Preface, p.xx, and pp.xxv-xxvi.

<sup>23</sup>Sheehan-Will, p.20, and pp.24-7.

grants, this thesis would be very different; however, as Dr. Sheehan himself implied in his work, the interest of the dying grantor was best served if their grant took place immediately.<sup>24</sup> Property, under these circumstances, was given with an immediacy, and a finality, that better finds its echoes in the language of charters rather than in that of wills. To accommodate the records of this kind of grant, a new category was created called 'Grants made while dying'. Although this title appears at first to be rather clumsy, it was necessary in order to distinguish this type of grant with donations contained in 'Oral declarations'--a different category which will be explained below.

In response to the failure of the traditional divisions devised for the study of Anglo-Saxon wills to cope with the influx of new material, the following system of categorization was developed. Initially, the material was separated into two broad areas: Wills and Additional Documents. The area of wills was further divided under the following headings: Written Wills; Oral Declarations; Category A, B or C Lost Wills; and Grants made while dying. The area of additional documents was divided as follows: Reference to an Inheritance; Reference to Property Descent; and Documents relevant to the nature of wills. While a complete listing of all the documents contained under each heading can be found in the appendices of this work, it is instructive to take a closer look at each heading in order to understand why such a category was necessary and to appreciate the defining characteristics of each category.

Written wills is the largest category in terms of the actual number of documents. Written wills are those documents which state the donor's intentions as to what is to happen to their property after their death and which use either the Old English expression *æfter heora*

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<sup>24</sup>Sheehan-Will, p.34.

*dæge*, or the Latin *post obitum meum* or an equivalent, in reference to the condition which must exist before their donation is to occur. A typical example of a written will is that of Siflæd from the mid tenth century.

[H]er sviteleth ihu Sifled an hire aihte ouer hire day. that is erst into seynt Eadmunde Marthingforth for hire leue soule. al buten tuenti acres. and tueye Waine gong wudes. and there Wude northouer. 7 min kirke be fre. And Wlmer prest singe therat. and his bearntem so longe. so he then to then hode. and fre leswe into there kirke. and mine men fre. And be seynt Eadmund mund ther ouer thene freschot. Se the thise cuide wille awenden be he amansid from god almichtin 7 from alle hise halegen 7 fram s̄ce Eadmunde.<sup>25</sup>

In the above, the first sentence makes it clear that, although this is a grant in terms of the choice of the verb, *an*, the grant was to occur *ouer hire day*. The latter is perfectly acceptable as a variant of *æfter heora dæge* as its meaning is clearly equivalent. While the above example was considered to be a will by Dorothy Whitelock in her collection, this category now includes a number of documents which she excluded.

One such document was the *vorewerde* of Brihtmær of Gracechurch cited earlier. In that will, the choice of verb is *an*, but the grant is to occur only *after his dage. and after Eadgefān his ybedden. and after his childrene dage*.<sup>26</sup>

Another example, though one that postdates Dorothy Whitelock's own work, is the *forwarde* of Osulf and Leofrun dating from the mid eleventh century.

Her kith and with song wrthe write that forwarde that osulf and Leofroun wrouhte hem bitwen himbe that lond at dicleburg and at semere swa ful and swa forth swa it hem on honde stod, on wode and on felde crist to loue

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<sup>25</sup>Whitelock-Wills, No. XXXVII, pp.92-3. The insertion in square brackets was added by Dorothy Whitelock. (s.1525).

<sup>26</sup>Robertson-Charters, No. CXVI, pp.216-17;p.216, 11. 14-16. (s.1234).



and sancte marie and alle cristes halgen here  
soules to alesenese. He it willetg that ther  
singetg foure prestes, to after osulf and to  
after leofroun is day, and ilke woke to singen  
tuelue messes.<sup>27</sup>

In this example, there appears to be no explicit reference to the grant occurring at the death of the donors. The instructions to the four priests, *ther singetg foure prestes, to after osulf and to after leofroun is day*, would seem to imply that the gift is for spiritual considerations after death. In this case, however, the cartulary compiler has provided a Latin version of this text which preserves the following crucial phrase: *Ecce consistunt osulf et leofrun meditantēs animarum suarum necessitatem, id est quod post uite sue decessum has terras dicleburg et semere.*<sup>28</sup> The phrase is unambiguous, and if it is interpolated into the version that appears to be a blend of Old English and Middle English, it is consistent with the context and improves the intelligibility of that version. While the result of such an interpolation does create a 'hybrid' version of the document, the evidence is sufficient for this kind of document to be considered a written will.

In the process of re-evaluating sources in order to assess their status, it has been noted that documents previously considered to be a single will in fact combine two wills. An example of this kind of source was the will of Reeve Abba which was found to contain the will of Heregyth. It is assumed that she was most likely his wife. Reeve Abba's will begins as follows: † *Ic Abba geroefa cythe 7 writan hate hu min willa is thæt mon ymb min ærfe gedoe æfter minum dæge. Ærest.*<sup>29</sup> Various

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<sup>27</sup> C.R. Hart, *The Early Charters of Eastern England* (Leicester, 1966) No. 133, pp.86-91; p.86. (s.1608).

<sup>28</sup> Ibid., p.87. The underlining is my own addition.

<sup>29</sup> SEHD, No. II, pp.3-5; p.3, ll. 3-5. (s.1482).



donations follow this introduction until the document concludes with this final donation:

7 gif thæt gesele thæt min cynn to than clane  
gewite thæt ther theara nan ne sie the londas  
weorthe sie, thonne foe se hlaford to 7 tha  
higan æt Kristes cirican 7 hit minum gaste nytt  
gedoen. An thas redenne ic hit thider selle,  
the se monn se the Kristes cirican hlaford sie,  
'se' min 7 minra erfewearda forespreoca 7  
mundbora, 7 an his hlaforddome 'we' bian  
moten.<sup>30</sup>

There then follows a witness list of fifteen named individuals including Archbishop Ceolnoth and Abba the reeve.

After the final witness, one subdeacon Ceolwulf, the will of Heregyth begins:† *Heregyth hafath thas wisan binemned ofer hire deg 7 ofer Abban.*<sup>31</sup> While the close physical proximity of these two wills must be acknowledged, it is obvious that they are two separate statements and therefore must be considered as two distinct written wills. A similar situation arises in the will of Thurstan(S.1531), which records after its own conclusion, the further will of Æthelgyth and Askil.<sup>32</sup> Examples such as these represent the usual kinds of documents considered to be written wills for the purpose of this work.

The category of 'Oral declarations' is small but highly significant in that these documents tend to be remarkably precise concerning the circumstances surrounding the making of the will. Perhaps the best

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<sup>30</sup> Ibid., p.4, ll. 17-22.

<sup>31</sup> Ibid., p.5, ll. 2-3.

<sup>32</sup> Whitelock-Wills, No. XXXI, pp.80-5;pp.82-5. The reference to Sawyer found in brackets following the donor's name appears when there is some possibility of confusion as to which document is meant. This device is employed in cases where the same donor has left more than a single will or where roughly contemporary donors share the same name.(S.1531).

known example of this category is the oral declaration made by the angry mother of one Edwin, *Enneawnes's* son.

tha com thær farende to tham gemote. Edwine Enneawnes sunu 7 spæc thær on his agene modor æfter sumon dæle landes. þ was Weolintun 7 Crydes lāh. tha acsode se bisceop hwa sceolde andswerian for his modor. tha 7 sweorode Thurcil hwita 7 sæde þ he sceolde gif he tha talu cuthe. tha he tha talu na ne cuthe tha sceawode man threo thegnas of tham gemote thær thær heo wæs. 7 þ was æt Fæliglæ. þ was Leofwine æt Frome... 7 tha tha heo to hire comon tha acsodon heo hwylce talu heo hæfde. ymbe tha land the hire sunu æfter spæc. tha sæde heo þ heo nan land næfde the him aht to gebyrede. 7 gebealh heo swithe eorlice with hire sunu. 7 gecleopode tha Leofflæde hire magan to hire. Thurcilles wif. 7 beforan heom to hire thus cwæth her sit Leoffled min mage the ic geann ægther ge mines landes ge mines goldes ge rægles ge reafes ge ealles thæs the ic ah æfter minon dæge. 7 heo syththan to tham thegnon cwæth. doth thegnlice 7 wel. abeodath mine ærende to tham gemote beforan eallon tham godan mannum 7 cythath heom hwæm ic mines landes geunnen hæbbe. 7 ealre minre æhte. 7 minon agenan suna. næfre nan thingc. 7 biddath heom eallum beon thisses to gewitnesse. 7 heo tha swæ dydon.<sup>33</sup>

The records in this category pay particular attention to the oral nature of the donation. They appear to represent an attempt to reproduce the actual words spoken by which the donation was to occur, and this emphasis on recording the oral act distinguishes them from written wills. They differ significantly from death-bed grants as, although the donor similarly states what is to happen to their property at their death, no indication is given that death is considered imminent. The above example demonstrates that Edwin's mother, at least, had quite a bit of life in her.

'Lost Wills' are divided into three categories, A, B or C, and represent what record survives of wills which are themselves no longer extant. The category of 'lost

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<sup>33</sup>Robertson-Charters, No. LXXVIII, pp.150-3; p.152, 11. 3-23. The underlining is my own addition. (S.1462).

will' into which a record was placed is determined by the amount of information from the lost will that the document retains. While there is bound to be some blurring at the edges of each category, the threefold division captures the main characteristics found in these types of records.

Category A lost wills are those records which provide an apparently extensive recitation of what a will contained. One of the best examples of this category of lost will is found inside the written will of Brihtric and Ælfswith. This record outlines the disposal of property by Brihtwaru and her husband Ælfric.

7 þ land æt Fealcnaham. æfter Byrhwara dæge.  
into s̄ce Andree. for Ælfric hire hlaford. 7 his  
yldran. swa heora cwide wæs. 7 Bromleah. æfter  
Brihtwara dæge. into s̄ce Andrea. swa Ælfric  
hire hlaford hit becwæth. for hine 7 his  
yldran. 7 Snodingcland eac. into s̄ce Andrea.  
æfter hire dæge. swa Ælfere hit becwæth  
Ælfrices fæder. 7 he seoththan. on gewitnesse.  
Eadgife thære hlæfdian. 7 Oðan arcebisceopes. 7  
Ælfeges Ælfstanes suna. 7 Ælfrices his brothor.  
7 Ælfnothes Pilian. 7 Godwines æt Fecham. 7  
Eadrices æt Ho. 7 Ælfsies preostes on  
Crogdæne.<sup>34</sup>

The above example demonstrates that this donation was to occur after the death of Brihtwaru. The language used concerning these estates would appear to indicate that Ælfric left them first to Brihtwaru for her lifetime and then to St. Andrew's in Rochester.

Category B lost wills note the existence of a will and record a few of the details from it. Unsurprisingly, this category of lost wills contains the largest number of records. Two examples of this type of lost will can be found in the written will of King Alfred: these are the lost will of King Æthelwulf and lost will of King Æthelred.<sup>35</sup>

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<sup>34</sup>Whitelock-Wills, No. XI, pp.26-9;p.28, ll. 13-22. The underlining is my own addition.(S.1511).

<sup>35</sup>See Appendix No. VIII for the lost wills which can be found in King Alfred's will.



The information concerning King Æthelwulf's will is found in two separate passages inside the preamble to King Alfred's own will. In the first passage, the provisions of King Æthelwulf's will are outlined:

7 ymb min [King Alfred's] yrfe thæt me God 7 mine yldran forgeafon 7 ymbe thæt yrfe thæt Athulf cingc min fæder us thrim gebrothrum becwæth, Athelbolde 7 Ætherede 7 me; 7 swylc ure swylce lengest wære, thæt se fenge to eallum.<sup>36</sup>

The second passage appears to establish that this will was recorded in some kind of documentary form:

Tha gehyrde we nu manegu yrfegeflitu, nu tha lædde ic Athulfes cinges yrfege writ on ure gemôt æt Langandene 7 hit man arædde beforan eallum Westseaxena witum. Tha hit aræd wæs.<sup>37</sup>

The provisions of King Æthelred's lost will are stated as follows:

Tha hit swa gelamp thæt Æthered to feng, tha bæd ic [King Alfred] hine beforan urum witum eallum thæt wit thæt yrfe gedældon 7 he me ageafe minne dæl. Tha sæde he me thæt he naht eathe ne mihte todælan forthon he hæfde ful oft ær ongefangen; 7 he cwæth thæs the he on uncrum gemanan gebruce 7 gestrynde æfter his dæge he nanum menn sel ne uthe thonne me. 7 ic thæs tha wæs wel gethafa.<sup>38</sup>

These two examples illustrate the characteristics of category B lost wills in that they provide only the scantiest details concerning the provisions of the will. Only in the case of the will of King Æthelwulf is any evidence offered that the will might have had a documentary form. The absence of evidence for the existence of any physical record of King Æthelred's lost will does not exclude it from being considered a lost will. The circumstances which are said to surround its

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<sup>36</sup>SEHD, No. XI, pp.15-19;p.15, l. 28, and p.16, ll.1-3. The insertion in square brackets is my own. (S.1507).

<sup>37</sup>Ibid., p.16, ll. 30-3.

<sup>38</sup>Ibid., p.16, ll.10-16. The insertion in square brackets is my own.

composition indicate that its provisions would have been widely known even if this is the only provision to have survived in any form of record.

Category C lost wills are those records which merely note the possible existence of a will. An example of this kind of lost will would be that of Tole, the widow of Urk.

7 ic [King Edward] cythe eow þ hit is min fulla unna þ Tole min mann Urkes lafe þ heo becwethe hire land 7 ehta in to Sċe Petre æt Abbodesbyrig swa swa hire leofest sy be minan fullan geleafan swa full 7 swa forth swa tha forewirda ær gewrhte wæran þ hit sceolde æfter heora begra dage hire 7 Urkes hire hlafordes for heora sawle gan in to tham haligan mynstre. Nu wille ic þ heora cwide stande swa swa hit geforewird wes. on godre manna gewitnesse the thar with weran.<sup>39</sup>

In the above, the name of the donee, St. Peter's of Abbotsbury, is given but no details from the will are provided. The language of the writ indicates that the will was known but it is an open question whether it ever existed as a document. The questions of terminology, especially the precision that can be ascribed safely to such terms as *testamentum*, are particularly crucial in this category. These questions are explored in greater detail in chapter two.

As should be apparent from the above, the divisions between category A, B or C lost wills can often become quite fine. While there exists a degree of shadow between each category, these divisions of the lost wills reflect the real differences which appear in the records. Records refer to these lost wills and report, in varying degrees of detail, the contents of these wills. As such, lost wills are part of the *corpus* of evidence regarding inheritance. To omit them, especially considering the complex questions of terminology they raise, is to ignore a potentially invaluable source. While the divisions

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<sup>39</sup>Harmer-Writs, No. 2, pp.121-2;p.121, ll.2-9. The insertion in square brackets is my own.(5.1064).

into A, B or C are not always clear cut, they emphasize the different qualities of these sources and are, as such, valid.

The final category in the broad area of wills does not in fact contain wills at all, but rather consists of the records of 'grants made while dying'. The importance of such grants to the study of inheritance is so great, however, that it is best to include them in the area of wills. The records of such grants are preserved exclusively in Latin and date from the post-Conquest period. The distinguishing characteristic of this category of evidence is that the circumstance behind the grant is that grantor is about to die. The Latin phrase most commonly employed is that a grant is made *cum moreretur* but other, synonymous phrases also occur. An example of this kind of grant is that of Thurgunt which was made shortly before the Norman Conquest.

Item, matrona, quædam, Thurgunt nomine, morbo corporis tacta et in extremis agens, terram de Saltretha pro suæ animæ salute, Deo et sancto Benedicto, permittente viro suo Turkillo de Haringwrth, in testamento reliquit, cum firma et consueto hominum servitio, cum omni investitura, sicut fuit in die sancto Paschæ quando coepit mulier ægrotare.<sup>40</sup>

Most of the examples of this kind of grant which appear in this study are taken either from the *Liber Eliensis*<sup>41</sup> or the *Libellus Æthelwoldi Episcopi*<sup>42</sup>. Both

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<sup>40</sup>*Chronicon Abbatix Rameseiensis*, Rolls Series Vol.83, edited by W.D. Macray (London, 1886) c.107, pp.173-6; pp.175-6. (Not in Sawyer).

<sup>41</sup>*Liber Eliensis*, Camden Third Series, Vol.XCII, edited by E.O. Blake (London, 1962). Hereafter this work is cited in the text as the *Liber Eliensis*. When this work appears in the footnotes, it is cited as L.E.<sub>II</sub>. The subscript Roman numeral II refers to the second book of the whole work.

<sup>42</sup>Dr. Simon Keynes very generously provided me with a working copy of his and Dr. Alan Kennedy's forthcoming edition of the *Libellus Æthelwoldi Episcopi*. Hereafter this work is cited as the *Libellus*.



of these sources have appeared, or in the latter case are about to appear, in modern scholarly editions. Both sources are considered credible and are likely able to provide reliable examples of this kind of grant. No systematic research of abbey histories, or chronicles, for this type of grant was undertaken for a number of reasons.

The foremost reason for not searching many sources for records of this type of grant was the fact that such evidence is late, and as a result, there was considerable scope for tampering or simply fabricating this kind of grant. In the absence of a charter--especially if an ecclesiastical institution were in the midst of a dispute concerning the possession of a property--a grant made while dying would prove a highly tempting fiction. The presentation of the circumstances of the grant, and the Latin chosen to express it, may have been tailored to enhance its acceptability to Norman custom as it would be under Norman custom that any legal dispute would be conducted.

The main advantage of this type of evidence is its scale. There are a large number of these grants and it is the number of examples of this kind of grant that gives it, when used in conjunction with the correcting influence of the additional documents, some value as an indicator of Anglo-Saxon practice. While it would be of interest to pursue such grants through a wider body of evidence, the result would be a study with quite different interests and conclusions than this one.

Another interesting example of a grant made while dying is that by Wulfwine taken from the *Domesday Book* entry on Worcestershire. This particular grant has a very strong oral component.

Hoc manerium emit isdem Wuuinus T.R.E. de  
episcopo cestrensi ad ætatem trium hominum. Qui  
cum infirmatus ad finem uitæ uenisset vocato  
filio suo episcopo. Li. 7 uxore sua 7 pluribus  
amicis suis: dixit. Audite uos amici mei... Hoc



ita fuisse testificantur meliores homines  
totius comitatus.<sup>43</sup>

While the above grant is simply determining the descent of a leased property, it bears eloquent witness to the persistence of an oral tradition of property transfer.

Having considered the various categories in the broad area of wills, it is necessary to examine the categories covered under the area of additional documents. As was stated previously, those categories are: References to an inheritance; References to property descent; and Documents relevant to the nature of wills. The bulk of the records in this area are in Latin.

'References to an inheritance' contains, as a category, documents which either employ the term 'inheritance' or which provide details concerning a particular inheritance. One example of the kinds of documents found in this category is the charter of Ecgbert, King of the West Saxons which dates from the early ninth century and relates to the inheritance of three sisters.

...In nomine domini nostri Jhesu Christi Ego AGEBERTUS...ac totius plebis mee seniorum hanc testimonii cartulam conscribere jussi id est decem manencium terre illius ubi dicitur WENNLAND juxta ut firmiter juxta antiquam conscripcionem ipsis postessoribus quorum propria hereditas Id sunt tres sorores Beornwyn. Alflred. Walenburch. assignata permaneat cum ejusdem territoriis. 7 omnibus rebus ad se pertinentibus absque ulla contradiccione firma stabilitate perseveret. Et iccirco fecimus quia nescimus pro qua causa contingit quod anteriora scripsiuncula perdita fuissent. Et si unquam eveniat ut ab alicui. hominum inventa reperiantur. nisi in substantiam et sustentacionem hiisdem heredibus perveniant.<sup>44</sup>

Another example of a 'Reference to an inheritance' comes from the record of a settlement at the Synod of

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<sup>43</sup> *Domesday Book: Worcestershire*, edited by F. Thorn and C. Thorn (Chichester, 1982) 23.1, 177a-177a,b. (Not in Sawyer).

<sup>44</sup> C.S., 410. (s.277).

*Clofesho* which dates from 824. In this case, the dispute is expressed as follows: *ibi in alia plura colloquia aliqua contentio allata est. INter Heaberhtum episcopum et illam familiam æt BERCLEA de hereditate Æthelrici filii Æthelmundi.*<sup>45</sup>

One of the few Old English examples of this kind of reference is found in the grant of Lufa, *ancilla Dei*, who speaks of her 'inheritance' from God and who appears to have had some problem with securing her property: † *Ic Lufa mid Godes gefe ancilla Dei wes soecende 7 smeagende ymb mine saul thearfe mid Ceolnothes ærcebiscopas getheahte 7 thara hiona et Cristes cirican. Willa ic gesellan of them ærfe the me God forgef 7 mine friond to gefulmedan.*<sup>46</sup> Later in the same document, though in what appears to be a separate confirmation, Lufa refers to her *forecwedenan god 7 thas elmessan gesette 7 gefestnie ob minem erfelande et Mundlingham.*<sup>47</sup>

While all of the above examples have been taken from the ninth century, a glance at Appendix VI, reveals that this kind of reference was common throughout the period. Documents in this category are varied as references to an inheritance can appear in almost any type of document. It is interesting to note that such references often precede the disposal of property. This would seem to imply that such statements were, in part, an assertion of the legitimacy of the holder's right to do what they wished with the property. An example of this kind of reference can be found in the grant of a priest, Wulfstan the Wild, which dates from the mid eleventh century: *Ego Wulfstanus cognomento uuilde, preost, annuente domino meo*

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<sup>45</sup> C.S., 379. (s.1433).

<sup>46</sup> SEHD, No. IV, pp.7-8; p.7, ll.3-6. (s.1197).

<sup>47</sup> Ibid., p.7, ll. 24-5.

*rege Hardacnudo, concedo ecclesiae Christi in Dorobernia  
terram patrimonii mei nomine Thurroce.*<sup>48</sup>

In the grant above, the property is referred to as being part of the grantor's 'patrimony'. Patrimony can be a term of considerable precision and the use of it in this reference indicates some of the problems that can arise with terminology. These problems are examined in considerable detail in the second chapter. Documents which employ the term patrimony are found in this category.

Records which relate the movement of property through a single generation or number of generations are found in the second category of additional documents: References to property descent. Such references are interesting in that they appear to occur with increasing frequency as the Anglo-Saxon era progresses. It is possible that this change may reflect the accident of survival rather than being indicative of a trend. An example of this type of reference can be found in a writ of King Edward the Confessor concerning Leofcild.

Edward king gret wel Willem.ð. 7...7 alle mine  
thegnes on Estsex' freondlice. Icc kythe eow þ  
ic wille þ thaet cotlif Molesham the Leofcild  
ahte 7 bequath Crist 7 Sainte Petre into  
Westminstre.<sup>49</sup>

The above records that Leofcild had 'bequeathed' the property mentioned. References to both 'bequests' and 'bequeathing' are considered to be part of the category of 'References to property descent', because while these terms are bound up in the notion of inheritance, their exact nature is unclear. The verb *becwethan* itself, contains a strong oral element, but, unfortunately, it is rarely recorded with any further

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<sup>48</sup>C. Hart, *The Early Charters of Essex*, Department of English Local History Occasional Papers, First Series, No. 10, Revised Edition, (Leicester, 1971) No. 48, p.24. (s.1644).

<sup>49</sup>Harmer-Writs, No. 84, pp.350-1;p.350, ll. 1-4.(s.1128).



elaboration. The absence of any information regarding the act of bequeathing makes it impossible to declare with any certainty whether it entailed a written will, or, an oral declaration, or whether it should, in fact be considered a grant while dying. Another example of this kind of reference can be found in the two documents concerning the grant by the thegn Wilfric. The first reference is found in the *Index Chartarum* of the lost Glastonbury cartulary.<sup>50</sup> This reference reads as follows: *Eddred de Horutone dat. Uuilfrico, quam eius successor, f. Ætwine, commendavit Glastoniæ.*<sup>51</sup>

The second reference is from *De Antiquitate Glastoniensis Ecclesiae*.

Idem eciam [King Eadred] dedit Wilfrico ministro suo Hortone x hidas, quas ipse, consensu Domini sui, post obitum suum Glastoniæ delegavit. Set Ælwinus successor in hereditate, ibidem regulari suscepto habitu, alterius votum duxit ad effectum.<sup>52</sup>

In the above example, the verb chosen is *delego*. Although this 'transfer' is to occur *post obitum suum*, and although Wilfric has a *successor* and a *successor in hereditate* in Ælfwine, the exact nature of what is happening is unclear. As with the example of Leofcild, the only certainty is that the property moved from one holder to the next in a way that suggests inheritance rather than a straightforward grant. 'References to property descent' is the only category in which such

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<sup>50</sup> *Johannis, Confratris & Monachi Glastoniensis, Chronica sive Historia de Rebus Glastoniensibus*, Vol. 2, edited by T. Hearne (Oxford, 1726) pp.370-5. This section is separated from the rest of the text and is entitled: *Index Chartarum, aliorumque id genus, ad coenobium Glastoniense spectantium tempore Johannis de Tantoniam, abbatis Glast.*

<sup>51</sup> Ibid., p.372. (s.1743).

<sup>52</sup> *Adami de Domerham Historia de rebus gestis Glastoniensibus*, Vol. I, edited by T. Hearne (Oxford, 1726) pp.75-76. This example was extracted from Hearne's edition of *Guilielmus Malmesburiensis De Antiquitate Glastoniensis Ecclesiae*. (s.1743).

references can be placed legitimately. Further examples of this kind of reference have been drawn from the *De Obsessione Dunelmi*.<sup>53</sup>

The final category of evidence in the area of additional documents is in many ways a miscellany. 'Documents relevant to the nature of wills' contains references which cannot be filed among the above categories but whose omission would have deleterious effect on the understanding both of wills and of inheritance. Many of these references are directly relevant to the problem of terminology, the problem of the relationship between will documents and charters, and the problem of the presentation of source material inside cartularies. As such the evidence from this category is used extensively in the next chapter.

The division of the source material for the study of both wills and inheritance into two areas and further into seven categories represents the best and most systematic way of organising that material. This division allows for the presentation of the largest amount of evidence while at the same time allowing for differing values to be assigned to each type of evidence. It is a workable system for approaching the material and such complexity as it possesses reflects a real complexity found in the sources. The neatness of categorization, albeit with a certain fluidity among the lost wills, should not blind the reader to the diversity of these sources. The arguments in this thesis are based on the creation and operation of this system of dealing with the sources and are, I believe, both valid and legitimate. Having established how the source material has been organized, it is necessary to examine next the nature of that source material.

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<sup>53</sup> *Symeonis Monachi Opera Omnia: Historia Ecclesiae Dunhelmensis*, Vol. I, Rolls Series Vol. 75, edited by T. Arnold (London, 1882) pp.215-20. Hereafter cited as the *De Obsessione Dunelmi*.

## CHAPTER TWO: *Orality and the Written Sources.*

Crucial to the understanding of all the source material available for the study of wills and of inheritance is the recognition of the limitations of that material. The work of H.D. Hazeltine emphasizes correctly the oral nature of wills as part of a shared, Germanic, oral legal tradition.<sup>1</sup> M.M. Sheehan embraces this aspect of the wills and makes a significant contribution to our understanding of the history of oral gifts by linking those gifts with early penitential practices.<sup>2</sup> What these works do not emphasize sufficiently is, however, the perishability of these oral legal acts. This perishability is a vital element in the consideration and evaluation of all of the source material.

Any oral legal act is itself irrecoverable to historians. Such acts leave no records. This represents an insurmountable barrier in the study of wills and of inheritance and is a critical point which has tended to be obscured in the pursuit of categorization. In chapter one, the source material was divided into two broad areas and then further subdivided into categories suitable to each area.<sup>3</sup> These 'areas' and 'categories' do not represent different types of wills. These divisions represent a way of organizing the types of evidence which concern wills and inheritance.

The actual form of the oral legal act which was the will could be recorded in a variety of ways but the actual form of that oral legal act can be determined only as a probability. The oral legal act may have persisted in the same form throughout the period or conversely may have altered over time. The form may have differed also

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<sup>1</sup>Hazeltine-Preface, pp.viii-xviii.

<sup>2</sup>Sheehan-Will, pp.11-18.

<sup>3</sup>Chapter One, p.15.



according to the region in which the act took place. Any changes in the form of the oral legal act, however, can only be extrapolated from the evidence concerning that act. It must be recognized that the evidence, by its own form, can influence our perception of that oral legal act. The potential for difficulty which can be caused by confusing the actual event of the will with the evidence concerning the event of the will can be seen in the story of Siferth of Downham as it is related in the *Libellus Æthelwoldi Episcopi*.<sup>4</sup>

The story of Siferth's donation begins by relating the following category B lost will:

Nec multo post Siuerthus de Dunham defractus uiribus uergensque in senium, infirmitate pedum, que podagra dicitur, grauiter contrahebatur. Qui eo tempore, quo beatus Ædeluuoldus Æthelredum, futurum regem tunc uero comitem, et matrem suam et Alfricum cyld et plures maiores natu Anglie ad Ely secum adduxerat, uenit cum coniuge sua nomine Wlfled ad episcopum et ei coram prememoratis notificauit se post diem suum duas hydas quas in Dunham habuit Deo sancteque Ætheldrythæ pro anima sua daturum ibique se dixit sortitum esse locum sepulture sue rogauitque omnes qui aderant, ut super hac re sibi testificarentur.<sup>5</sup>

The action recorded in this lost will occurred in the presence of a gathering which obviously was considered competent to witness this oral legal act. No indication is given that Siferth was at death's door at this time, so this is obviously not a 'grant made while dying'. Siferth's story proceeds as follows:

Alio quoque tempore, post mortem scilicet Godingi de Gretune, uenit secundo idem uir [Siferth] ad Ely, ubi nouerat illum esse sepultum, rogauitque fratres, ut eum ad sepulturam illius ducerent. Nam erat ei familiarissimus. Quo cum uenissent, uocauit ad se abbatem.... innotuitque eis, quod sui

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<sup>4</sup>Libellus, c. 12, pp.80-1 in Latin and pp.12-13 in translation. (*Not in Sawyer*).

<sup>5</sup>Ibid., c. 12, p.80 in Latin and p.12 in translation. (*Not in Sawyer*).



karissimi et fidelissimi amici ibi essent  
sepulti et quod ipse nimia infirmitate  
depressus morti appropinquasset, 'ideoque',  
inquit, 'o karissimi mei, uolo ut conuentio mea  
coram uobis renouetur, uidelicet quomodo hic  
elegi mihi locum sepulture mee et post diem  
meum Deo sancteque Ætheldrythe dedi .ii.<sup>6</sup>  
hydas, quas in Dunham habeo, et filie mee .ii.<sup>6</sup>  
hydas do in Wilbertune et precor, o amici mei,  
ut hoc obliuioni non tradatis, immo, ubi  
necesse fuerit, illud recognoscatis.<sup>6</sup>

At this point in the narrative, there has been an attempt to reproduce the actual words spoken at the will-making. According to the criteria established in the first chapter, this is an oral declaration. Although Siferth is said to be *morti appropinquasset*, this donation is obviously not a death-bed grant, because his deathbed scene appears later in the story. The oral declaration includes the additional donation of two hides to his daughter.

This oral declaration seems to have received a further public airing. This is at least implied in the passage which follows on directly from the above: *Item eodem die remeando domum renouauit eandem conuentionem coram melioribus eiusdem prouincie ultra Upuere in loco, qui dicitur Hyrauicstouue.*<sup>7</sup> By then, the wishes of Siferth would have achieved considerable currency in the locality. As the means by which this agreement was renewed is not made explicit, it is impossible to categorize this passage as evidence according to the scheme outlined in the first chapter. The emphasis on local knowledge of the will is nevertheless of interest.

As the story proceeds, it becomes apparent that even repeated public exposure of the terms of the will were to have been considered insufficient.

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<sup>6</sup>Ibid., c. 12, p.80 in Latin and p.12 in translation. The insertion in square brackets is my own. (Not in Sawyer).

<sup>7</sup>Ibid., c. 12, p. 80-1, in Latin and p.12 in translation. (Not in Sawyer).

Deinde cum idem uir, uidelicet Siuerthus de Dunham, preualente infirmitate, mortis horam sibi ingruere sensisset et apud Lindune absque spe recuperande sanitatis iacuisset, misit pro abbate Brihtnotho et pro fratribus ecclesiæ. Aderantque ibi Aluricus de Wicheham... Tunc Brihtnothus 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 uero misit statim per prefatum Brihtelmum Æieluuino alderman, qui tunc temporis degebat in Ely, et petiit ab eo, ut suum testamentum ita stare concessisset quomodo abbas illud scripserat et ordinauerat apud Lindune coram predictorum testimonio uirorum.<sup>8</sup>

The record above constitutes a category A lost will under the guidelines set out in chapter one. Unfortunately, no portion of this tripartite chirograph survives. It should be noted that the document was read out not only to those assembled at Siferth's deathbed but also to Siferth himself. This implies that Siferth was both alive and interested in ensuring the accuracy of the written record.

While this story raises many fascinating issues, its importance in this context lies in the fact that it contains the following: one category B lost will, one oral declaration, and one category A lost will. Three different categories of evidence are represented in this passage, but what do these categories of evidence reveal about the actual oral legal act of the will. Given the details that are provided concerning the actual donation, it is possible, perhaps even probable, that the actual oral legal act was the same on each occasion.

The story in the *Libellus* provides three different categories of evidence in regard to Siferth's will but may well reflect the same oral legal act which<sup>created</sup> a single

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<sup>8</sup>Ibid., c. 12, p.81 in Latin and pp.12-13 in translation. (Not in Sawyer).

will. Each category, however, provides a different view of that act and each could stand on its own if the other two had not survived. Indeed, if the three were not presented as one story, it is possible that each could be interpreted as a separate account of three wills made by three men of the same name. This example and the interpretation of it serves to emphasize the importance of two premises which concern the study of source material: the first premise is that there is an unbridgeable distance between the oral legal act and the record of that oral legal act; the second premise is that the form which the record takes can strongly influence how that oral legal act is perceived.

Most of the records of wills and those records which relate to inheritance appear either in the form of a single sheet contemporary copy or in the form of an entry in a cartulary. While a few exceptions do appear, most of the evidence falls into one of these two broad divisions. While single sheet contemporary copies are mentioned in passing below, they are dealt with extensively in chapter three. It is the cartulary copies of the records of wills and of documents which relate to inheritance which are the main focus of interest in this chapter.

Cartularies present the records of wills and of documents which relate to inheritance in three ways: first, as straightforward copies of documents; secondly, as copies of documents embedded in, and linked by, a narrative structure; and finally, as a straightforward narrative. Each method of presentation creates its own set of difficulties for the researcher and limits the usefulness of the evidence contained within the cartularies. Before proceeding to the discussion of these difficulties in detail, it is useful to outline briefly the *raison d'être* for cartularies.

The eleventh and twelfth century composition of cartularies was not the result of fashion but rather



represented a direct response to the circumstances of the time. The predominant need was to preserve and present, in a way accessible to Norman audiences, legal title to property held by English ecclesiastical institutions. The method chosen by which to preserve and present ecclesiastical claims varied both from institution to institution and within the same institution, but the need to present these claims did not. Cartulary compilers strove to put forward the best possible claim for their institution's legal right to possess their properties and this interest permeates all the three ways in which they presented their records.

In all cartularies which provide evidence for the possession of property by ecclesiastical institutions, three factors appear to operate which mitigate against the argument that cartulary copies represent unaltered reproductions of documents. These three factors are translation, transcription and editing. Each of these factors must be examined in relation to cartularies in order to determine their potential influence on the documents which cartularies ostensibly claim to reproduce.

It is a truism among historians of the Medieval period that after the Norman Conquest, Old English lost ground rapidly and completely to Latin as the language of ecclesiastical record. The universality of Latin as the language of administration on the Continent, and the imposition of Latin educated Continental churchmen in high office exerted considerable pressure on Anglo-Saxon ecclesiastics to render their documents accessible to these men. High-ranking churchmen would be called upon to defend the possessions of their houses and they would need to know all the information available on those possessions if they were to defend against, or to pursue, a claim successfully. The courts in which claims to property would be defended and challenged would also favour a defence couched in terms which the Normans

understood and which dovetailed with their own notions of legitimacy. W.L. Warren has observed that the nature of government changed as Anglo-Saxon administrators began to die out and began to be replaced by Normans.<sup>9</sup> The disappearance of these administrators has been credited with providing the impetus for the creation of a succession of 'how to' guides prepared, apparently, for the new Norman administrators. Parallel with the creation of these guides would be the rush to translate Old English documents into Latin. The pressure for translation would become acute as the last generation of ecclesiastics literate in Old English and Latin also began to die out. With the death of these ecclesiastics, all claims based on Old English documents could well founder and thus imperil the holdings of an ecclesiastical institution. The need for translation would be acute and speed would be of the essence.

Translation is a difficult, demanding and time-consuming task. Even with modern critical apparatus and with today's increased sensitivity to sources, and to the cultures which produced the sources, the margin for error and for misdirection is enormous. Nineteenth century historians often produced translations whose interpretive element is considered breathtaking by present standards; so it is hardly a surprise to find that earlier translations are, at times, similarly cavalier in translating their source text. The translator's goal was not as pure as that of a modern text editor. Their translation was earmarked for use in potential disputes, and this consideration would be influential in the production of any translation.

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<sup>9</sup>W.L. Warren, 'The Myth of Norman Administrative Efficiency', *Transactions of the Royal Historical Society*, Fifth Series, Vol. 34 (London, 1984) pp.113-132. Note especially pp.115-16 in that article. This theme is further explored in W.L. Warren's book on government administration which appears in the bibliography.

Old English documents were translated into the Latin of the eleventh and twelfth century. This Latin was steeped in the historical and legal traditions of the Continent. The form and terminology of the translations would have had to have been accessible to those who had been raised in that tradition. All translations would have been expected to be able to stand up to any potential or actual legal challenge mounted in that period. This should not, however, be interpreted as a claim that such translations would be entirely the creation of the moment. Indigenous legal traditions do not vanish overnight.

Observations regarding the use of translations have been made so that it will be recognized that these documents were translated and recorded with purpose. This purpose is not immediately apparent given the objective legal language they employ, but it is nonetheless the reason for their very existence. The records of these documents were not designed to serve posterity; they were to be a crucial part of an institution's defence against encroachment.

The Normans do not appear, however, to have been particularly sensitive to the methods of landholding as practised by the Anglo-Saxons. If the *Domesday Book* may be considered an index of Norman sensitivity to Anglo-Saxon customs and institutions as a whole, then it is apparent that nuance would be cheerfully scrapped in pursuit of ease of understanding for the Normans. While it is arguable that cartulary compilers would have more time for nuance than did the compilers of the *Domesday Book*, the degree of insensitivity in the treatment meted out to Anglo-Saxon customs recorded in the *Domesday Book*, should instill a cautious approach in researchers towards the work of later translators. While later cartularies may have derived some benefit at the compositional stage through the influence of Anglo-Saxons, the milieu surrounding, and the intent inside, these cartularies



cannot be ignored. Cartularies were compiled by, and in the interests of, Normans.

To the problems inherent in the presentation of a translation must be added the question of competence--both of the original translator and of subsequent transcribers. As is the case with cartularies, not every translator is created equal. Misapprehension or mistakes made at the initial point of translation can be reinforced with successive recopying. This situation can arise especially in cases where a translator may have provided an essentially meaningless phrase, or passage, which is subsequently 'corrected' by a later transcriber.

The numerous translations of documents provided in the *Liber de Hyda* illustrate that mistakes could be, and were, made.<sup>10</sup> Not many of the cartularies are so obliging as to provide several language versions of the same documents so that the translation could later be checked. Often the only extant record is the simple Latin translation of a document which appears inside a cartulary.

The perception of the will of King Alfred and subsequent interpretations of it would differ significantly, if only the Latin version had survived. Although there are a number of variations between the Old English will and the Latin translation provided in *Liber de Hyda*, the passage below illustrates the kind of variation that could occur. The Old English will of King Alfred includes the following donation to Edward the Elder: *Ic Ælfred Westseaxena cingc....an Eadwearde minum yldran suna thæs landes...7 tha bocland ealle the Leofheah hylt.*<sup>11</sup> The Latin translation renders this passage as follows: *Ego Alfredus, divino munere, Occidentalium Saxonum rex,..concedo meo seniori filio*

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<sup>10</sup>*Liber Monasterii de Hyda*, Rolls Series Vol. 45, edited by E. Edwards (London, 1866). When this work appears in the text, it will be cited as *Liber de Hyda*.

<sup>11</sup>SEHD, No. XI, pp.15-19;p.17, ll. 13-17.(s.1507).

*Edwardo, illas terras...cum tota libera terra quam Leofus a nobis per antea tenuit.*<sup>12</sup>

Translation does not always act as a negative factor in the reproduction of a document. The Latin version of the will of Osulf and Leofrun cited in chapter one provided a passage which was clearly absent from the Old and Middle English version of that will.<sup>13</sup> In that example, it appeared that the transcriber, or possibly the translator, of the Latin version retained the phrase *id est quod post uite sue decessum* which the transcriber of the Old and Middle English version omitted, or more likely, simply overlooked. Given the relatively innocuous nature of the phrase, it is unlikely that the Latin translator inserted it into the translation in order to 'improve' it. In that example, the Latin version appears to have retained an important element lost in the transcription of the Old and Middle English version.

The question of whether the above phrase was added to, or omitted from, the translation or the transcription relates to the third factor in the reproduction of documents--editing. Editing differs from error, in that, it is the conscious insertion of material into a source or removal of material found in a source. Emphasis must be placed on the fact that phrases and passages may be added to, or subtracted from, a text for a variety of reasons which do not always entail deception or chicanery.

One of the simplest forms of editing is to compress a large or complex text in order to make it wholly relevant to the interests of the copyist. Such compression can be achieved either through the extraction

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<sup>12</sup>*Liber Monasterii de Hyda*, Rolls Series Vol.45, edited by E. Edwards (London, 1866) c.8 (f), pp.71-5; p.71.(s.1507).

<sup>13</sup>Chapter one, pp.16-17.

of those elements in the source text which are deemed relevant or through the omission of those elements in the source text which are deemed extraneous or no longer relevant. The net result of these approaches is the same, though the method chosen may influence the style in which the edited text is presented. Perhaps the best example of this kind of compression can be found in the will of Æthelgifu.<sup>14</sup>

The Old English will of Æthelgifu is, in many ways, a most remarkable document. It is crammed with rich detail concerning both her properties and those who occupy her lands. Consider, for example, those whom Æthelgifu chooses to free at Standon in Hertfordshire: *freoge man eatstan swan 7 healde his sunu tha heorde 7 freoge man elles þ hiwisc 7 grim 7 his wif 7 eadgithe 7 eadflæde 7 byrnferth 7 wulfrune 7 byrnstan se swan 7 hæbbe leofsiges thæne gingran swan 7 tha heorde.*<sup>15</sup> The above list is only a portion of the numerous manumissions she undertakes in the course of her donations. Her will is a large and substantial document, but in order to appreciate its full value, the text of the Old English will should be compared with the Latin version of her will.

In contrast with the Old English document, the Latin version of the will of Æthelgifu is a very meagre offering. However, when the Latin version of her will is compared with other Latin wills, it emerges as being rather substantial. If the Old English will had never been discovered, the Latin version of Æthelgifu's will would likely have continued to have been considered as embodying most of the substance of an Old English will. Because that Old English will does exist, the truncated nature of the Latin version has become clear, but this is

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<sup>14</sup> *The Will of Æthelgifu*, edited by D. Whitelock et al (Oxford, 1968). This work will be cited hereafter as 'Æthelgifu-Whitelock'.

<sup>15</sup> Ibid., p. 9, ll. 25-6. (s. 1497).



a useful example to recall when dealing with all cartulary versions of documents and should be kept in mind even when dealing with single sheet contemporary copies.

The amount of information omitted by the Latin version was substantial. The information that was left out likely indicates the operation of a conscious principle of exclusion of that information considered as being inherently irrelevant to the copyist's interests and as being no longer of any contemporary interest. Certainly, the latter consideration would account for the absence of the numerous lists of manumissions. It should be noted, however, that the Latin version is not solely a mutilated version of the Old English. In particular, only the Latin version establishes the relationship between two donees who are otherwise not linked in the Old English will. The Latin version records that Ælfheah is the son of Alfwold.<sup>14</sup> This rather important connection was omitted in the Old English version.

The conscious editing of documents presents tremendous difficulties for the researcher using this material. Elements of documents could be jettisoned as irrelevancies by the compiler, or information of dubious reliability may be added. The latter form of editing is a conspicuous feature in charters where specific legal rights may be established in documents whose ostensible milieu predates the definition of those rights. The relatively stable nature of charters makes detection of such elements easier than in wills where formulae are conspicuous by their absence. It is extremely difficult to establish how widespread editing actually was and clearly an editing policy could vary on an institution-to-institution basis as well as internally, that is within the same institution, over time. Any arguments based on the materials preserved in cartularies are

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<sup>14</sup> Ibid., pp.38-9;p.38.(s.1497).

limited by the knowledge that there may well be gaps in those records and the extent of those gaps is uncertain.

Translation, transcription and editing are the three major factors which act on the transmission of records concerning property. Each factor influences the form of extant records, and this is especially true in the case of records preserved in cartularies. Cartularies provide vital source material for any study of this era, but it must be acknowledged that there are defects with this type of source. Notwithstanding the variable quality of evidence provided by the cartularies, their evidence is crucial because of the general lack of sources from this period.

It must be recognized that the evidence they provide can be critically assessed, and supplemented, by the use of Old English contemporary sources and by the judicious use of more oblique references recorded in later documents. The latter refers to documents whose function is not to preserve title to a property but which do so as an incidental aspect to their main purpose. Before proceeding to discuss those cartularies which place the records of documents within a narrative structure, it is useful to consider briefly those sources, both single sheet contemporary copies and cartulary copies, which were apparently preserved only in Old English.

In this thesis, there is a conscious and consistent bias in favour of the evidence provided by Old English sources. The sources which are accorded the highest value are the single sheet documents which appear to be roughly contemporaneous with the events they claim to report. Considerable value is also placed on the cartulary copies of Old English documents. It is therefore necessary to justify this bias, as it has a great impact on how the sources are interpreted.

Old English single sheet contemporary copies are the closest documentary evidence to the actual event of the will. Such copies often claim to represent the actual

wishes of the donor and many contain a shift in the personal pronoun from third person singular to first person singular. This shift in the personal pronoun has been interpreted as representing the attempt to record the event of the will itself.<sup>17</sup>

The will of Leofwine provides an example of this shift. The will begins with the following: *† In nomine dñi nr̃i ih̃u xp̃i. thys is leofwines cwide wulfstanes suna. thæt is thonne ærest thæt ic gean criste 7 s̃c̃e petre.*<sup>18</sup> Such a pronoun shift might indicate the change from a brief introduction written in the third person by the composer of the document prior to recounting the substance of the will as it was made. The documents are unequivocal in regarding themselves as direct evidence of the event of the will-making.

These documents often appear as chirographs and this appearance agrees with internal evidence where a donor has instructed that copies be made, or where the existence of other copies has been noted. As the donor is often reported as retaining one copy, the scope for subsequent editing of the document would have been considerably curtailed. Later evidence from narratives indicates that, once composed, wills could be read out in the presence of the donor and witnesses. This was observed to occur in the case of Siferth of Downham and this would limit the opportunities for surreptitious alteration of these documents.<sup>19</sup>

Evidence for the practice of reading wills aloud in the presence of witnesses is not limited to narrative sources. Wills themselves provide further evidence concerning this practice. The will of King Alfred relates the following incident with regard to the will of

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<sup>17</sup>Hazeltine-Preface, pp.xxx-xxxi.

<sup>18</sup>Crawford Collection, No. IX, p.22, ll. 1-2.(s.1522).

<sup>19</sup>Libellus, c. 12, p.81 in Latin and p.13 in translation. (Not in Sawyer).



his father King Æthelwulf: *nu tha lādde ic Athulfes cinges yrfege writ on ure gemōt æt Langandene 7 hit man arædde beforan eallum Westseaxena witum.*<sup>20</sup> The ætheling Æthelstan anticipates, in his will, the public dissemination of his wishes in the following passage: *nu bidde ic. ealle tha witan. the minne cwyde gehyron rædan.*<sup>21</sup>

The practice of reading wills aloud before the donor and witnesses appears to have continued throughout the period. This seems to have ensured that the donor's wishes were properly recorded. Any suspicions regarding the completeness of the record embodied in single sheet contemporary copies parallels similar suspicions concerning charters, as the opportunity for tampering seems to exist only for the producer of the document. The entire single sheet contemporary copy would have been produced to reflect both the donor's interests and those of the producer of the record.

With the pressures exerted on cartulary copies of documents outlined above, it may be considered initially as unwise to maintain any bias in favour of cartulary copies of Old English documents. While it would be a mistake to maintain that no editing of such documents took place, it is important to remember that competence in Old English diminished rapidly after the Norman Conquest. Concomitant with that diminished ability would be a diminution in opportunities for successful and subtle alteration of Old English documents. Paradoxically, it would be the loss of competence in Old English that would ensure the preservation of Old English writings. Thus, it appears that the scope for the alteration of Old English records of documents both as single sheets and as cartulary copies was much more

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<sup>20</sup> SEHD, No. XI, pp.15-19; p.16, ll. 31-3. (s.1507).

<sup>21</sup> Whitelock-Wills, No. XX, pp.56-63; p.62, l. 3. (s.1503).

restricted than it was in the case of Latin records of documents.

The reproduction of a document in a cartulary was subject to a number of factors which could ultimately alter the form, and content, of that document as it was to appear in that cartulary. The form and content of the document, itself, also influenced which factors would come into play. For example, if a document was written in Latin, it would be likely that it would have been left in Latin, and therefore, it would be more likely to suffer errors in copying than errors in translation. These factors would occur not only in cartularies which contain a series of copies of documents, but also in those works which embedded copies of documents within a narrative structure. Cartularies that employ that method of presenting their documents create additional difficulties for the researcher, and it is useful to examine these in detail.

The self-conscious composition of a narrative structure devised to link disparate documents involves a large amount of editing on a broad, as well as narrow, scale. The composer of such a work must first determine which documents out of the total collection are to be presented and then devise a means of presenting each one. Only a certain number of documents can be presented in their entirety in order to retain some kind of flow in the narrative. Certain portions of less important documents would then have to be selected for inclusion, while perhaps other documents would simply be summarized.

For the researcher, the immediate question to arise is what is the basis for the narrative links provided in the text. Are these links created by the distillation of a number of documents in order to speed the story, or do they represent the most likely course of events, the 'best guess' scenario, as far as the composer was concerned? It is a difficult question to answer as often it is only the cartulary which survives rather than the

documents which were used for its composition. It is worthwhile, however, to look at one example of this kind of cartulary in order to see the kind of information provided by the narrative links.

The *Liber Eliensis* is an excellent example of a cartulary which presents documents within a narrative structure. This method of presentation is utilized in the record of the will of Leofflæd which is preserved as follows:

Est villa frugifera, paschuis et agris spatiosa, Belesham dicta, de iure Leoflede mulieris, uxoris Oswi, filie Brithnothi cognomento alderman, quorum suprameminimus. Hec iuxta Martham circa frequens ministerium adtenta, nudos vestiebat, miseros pascebat...Et appropinquante vite sue termino, scriptum Canuto regi hec continens direxit:...[There follows the terms of her will]...Que cum mortua fuit, corpus illius ad nos delatum in cimiterio fratrum sepelitur. Qua sepulta, mox filia eius prefata Æthelswitha cum possessione de Stevecheworthe ecclesie se tradens, viri consortium aspernatur, illic iugiter professa est permanere. Cui tradita est Coveneia, locus monasterio vicinus, ubi aurifrixorie et texturis secretius cum puellulis vacabat, que de proprio sumptu albam casulam suis manibus ipsa talis ingenii peritissima fecit. Et soror eius Leofware, nobilissimo viro Lustwino sullimiter dotata, terram de Wethreringesete ecclesie postmodum adiecit et plura que de dono viri sui sequenter inseremus.<sup>22</sup>

In this example, the narrative can be divided into three sections: first, the preamble to the document; secondly, the document itself; finally, the epilogue.

The document in the above passage is clearly partitioned from the rest of the narrative. It begins using a form which is characteristic of a letter: *Tibi, domino dilectissimo, atque venerabili domine mee regine.*<sup>23</sup> It concludes with the statement that there were three

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<sup>22</sup>L.E., c. 88, pp.157-8. The passage in the square brackets is my own insertion. (s.1520).

<sup>23</sup>Ibid., p.157. (s.1520).



copies of this document: *Unum est apud Ely, aliud in thesauris regis, tertium Leofleda habet.*<sup>24</sup> Not all narrative passages are as careful in delineating where the document begins and ends.

This document, as it is presented in the *Liber Eliensis*, could well suffer from errors of transcription and editing, but as there exists no other evidence for its contents, we are forced to accept this particular version. It is even possible that this version is a translation from the Old English, as there is no internal evidence concerning the language of its composition. Other serious questions also arise concerning the value of the evidence regarding Leofflæd and her family which is provided both in the preamble and in the epilogue.

The basis for assigning value to the evidence provided in linking narrative passages is derived ultimately from the extent to which these passages receive support from the document which they surround and from other surviving documents which relate to those individuals and properties which they mention. While there is an unsatisfactory circularity inherent in this approach, there is a point at which the document as presented must reflect some kind of reality, however much it may have been distorted subsequently in its presentation. The linking narrative passages are only as trustworthy as the amount of information they provide which is consistent both with the document they contain and with any other known circumstances.

On rare occasions, it is possible to compare, and supplement, the information that linking narrative passages provide with information concerning the donor or property given in other sources. The donor, Æthelflæd, provides an opportunity for evaluating the information given in the narrative passage because, in addition to

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<sup>24</sup> Ibid., pp.157-8. (s.1520).

her appearance in the *Liber Eliensis*, she makes a written will, and she appears in the Anglo-Saxon Chronicle.<sup>25</sup>

From Æthelflæd's written will, it is possible to develop an idea of the extent and geographical focus of her property. No indication is given in her will that she was ever married. In the will of her sister, Ælfflæd, a reference is made to a property which is said to have been hers. This property does not appear in Æthelflæd's own will and this indicates that not all of her property is mentioned in her will.<sup>26</sup> The *Liber Eliensis* identified Æthelflæd as the wife of Ealdorman Æthelstan.<sup>27</sup> The Anglo-Saxon Chronicle states that she was the wife of King Edmund and identifies her as Æthelflæd at Domesham which, in turn, links her to a charter granting her that estate.<sup>28</sup> Thus, the reference in Æthelflæd's will to the estate at Domesham is explained through the information provided by the chronicle. From these disparate sources, it is possible to construct, tentatively, a biography of an individual.

In cases such as that of Æthelflæd, the information provided by a narrative link can be checked against other sources and this can be used to give some indication as to the general reliability of the linking narrative

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<sup>25</sup>The written will of Æthelflæd is published in Whitelock-Wills, No. XIV, pp.34-7. Her appearance in the *Liber Eliensis* is at L.E., c. 64, pp.136-7. The version of the Anglo-Saxon Chronicle used here is the following: *An Anglo-Saxon Chronicle*, edited by E. Classen and F.E. Harmer (Manchester, 1926). (s.1494).

<sup>26</sup>The reference is made to one hide at Cheveley in Cambridgeshire which Æthelflæd's sister, Ælfflæd, indicates she received from Æthelflæd in Whitelock-Wills, No. XV, pp.39-43; p.40, ll. 10-11. (s.1486).

<sup>27</sup>L.E., c. 64, pp.136-7. (Not in Sawyer).

<sup>28</sup>*An Anglo-Saxon Chronicle*, edited by E. Classen and F.E. Harmer (Manchester, 1926) p.47, s.a. 946. This charter has been published in *The Great Chartulary of Glastonbury*, Vol.III, Somerset Record Society, Vol LXIV, edited by A. Watkin (Frome, 1956) No. 1166, p.626. (s.513).

passages. Unfortunately, it is rather unlikely that, because one story holds true when checked, that another story, one that cannot be checked, will also hold true. These passages may well represent traditional local belief or assumptions shared not only by the cartulary compiler's institution, but also by local inhabitants. That a belief is shared is, however, no guarantor of the veracity of that belief. The narrative passages are not being composed out of a sense of nostalgia; they, just like the documents they preserve, are a means of reinforcing legal and moral claims to a property.

The accounts of the death of Ealdorman Brihtnoth found in the *Liber Eliensis* and in the *Historia Ramesiensis* illustrate the difficulties involved with evidence from the narrative passages.<sup>29</sup> Both accounts are in agreement that it was the refusal by the abbot of Ramsey to feed Brihtnoth's host that was responsible for Brihtnoth's subsequent endowment of Ely. These sources differ radically in their account of the fate of the ealdorman. The *Liber Eliensis* describes the death of Brihtnoth in the following terms:

Deinde commendans se orationibus fratrum cum suis properavit ad bellum. Quo perveniens, nec suorum paucitate movetur nec hostium multitudine terretur, sed statim eos adgregitur et per xiiii dies ardens cum eis concreditur. Quorum ultimo die, paucis suorum superstitis, morituro se intelligens, non segnior contra hostes dimicabat, sed magna strage illorum facta pene in fugam eos converterat, donec adversarii paucitate sociorum eius animati, facto cuneo, conglobati unanimiter in eum irruerunt et caput punnantis vix cum magno labore secuerunt, quod inde fugientes secum in patriam portaverunt. Abbas vero, audito belli eventu, cum quibusdam monachis ad locum pugne profectus, corpus ipsius inventum ad hanc ecclesiam reportavit et cum honore sepelivit.

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<sup>29</sup>L.E., c. 62, pp.133-6.

*Chronicon Abbatiae Ramesiensis*, Rolls Series Vol.83, edited by W.D. Macray (London, 1886) c. 68, pp.116-7. When this work is cited in the text, it is referred to as the *Historia Ramesiensis*.



In loco autem capitis massam cere rotundam  
apposuit.<sup>30</sup>

The account found in the *Historia Ramesiensis* is somewhat less dramatic: *Idem tamen postea, ex ictu belli morti dispositus, testamentum faciens, unam hidam nobis dedit apud Dodintonam, ne omnino affectionis antiquæ immemor videretur.*<sup>31</sup>

The passage directly above indicates that Brihtnoth made a gift of the estate at Great Doddington in Northamptonshire to Ramsey Abbey from his deathbed. While such a grant made while dying is consistent with the Ramsey version of his injuries, it is rather less so with the description of his fatal injury that is given in the *Liber Eliensis*. Had Brihtnoth's severed head made such a gift, it is unlikely that the Ramsey compiler would have foregone relating such a colourful detail. The evidence from the narratives is at this point contradictory, and there is no sure way to determine which account is the more accurate. Thus, it is not possible to know the circumstances for the acquisition of the estate at Great Doddington by Ramsey Abbey. Although this is perhaps a somewhat extreme example, the difficulties it illustrates are common.

The absence of a contradictory account of the information given in the preamble and epilogue of Leofflæd's will is of small comfort when the information provided there cannot be checked by reference to other evidence. The information provided by that preamble and epilogue is in harmony with the information given in the record of the document itself, but there are instances where the narrative passage and the record of the document appear to be less harmonious. This lack of complete agreement affords a glimpse of the compositional

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<sup>30</sup> L.E., c. 62, pp.135-6. (Not in Sawyer).

<sup>31</sup> *Chronicon Abbatiae Ramesiensis*, Rolls Series Vol. 83, edited by W.D. Macray (London, 1886) c. 68, p.117. (Not in Sawyer).

practices, and interests, of the composer of the narrative.

Although the focus of this discussion has so far been the problems inherent in the evidence provided by narrative passages, there are a number of points in their favour which enhance their potential for accuracy. One point in favour of these narratives is that they may represent a distillation from other source materials which do not survive and which were not considered of sufficient importance to be included in their entirety in the narrative. For the most part, this represents an argument from silence as often only the narrative account survives. It is not too outlandish to suggest that notes, concerning those involved in a documented transaction, may have been kept with, or even on, that document. The closest parallel for this kind of record-keeping would be three-life leases where the names of the subsequent possessors of the property leased could appear on the document.<sup>32</sup>

That such a distillation of sources did occur is demonstrated by the existence of purely narrative accounts of events which doubtless involved the production of documents but for which no documents now survive. The purely narrative histories derived at least some of their information from records, and it is a reasonable assumption that narrative linking passages did so too.

Another point in favour of the evidence provided by narrative passages is the sheer number of such passages. It is difficult, but not impossible, to believe that a vast co-ordinated effort was undertaken by ecclesiastical institutions to mislead deliberately concerning the history of their acquisitions. More difficult to accept is that it would achieve such a degree of consistency in the types of stories told in various institutions which

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<sup>32</sup>Robertson-Chartiers, No. XXXIV, pp.62-5.(s.1299).

were widely separated by geography. Although the potential audience for these stories, that is the Norman courts, would be similar throughout the country and might, therefore, summon similar creative efforts by ecclesiastical institutions, there are ultimately too many stories sharing too many similarities for the evidence of these stories to be dismissed.

It is a premise of this thesis that the evidence provided by narrative passages, whether surrounding a document or contained within a document, which sheds light on wills and inheritance is to be considered, usually, as acceptable in illustrating Anglo-Saxon practices. The acceptance is not, as the preceding paragraphs demonstrate, uncritical. It would be obtuse to reject the evidence provided by narrative passages especially where the information they provide is clearly incidental to the case which they are in the process of presenting. It would be equally misguided, however, to embrace all the information offered in such passages without subjecting it to careful scrutiny. Cartulary documents and narrative passages have a seductive quality, providing, as they often do, a neatness and orderliness to the flow of events seldom found outside of literature. That fact alone should alert the critical capacity of researchers.

From the broader considerations of the limitations of cartulary documents and narrative passages, it is necessary to examine closely a problem related both to translation and to editing--that is the problem of the terminology used in cartularies. In chapter one, the question of terminology was discussed with reference to the problem of whether a single specific term was reserved in the Old English vocabulary for use only in reference to wills. The outcome of that discussion was the realization that a single, consistently applied Old English term for a will did not exist and that a number of factors had to be considered before a document could



be assigned legitimately to the area of wills. The problem of the terminology used in the translation and in the editing affects both wills and additional documents.

The primary difficulty is that Anglo-Saxon, and therefore Old English, documents were being rendered into Latin in the late eleventh and early twelfth century. As has been discussed above, there was considerable scope for alteration of those sources both within the documents themselves and in terms of presenting a narrative structure in which to fit them. In addition, there is the problem created by the use of later Latin terms to refer to transactions and to documents which date from the earlier period.

Where the documents have been reproduced in their entirety, this problem is less acute. This is because the format and the language of the record may well reveal the nature of the source document. By way of an example, a Latin charter preserved in a cartulary may employ titles or forms of address which were archaic by the eleventh and twelfth centuries. This usage would tend to support the contention that the source document for this charter was in fact an early Latin charter. The problem becomes more difficult in cases where the document is said to have been translated from the Old English, as in the case of Æthelgifu,<sup>33</sup> and becomes acute where reference is made to a document or a transaction in the narrative without any further elaboration. It should be noted that while the area of wills is subject to terminological problems, it is the area of additional documents which is perhaps most deeply affected by them.

Perhaps the single greatest interpretive challenge posed by eleventh, and twelfth, century terminology concerns the Latin term *patrimonium*. The use of this term by cartulary compilers poses a fundamental problem for the study of inheritance in that it is difficult to

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<sup>33</sup>L.E., I, c. 59, pp.130-1. (Not a Sawyer).

determine exactly how much precision that term carried. Unsurprisingly, the term *patrimonium* has a range of exactitude in its meaning. In the broadest sense, it can be considered synonymous with the Latin *hereditas* and the Old English *erfe* both of which can be rendered in Modern English by the rather vague term 'inheritance'. However, *patrimonium* had a far more precise definition which is provided by C.T. Lewis and C. Short: an estate inherited from a father.<sup>34</sup> This sense of *patrimonium* is very exact and has considerable implications for the interpretation of how inheritance operated in Anglo-Saxon society.

If *patrimonium* is interpreted as being used in its most precise sense then it becomes apparent, and arguable, that the transmission of property at death is biased in favour of males. The existence of the term itself, when it is interpreted as having that precise meaning, establishes that it is only the property of the father which was recognized as being of consequence. No equivalent female term appears in these sources, and the terms which do exist concerning the property of women tend to emphasize their possession in relation to marriage (i.e. the term *dos* and the term *morgengifu*).

Certainly, there is evidence of an awareness of the relative strengths of conflicting claims to property based on whether a relationship was established through the mother or through the father. The will of King Alfred provides a clear example of such consideration in his will:

ic wylle tha menn the ic mine bocland becweden  
 hæbbe, thæt hy hit ne asyllan of minum cynne ofer  
 heora dæg, ac ic wille [ofer] hyra dæg thæt hit  
 gange on tha nyhstan hand me butan hyra hwylc bearn  
 hæbbe; thonne is me leofast thæt hit gange on thæt  
 strynde on tha wæpnedhealfe tha hwile the ænig thæs  
 wyrthe sy. Min yldra fæder hæfde gecweden his land  
 on tha sperehealfe næs on tha spinlhealfe. Thonne  
 gif ic gesealde ænigre wifhandas thæt he gestrynde,  
 thonne forgyldan mine magas, 7 gif hy hit be than

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<sup>34</sup> *A Latin Dictionary*, compiled by C.T. Lewis and C. Short (Oxford, 1879, reprinted 1975) p.1315.

libbendan habban wyllan. Gif hit elles sy, gange hit ofer hyra dæg swa swa we ær gecweden hæfdon. Forthon ic cwethe thæt hi hit gyldan, forthon hy foth to minum, the ic syllan mot swa wifhandas swa wæpnedhandas swather ic wylle.<sup>35</sup>

That King Alfred's interest in this does not derive simply from his concerns as king can be demonstrated by a parallel interest shown by the Ealdorman Alfred in his will:

Ond gif heo [Alhthryth] bearn hæbbe, feo thæt bearn to thæm londum æfter hire; gif heo bearn næbbe, feo thonne an hire rehtfæderen sio neste hond to them londe ond to them ærfe. 7 swa hwylc minra fædrenmega swa thæt sio þ hine to than gehagige þ he tha othoro lond begeotan mæge 7 wille, thonne gebygcge he tha lond æt hire mid halfe weorthe.<sup>36</sup>

These examples reveal that Anglo-Saxon society recognized a claim to property through both the male line and the female line. The problem remains as to what extent the compilers of cartularies were aware of this and whether they were representing, accurately, the descent of the father's portion of property, the *patrimonium*.

Patrimonial property, as a concept, was well established in the Norman context where it appears to have existed with the more restricted sense of the father's property.<sup>37</sup> It was also a concept well understood by any Norman audience of legal proceedings. The use of the term in cartularies coincides with eleventh, and twelfth, century ecclesiastical interest in the protection, and promotion, of claims to property. Patrimony was, in the absence of documentary evidence, a defensible claim for the possession of property.

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<sup>35</sup>SEHD, No. XI, pp.15-19;p.19, ll. 3-15. The insertion in square brackets is by F.E. Harmer.(s.1507).

<sup>36</sup>SEHD, No. X, pp.13-15;p.13, ll. 24-6 and p.14, ll. 1-4. The insertion in square brackets is my own.(s.1508).

<sup>37</sup>Work has been carried out in this area by both D. Bates, *Normandy Before the Conquest* (London, 1982) and by E.Z. Tabuteau, *Transfer of Property in Eleventh Century Norman Law* (Chapel Hill., 1988).



Reservations also exist as to the extent of a cartulary compiler's knowledge of the property interests of those making donations in the Anglo-Saxon period. Extant Anglo-Saxon material appears to offer no indication whether the property involved in any transaction was patrimonial or not. While certain properties may have been held by a donor's son or daughter, there is little indication from the records that this property was considered part of a special group of estates that could be considered to constitute a patrimony. Indeed, the absence of hereditary toponymic names among Anglo-Saxons has been interpreted as arguing against the existence of such a concept as *patrimonium* in that society.<sup>38</sup>

Given the serious doubt about the validity of the precise definition of the term *patrimonium* when it is used in the context of cartularies, the broader definition of that term, that is that it indicates simply an inheritance, will be used in this thesis. This should not be interpreted as suggesting that there was no gender-based bias involved in inheritance, but rather that the term in isolation cannot be taken as direct evidence of a system of inheritance that favours male offspring.

In addition to *patrimonium*, other Latin terms which record, in a vague sense, the 'passing on' of property are particularly important in the study of additional documents. Such terms indicate a controlled transfer of property but the exact nature of the transfer is impossible to discern from the terms themselves. One example of this kind of vague term which is commonly used is the verb *dimitto*. This verb indicates a conscious transfer of possession but is completely uninformative as to how the transfer was accomplished. Perhaps the best

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<sup>38</sup>This would seem to be the logical implication of the ideas which appear in J.C. Holt, *What's In a Name? Family Nomenclature and the Norman Conquest*, The Stenton Lecture 1981 (Reading, 1982) pp.10-11. He does not, however, explicitly argue this in this work.

example of a sustained, but non-technical, presentation of property descent can be found in the *De Obsessione Dunelmi*.

The brief extract below illustrates the non-specific nature of the language of this document while capturing the flavour of its depiction of the ebb and flow of property through a family over a number of generations.

Ex una Elfledarum Siwardus comes genuit comitem Waltheofum. Et cum ipsa Elfleda esset comitissa, quoniam erat filia Aldredi comitis, et ipse filius Ucthredi comitis et filiæ Alduni episcopi, acclamavit ipsa jure hæreditario has supradictas terras,...quas comes Siwardus maritus suus ei donavit, et filio suo Waltheofo comitatum Northymbrorum dedit, sicut ipsius Waltheofi avus, scilicet comes Aldredus, habuerat. Mortuo Siwardo comite et comitissa Ælfleda filia Aldredi comitis, werra surgente, terræ illæ vastatæ sunt. Post multum tempus Arkil filius Ecgfridæ, de quo supra dictum est, qui acceperat uxorem Sigridam, filiam Kilverti et Ecgfridæ filiæ Alduni episcopi, sibi arripuit illas terras jam vastatas, et inhabitavit.<sup>39</sup>

The movement of property even within a single family can be depicted in very general terms which, although they do represent a record of who received property, are less useful in determining the nature of such property transfers. The history of the estate at Wouldham in Kent provides an example of this type of transfer: *tha for thære brothorsibbe geuthe he him. Earhithes. 7 Crægan. 7 Ænesfordes. 7 Wuldahames his dæg. tha oferbad Ælfah thære brothor 7 feng to his læne.*<sup>40</sup> This record reports the movement of property, but how it was transferred is obscure.

Some Latin terms appear at first to have been used in a strict and technical sense. For example, the will of Abbot Hean cited in chapter one is referred to by the

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<sup>39</sup> *De Obsessione Dunelmi*, pp.219-220. (Not in Sawyer).

<sup>40</sup> Robertson-Charters, No. XLI, pp.84-7;p.84, ll. 11-14. (s.1458).

Latin term *testamentum*.<sup>41</sup> Although this appears initially to give a technical Latin term for a will, it is a far less restrictive term than that example illustrates. *Testamentum* can be used of charters as well as wills. Thus, it is the context in which the term is used that determines whether such references should be considered to be discussing sources which we would regard as wills, as additional documents, or as charters.

From the above discussion, it emerges that caution must be exercised when using cartulary records. Whether the cartularies contain copies of documents or documents linked by narrative passages, there existed ample opportunity for tampering with the information these documents present. This is especially true of those documents which are translated at a later period from Old English into Latin. One method of determining how much alteration may have occurred within a cartulary is to compare, where possible, the copies of sources found there with those sources which survive as single sheet contemporary copies. The analysis of these single sheet contemporary copies in terms both of their format and of their content forms the basis for chapter three. Before undertaking that analysis, it is timely and useful to consider again the oral nature of wills.

Historians are, by nature, very document-oriented. The emphasis in their training on the skills which must be acquired in order to read and interpret source documents tends to create a degree of 'tunnel vision' when approaching a subject. The discussion above concerning cartularies and the limitations of their evidence must not obscure the overall limitation of all of these records. The making of a will was an oral legal act for which a written record was essentially irrelevant. Circumstances dictated that records could

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<sup>41</sup> *Chronicon Monasterii de Abingdon*, Vol. I, Rolls Series Vol. 2, edited by J. Stevenson (London, 1858) No. XV, p.13. (s 1179).



be, and were, made, but it is highly probable that the vast majority of wills continued to be made orally and were never recorded. This position is not wholly dependent on the argument from silence as there is evidence that the making of a will orally continued throughout the period.

One of the most famous instances of the distribution of property at death, what would be considered according to the divisions devised in this thesis as a grant made while dying, appears in Cuthbert the deacon's letter to Cuthwin concerning the death of Bede:

A nona hora dixit mihi: 'Quaedam preciosa in mea capsella habeo, id est piperum, oraria et incensa. Sed curre uelociter, et adduc presbiteros nostri monasterii ad me, ut ego munuscula, qualia mihi Deus donauit, illis distribuam.' Et hoc cum tremore feci. Et praesentibus illis locutus est ad eos et unumquemque, monens et obsecrans pro eo missas et orationes diligenter facere. Et illi libenter spoponderunt. Lugebant autem et flebant omnes, maxime autem in uerbo quod dixerat, quia existimaret quod faciem eius amplius non multo in hoc seculo essent uisuri.<sup>42</sup>

Nor is this description of this kind of event unique. The eighth century nun, Dunne, makes the following grant:

Præfata autem Dei famula Dunne, constructum in prædicto agello monasterium, cum agris suis necnon et cartulam descriptionis agri, cui tunc sola ipsa præerat, filiæ, nimirum filiæ suæ, in possessionem, ad Dominum migratura largita est.<sup>43</sup>

The *Domesday Book* recorded a similar grant made by one Wulfwine which was cited in the first chapter.<sup>44</sup>

What is remarkable in the examples above is the very matter-of-fact recitation of the event. There is no

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<sup>42</sup> *Bede's Ecclesiastical History of the English People*, edited by B. Colgrave and R.A.B. Mynors (Oxford, 1969, reprinted 1972) pp.579-87; p.584. (Not in Sawyer).

<sup>43</sup> A.W. Haddan and W. Stubbs, editors, *Councils and Ecclesiastical Documents relating to Great Britain and Ireland*, Vol. III (Oxford, 1871) pp.337-8; p.338. (s.1429)

<sup>44</sup> Chapter one, pp.24-5.

indication, or even suggestion, that these are records of an unusual event. The mundanity of such grants is perhaps the most striking feature of these records. While it is impossible to be certain, the ease and simplicity of the grant made while dying would seem to favour it as the first choice of all the possible means for those able to make a will. It would be an option available to the possessor of the meanest movable property and would be well suited to an oral legal culture. The arguments presented in this thesis revolve, for the most part, around records, but the fragmentary nature of those records as evidence of the practices of Anglo-Saxon society must not be forgotten if the place, and limitations, of those records is to be fully appreciated.

In the following chapter, the nature of the evidence provided by single sheet contemporary copies is the focus of study. While these sources differ significantly from cartulary sources, they are similarly limited in that they too were irrelevant to the actual making of the will.

### CHAPTER THREE: Will production and Preservation.

The focus of interest in this chapter is the production of wills. The approach used in studying production is twofold: first, the evidence concerning the circumstances behind the production, and preservation, of wills has been considered; secondly, the evidence concerning the existence of a format for the text of will documents has been considered. This approach means that this chapter is composed of two parts, but that both relate to the matter of the production of wills.

The problem with any study of the production of written wills is as simple as it is insurmountable. The best sources for such a study are single sheet contemporary copies, but there are too few of these still extant to serve as the secure basis for any firm conclusions. There are twenty extant sheet contemporary copies of written wills, and, in total, there are only nineteen different wills.<sup>1</sup> As a resource base of evidence for a discussion of will production that covers two hundred and fifty years and the whole of England, this number is clearly insufficient. These single sheet contemporary copies are, however, the best qualitative evidence available for the study of Anglo-Saxon practices regarding the production of written wills.

As such, the evidence of single sheet contemporary copies is vital, and it must not be obscured by the greater quantity of lesser quality evidence provided by cartulary copies of will documents. The evidence provided by cartulary copies and by single sheet contemporary copies is for the most part complementary but the latter has a special role in regard to the former.

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<sup>1</sup>This apparent discrepancy arises because there are two extant single sheet contemporary copies of the wills of the ætheling Æthelstan, and of Thurstan.

(s.1503)

(s.1530).



Single sheet contemporary copies can be used as the yardstick by which to measure the reliability of documents which have been preserved in cartularies as wills. The single sheet contemporary copies provide guidelines which can be used in order to determine what could, and what could not, occur inside a will at a particular time, in a particular place. In this way, they can help researchers to assess the amount of alteration that may have occurred when a document was copied into a cartulary. While there exists a certain element of subjectivity in the determination of what has been altered in a document through its entry in a cartulary, this relationship between these two types of evidence is valid--not least because it correctly emphasizes the evidence provided by single sheet contemporary copies. As the arguments and conclusions of this thesis result from a conscious policy of favouring evidence presented by contemporary copies, it is wise to discuss the nature of this type of source and its limitations.

As the twenty extant single sheet contemporary copies form the core of evidence for analysis in this chapter, it is useful to provide an idea as to the geographical spread of their preservation and the chronological spread of their production. Chart 3.1 gives the name of the donor, the number of the will document in Sawyer's handlist, the date of the composition of the will document, and the centre where that document was preserved.<sup>2</sup>

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<sup>2</sup>Chart 3.1. was compiled using the information provided in the following published editions of the wills.

- 1) Æthelnoth & Gænborg:Robertson-Charters, No.III,pp.4-7.(s.1500).
- 2) Reeve Abba & Heregyth:SEHD, No. II, pp.3-5.(s.1482).
- 3) Badanoth Beotting:Robertson-Charters, No. VI, pp.10-11.(s.1510).
- 4) Cynethryth:SEHD, No. VII, pp.10-11.(s.1200).
- 5) Ealdorman Alfred:SEHD, No. X, pp.13-15.(s.1500).
- 6) Wulfgar:Robertson-Charters, No. XXVI, pp.52-3.(s.1533).

# Single Sheet Contemporary Copies of Written Wills.

## CHART 3.1

<u>DONOR</u>	<u>S</u>	<u>DATE</u>	<u>CENTRE OF PRESERVATION</u>
Æthelnoth & Gænborg	1500	805x832	Christchurch, Canterbury
Reeve Abba & Heregyth <sup>3</sup>	1482	833x839	Christchurch, Canterbury
Badanoth Beotting	1510	845x853	Christchurch, Canterbury
Cynethryth	1200	867x870	Christchurch, Canterbury
Ealdorman Alfred	1508	871x889	Christchurch, Canterbury
Wulfgar	1533	931x939	Old Minster, Winchester
Æthelwyrd	1506	958	Christchurch, Canterbury
Æthelric	1501	961x995	Christchurch, Canterbury
Ælfhelm	1487	975x1016	Westminster, London
Æthelgifu	1497	985x1002	St. Albans, Herts
Leofwine	1522	998	Westminster, London
Wulfgeat	1534	c.1000	Worcester Cathedral
Ælfflæd	1486	1000x1002	Bury St. Edmunds
Bishop Ælfwold	1492	1008x1012	Crediton, Devon (Exeter)
Æthelstan, ætheling	1503	1015	Christchurch, Canterbury
			Old Minster, Winchester
Bishop Ælfric	1489	1035x1040	Bury St. Edmunds
Thurstan	1530	1042x1043	Christchurch, Canterbury
			St. Augustine's, Canterbury
Æthelric	1471	c.1045	Christchurch, Canterbury

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- 7) Æthelwyrd:Robertson-Charters, No. XXXII, pp.58-61.(s.1506).
  - 8) Æthelric:Whitelock-Wills, No. XVI(1), pp.42-3.(s.1501).
  - 9) Ælfhelm:Whitelock-Wills, No. XIII, pp.30-35.(s.1487).
  - 10) Æthelgifu:Æthelgifu-Whitelock.(s.1497).
  - 11) Leofwine:Crawford Collection, No. IX, p.22.(s.1522).
  - 12) Wulfgeat:Whitelock-Wills, No. XIX, pp.54-7.(s.1534).
  - 13) Ælfflæd:Whitelock-Wills, No. XV, pp.38-43.(s.1486).
  - 14) Bishop Ælfwold:Crawford Collection, No. X, pp.23-4.(s.1492).
  - 15) Æthelstan the ætheling:Whitelock-Wills, No.XX,pp.56-63.(s.1503).
  - 16) Bishop Ælfric:Whitelock-Wills, No. XXVI, pp.70-3.(s.1489).
  - 17) Thurstan:Whitelock-Wills, No. XXX, pp.78-9.(s.1530).
  - 18) Æthelric:Robertson-Charters, No. CI, pp.188-191.(s.1471).

<sup>3</sup>It should be noted that the will of Reeve Abba and that of Heregyth both appear on the same will document. Both wills appear to be contemporary with the events they describe, so for the purpose of this analysis, they are considered to be two separate single sheet contemporary copies. This is in contrast to the will of Ælfflæd which appears on the same parchment as the will of her sister, Æthelflæd. Both of these wills were written at the same time, early in the eleventh century, but because Æthelflæd's will can be dated to the tenth century, it is only the will of Ælfflæd that can be considered a single sheet contemporary copy.

The most striking feature of the chart 3.1 is the predominance of Canterbury as a centre of will preservation. If the documents which were preserved at Canterbury, either at St. Augustine's or at Christchurch, had been lost, then there would be no extant will documents from the ninth century, one-third of the tenth century will documents would vanish, and just over half of the surviving single sheet contemporary copies from the eleventh century would disappear. The two Canterbury centres are responsible for preserving eleven of the twenty single sheet contemporary copies which now survive.

It should be stressed at this point that the statement of where a will document was preserved should not be regarded as definitive. The difficulty involved in establishing the place of preservation of a will document both through external evidence and internal evidence is discussed in greater detail below. Few of these single sheet contemporary copies are still found at Canterbury, so it is subject to debate on an individual basis whether each document was held there.<sup>4</sup> Canterbury appears to have preserved more evidence concerning these documents than did other important ecclesiastical centres such as Winchester, Bury St. Edmunds or Westminster. Like most of the other documentary survivals from the Anglo-Saxon period, there is a distinct bias in favour of the survival of those will documents from the south and east of England.

Chronologically, the production of these will documents has a tendency towards clustering around particular periods. However, the relationship between this apparent grouping in their production and their subsequent survival is likely to be tortuous and highly

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<sup>4</sup>The three wills still found at Canterbury today are those of Æthelric (S. 1501), the ætheling Æthelstan, and Thurstan (S. 1530). (S. 1503)



speculative. It is quite possible that the clustering is purely a result of the accidental nature of document survival and that it does not indicate periodization of will production. Given the general paucity of ninth century documents at ecclesiastical centres other than Canterbury as has been noted by Professor Brooks, it becomes less surprising to find that there is there a concentration of single sheet contemporary copies.<sup>5</sup> As the tenth, and eleventh, centuries unfold, it appears that other ecclesiastical centres were considered suitable as the retainers of documents. Again, this growing acceptability of other centres as the preservers of will documents may simply be an illusion generated by the vicissitudes of document survival.

Survival is a slippery starting point for any discussion relating to the production of single sheet contemporary copies. It influences, often unduly, considerations of both the geography and the chronology of will production. Implicit in much of the work on Anglo-Saxon wills is the idea that the centre of will preservation can be equated with the centre of will production. It is an idea that must be examined carefully as it represents a very large assumption. This assumption is tested below using evidence garnered from single sheet contemporary copies concerning their production and their preservation.

At first glance, it would appear that single sheet contemporary copies should provide, in two ways, direct information concerning their production. The first way would be through reciting explicitly the circumstances behind their production; the second through references to witnesses whose presence could be linked to a particular place, or time. Unfortunately, single sheet contemporary copies seldom provide much direct evidence regarding their production. Indeed, one of the characteristics of

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<sup>5</sup>Brooks, N., *The Early History of the Church of Canterbury* (Leicester, 1984) p. 129.

these documents is their lack of explicitness in identifying donors, and donees, in the will and in identifying the document composer and place of composition. As a result of reticence, the single sheet contemporary copies must be analyzed carefully for the indirect evidence they provide concerning their production. The situation of the donor was likely central to the production and preservation of the will document, so that is the focal point for this analysis. It should be noted that the will documents nearly always indicate a strong ecclesiastical presence, so this aspect of the wills is also analyzed.

The concerns of the donors in these single sheet contemporary copies appear to be fivefold. They appear to be attempting to achieve the largest possible audience for their wishes. Often they relate the circumstances of legal activity concerning particular properties or state that they are acting, in a particular instance, in order to fulfil an earlier donation. Also, they usually express a desire for the protection both of their donations and of their donees.

Donors in single sheet contemporary copies express the desire that their friends, kin, or lord be informed as to the terms set out in their will. Assuming that this does not represent mere rhetorical flourish, this request suggests that donors felt a need to obtain the widest possible dissemination for their wishes. The audience requested is the one likely to have the greatest interest in the fulfilment of a donor's wishes and the one most likely to act on that donor's behalf out of a sense of loyalty. The appearance of this request suggests that these people were not necessary to the process of making a will in that their knowledge of the terms of the will would suffice if they were not actually present at its making. The will of the Ealdorman Alfred provides a good example of a donor who is anxious that his wishes are widely known: *Ic Ælfred dux hatu writan* 7

*cythan an thissum gewrite Ælfrede regi 7 allum his weotum  
7 geweotan, 7 ec swylce minum me gum 7 minum gefeorum, tha  
mæn the ic mines ærfes 7 mines boclonde seolest onn.*<sup>6</sup>

A similar concern seems to have motivated Siferth of Downham whose will was sent to Ealdorman Æthelwine *ut suum testamentum ita stare concessisset*.<sup>7</sup> His concern is more specific, in that, not only is the ealdorman being informed of Siferth's wishes, he is being asked to approve them. Transmission of the donor's wishes to persons of higher authority seems to be motivated, in part, by a need to obtain better witnesses of, and broader exposure for, the donor's wishes. Wulfgeat's will reveals the same concern but is curious, in that, in it a specific individual is asked to present the information contained in the will to a broader audience: *...7 Æthelsige. leof cyth this mine hlaforde 7 ealle mine freondum.*<sup>8</sup>

It is difficult to assess how this evidence affects our understanding of the production of wills. As is often the case with a limited resource base of evidence, much is hinted at and little is confirmed. Certain possible motives for the production of wills are suggested by the above, however, and these motives seem to gain some support from the evidence provided by cartulary copies of wills. Although it may be an obvious point, it is worth noting that donors wanted their desires known.

Donors appear to want the widest possible audience to know of their desires regarding their possessions as well as an audience of high social standing, and it is likely evidence of those desires in writing pandered to that need. Written wills could be circulated both

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<sup>6</sup>SEHD, No. X, pp.13-15;p.13, ll. 9-12.(§.1508).

<sup>7</sup>Libellus, c.12, p.81 in Latin and p.13 in translation. (Not in Sawyer).

<sup>8</sup>Whitelock-Wills, No. XIX, pp.54-7;p.56, ll. 8-9.(§.1534).



further afield and to persons of higher social standing than those who may have happened to be present at the making of the will. By such means, others could be informed of a donor's desires while that donor was still alive and in a position where he or she would be able to correct and oversee the production of the evidence of their desires. Such an option was closed to the death-bed grantor. The need for widespread knowledge of the provisions of the will, likely as a form of insurance that those provisions would be honoured, ensured that the production of wills as written documents would be a popular innovation.

Occasionally, a particular property mentioned in a will is revealed to have been the subject of some legal activity. This activity, usually a dispute over possession, could well be a motive for the production of a will document. Perhaps the most famous example of this kind of reference, and indeed one of the most detailed, is found in the will of Æthelgifu.

In Æthelgifu's will, her possession of the property at Standon in Hertfordshire was disputed. The course of that dispute is given as follows:

leof hit becwæth hire hlaford hire to sellanne than  
the hyo wolde the ne gelefde hire. hire hlafordes  
magas tha lædde heo ath to hyccan..xx. hund atha  
thær wæs ælfere on 7 ælfsige .ld7byrnric wæs tha  
gerefa 7 ealle tha yldestan men to bedanforda. 7 to  
heortforda 7 heora wif. Ufonan thone cwide 7 thær  
tha of ærdo. de eadelm hire hlafordes swustur sunu  
hire lond hire æt standune tha sohte ic thære cing 7  
gesealde hym. xx. punda tha agef he me myn lond on  
his unthonc.<sup>9</sup>

While this dispute forms only a small part of the will and is therefore unlikely to have been the sole motivation for its creation, it must be recognized that concern to establish the legitimacy of her possession did exist and that she felt that her will was a suitable place to express her side of the dispute.

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<sup>9</sup>Æthelgifu-Whitelock, pp.15-17, ll. 61-64.(s.1497).

That the dispute had not been settled without lingering rancour can be seen in the following condition attached by Æthelgifu in her proposed donation to Leofrun: *æt<sup>10</sup> þ lond æt thrope selle ofor hire dæg innan hire agen cyn on tha gerad the heo selle hire wed 7 ælc yrre forgife. 7 heo na mare ne bidde. gif heo nelle dæle hit man hire cildon.*<sup>11</sup>

While this particular passage is not directly linked to the dispute within the text, it does reinforce the impression that disputes had an impact on wills. It is possible that part of the motivation for the production of a will could be that it provided a documented statement of the right to possess a particular property, and this was often accompanied by a statement of the right to alienate that property. The production of a will could represent an attempt to establish much the same right over property that normally only the possession of a charter could ensure.

Another motive behind the production of a will document is suggested by all, but one, of the single sheet contemporary copies of wills made by female donors. These wills suggest that they arose out of the process of fulfilling earlier, but now lost, donations. The will of Æthelgifu implies that she is completing an earlier donation when it states: *Eall se freot 7 eall seo ælmesse the her gecweden is hyo wile þ hit beo heore ælmessa for thon hit wæron hire hlafordes begeto... leof hit becwæth hire hlaford hire to sellanne tham the hyo wolde.*<sup>12</sup> Perhaps the most explicit example of this kind of reference to an earlier donation is that found in the will of Cynethryth.<sup>13</sup>

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<sup>10</sup> Ibid., p.12. In footnote three, Dorothy Whitelock indicates that *æt* is a scribal error for the symbol *7*. (s.1497).

<sup>11</sup> Ibid., p.13, ll. 43-44. (s.1497).

<sup>12</sup> Ibid., p.15, ll. 59-61. (s.1497).

<sup>13</sup> SEHD, No. VII, pp.10-11. (s.1200).

The circumstances behind Cynethryth's donation of land at Chart in Kent are given as:

†This is gething Eadwaldes Osheringes 7  
Cynethrythe, Ethelmodes lafe aldormonnes, ymbe thet  
lond et Cert the hire Ethelmod hire hlabard salde.  
Wes hit becueden Osbearte his brothar suna, gif he  
Cynethrythe oferlifde, 7 siththan neniggra meihanda  
ma thes cynnes; ac hia hit atuge yfter hira dege swe  
hit him boem rehtlicast 7 elместlicast were.<sup>14</sup>

It is apparent that the impetus behind the creation of her will was the potential circumstances foreseen in Ealdorman Æthelmod's earlier donation. Chart was given by Cynethryth's husband to his nephew on the condition that his nephew would get the property only if he outlived Cynethryth. He did not. The result of that was that Chart reverted to Cynethryth under the terms of Ealdorman Æthelmod's donation. The will exists only because it embodies her subsequent arrangements concerning that property.

Ælfflæd, in her own will, repeatedly refers to the donations of her father, of her sister and of their more distant ancestors.<sup>15</sup> She, too, is explicit in establishing that her donations were a fulfilment of earlier donations.

7 thae leof æadmodlice bidde for godes luuan. 7 for  
mines hlafordæs sawle lufan. 7 for minræ swystor  
sawlæ lufan † thu amundie tha halgan stowæ et Stocæ  
thæ mine yldran on restath. 7 tha are thæ hi  
thiderin sædon a to freogon godæs rihte; † is  
thonno † ic gean æalswa mine yldran his 'er' gæuthan  
† is thonne † land.<sup>16</sup>

These examples suggest that wills could be produced as documents in order to explain why a donation had not been fulfilled according to an earlier donor's stated intentions. It is also possible, though more controversial, to suggest that because this is a feature

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<sup>14</sup> Ibid., p.10, ll. 14-19. (s.1200).

<sup>15</sup> Whitelock-Wills, No. XV, pp.38-43. (s.1486).

<sup>16</sup> Ibid., p.38, ll. 7-12. (s.1486).



of female donor's wills, they were required to establish that their role was simply that of a caretaker to an earlier male donor's expressed donation. If this is true, then the will document acted to demonstrate the female donor's right to possess and to dispose of property.<sup>17</sup>

The wills of Æthelnoth and Gænborg, and of Æthelwyrð make explicit reference to an ecclesiastical presence but are not clear as to the role played by these ecclesiastics.<sup>18</sup> Both of these wills possess witness lists which include ecclesiastics, but reference is made to ecclesiastics in the body of their text as well. As those mentioned in the text also appear in the witness list, it seems unlikely that reference was made solely to establish these individuals as witnesses.

Æthelnoth and Gænborg are stated to have *aræddan hiora erfe beforan Wulfreðe arcebiscope 7 Æthelhune his mæsseprioste*<sup>19</sup>, while the will of Æthelwyrð is said to have been made *mid gethæhte Oðan ærcebisscopæs 7 thæs hioredæs æt Cristæs cirican*.<sup>20</sup> Neither the noun *gethæhte* nor the verb *aræddan* indicates any specific action by the respective archbishops, but the fact that they are singled out seems to imply that they were more than simply witnesses. It is possible that the circumstances behind the production of these wills may parallel that behind the production of Siferth of Downham's will. In Siferth's will, Abbot Byrhtnoth is said to have

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<sup>17</sup>The role of gender with regard to both donors and donees has been explored comprehensively in chapters four, five and six.

<sup>18</sup>Æthelnoth and Gænborg:Robertson-Charters, No.III, pp.4-7;p.4, ll. 16-17.(s.1500).

Æthelwyrð:Robertson-Charters, No. XXXII, pp.58-61;p.58, ll. 19-20.(s.1506).

<sup>19</sup>Robertson-Charters, No. III, pp.4-7;p.4, ll. 15-17.(s.1500).

<sup>20</sup>Robertson-Charters, No. XXXII, pp.58-61;p.58, ll. 19-20.(s.1506).

*testamentum huius Siferdi coram uxore et coram filia sua coramque omnibus supramemoratis fecit scribi in tribus cyrographis.*<sup>21</sup> Perhaps the archbishops took on a similar role in the production of these two wills.

The ecclesiastical presence can also be noticed in the pleas issued by donors that, in addition to their families, their wishes be protected. In Badanoth Beotting's will, he assigns the protection of his descendants to the church in the following passage: *to there stowe æt Cristes cirican 7 min bearn thær liffest gedoan 7 wiib 7 cild thæm hlaforde 7 higum 7 thære stowe befestan ober minne dei to frithe 7 to mundbyrde 7 to hlaforddome on thæm thingum the him thearf sie.*<sup>22</sup> The relationship between Badanoth Beotting and the Christchurch community appears to have been an active one, as in his will, Badanoth Beotting seems to have been arranging for his entry into some form of the monastic life. At least this is the implication of this passage: *ic wille ærist me siolfne Gode allmehtgum forgeofan to there stowe æt Cristes cirican.*<sup>23</sup> Part of the motivation behind the production of Badanoth Beotting's will could well be to record this special relationship which he had created.

The will of Ælfhelm provides an example of the level of intensity that can be found in some of these pleas for protection.<sup>24</sup>

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<sup>21</sup> Libellus, c. 12, p.81 in Latin and p.13 in translation. (*Not in Sawyer*).

<sup>22</sup> Robertson-Charters, No. VI, pp.10-11; p.10, ll. 5-8. (s.1510).

<sup>23</sup> Ibid., p.10, ll. 4-6. (s.1510).

<sup>24</sup> Whitelock-Wills, No. XIII, pp.30-5. (s.1487).

Nu bydde Ic the leof hlaford. þ min cwyde standan mote. 7 þ thu ne gethauige. þ hine man mid wuo wende. god is min gewyta ic wæs thinum fæder swa gehyrsum swa ic fyrrest myhte. 7 fullice hold on mode. 7 on mægene. 7 the æfre on fullon hyldon hold. 7 on fulre luue. thæs me is god gewyta.<sup>25</sup>

In the will of Æthelric (S. 1501)<sup>26</sup>, a similar desire is expressed in these terms: *Nu bidde ic thone bisceop Ælfstan. þ he amundige mine lafe 7 tha thincg the ic hyre læfe. 7 gif him god lifes geunne lencg thonne unc þ he gefultumige þ ælc thara thinga stande the ic gecweden hæbbe.*<sup>27</sup>

It is often difficult to determine to what extent these requests represent a realistic fear as against being simply rhetorical flourish. In the case of Æthelric (S. 1501), however, the existence of a confirmation charter of King Æthelred concerning this will affords a glimpse of the kinds of difficulties which could arise and endanger the success of a particular donation.<sup>28</sup> At no time does the will itself suggest that the donations may encounter undue opposition although hindsight affords us the luxury of viewing the plea for protection as perhaps hinting at potential difficulties. In contrast, the confirmation charter indicates not only that the donor was involved in potentially fatal treachery, but also that the donor was widely held to be

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<sup>25</sup> Ibid., p.32, ll. 29-30 and p.34, ll. 1-3. (S.1487).

<sup>26</sup> Whitelock-Wills, No. XVI (1), pp.42-3. This will is listed as no. 1501 in Sawyer's handlist, and the reason that the reference to Sawyer appears in brackets following Æthelric's name is in order to distinguish this will from the wills of the donor Æthelric who appears in the mid-eleventh century. Whenever there exists the possibility of confusion, the number of the document as it appears in Sawyer's handlist will be cited inside the text.

<sup>27</sup> Whitelock-Wills, No. XVI (1), pp.42-3; p.42, ll. 21-4. (S.1501).

<sup>28</sup> Ibid., No. XVI (2), pp.44-7. (S.939).



involved. Indeed, if the confirmation charter had not survived, Æthelric's request for protection, strongly expressed as it was, may well have been considered a purely *pro forma* flourish. This example should, therefore, be kept in mind whenever such requests for protection are made. Donors may well have had very specific fears for their donations.

Pleas invoking the protection of ecclesiastics and lay persons reveal that a donor made the written will at a time when they did not feel confident about the potential success of their donation. Not only would the written record of their request act as a spur to action for those assigned to be protectors, but it also meant that, if, owing to circumstances, a donation could not be fulfilled at one particular time, it was possible that it could be fulfilled later when the circumstances had changed. A record of the donation could potentially be used by later descendants to recover a property through the courts.

While it is accepted that the single sheet contemporary copies offer little precise information concerning the situation that inspired their production, it should be evident, from the above discussion, that these wills do shed an indirect light on the circumstances behind their creation. It is unrealistic to expect a single motive behind the production of a will, and it is most probable that a combination of motives and circumstances lay behind the production of each. Before proceeding to the discussion of the evidence that can be derived from witness lists and which can be related to will production, it is instructive to look at the will of Æthelstan, the ætheling.<sup>29</sup> That will provides a useful insight into how a will could be produced.

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<sup>29</sup> Whitelock-Wills, No. XX, pp.56-63. (s.1503).

The structure of the will of the ætheling is unique in that it is the only will which clearly implies a sequence of events. Following the provisions of this will, the donor records that his father sent him an *andsware*--by implication an oral answer--which is delivered, witnessed and dated, and which concerns his right to alienate his property as he wishes.<sup>30</sup> After that answer is recorded, the will addresses directly those who will hear it read and then closes with an anathema. The structure of the document seems to imply that there were three periods of composition which were combined in the one document. The first period encompasses the composition of the will with all its various provisions and the despatch of a message by the donor to the king asking permission to alienate the donor's property freely. The second period of composition occurs when the answer arrives and is duly witnessed and noted. In the final period of composition, the ætheling addresses those who will hear the document being read out, and the document concludes with a brief passage which states which gifts were to be given for the benefit of souls, and an anathema.

The production of this will is remarkable because it appears to be started, delayed and then completed. It does not depend on a particular event, or important gathering, and it demonstrates that wills could be made by individuals who were not actually at death's door. If the ætheling had been on his deathbed, it is unlikely that production of the will would be held up waiting for a message from his father. The emphasis placed on the hearing of the document, especially at a time when charters would commonly have been seen, is a useful

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<sup>30</sup> Ibid., p.60, l. 26.(s.1503).

illustration of the persistence of an oral legal culture.<sup>31</sup>

While it is difficult to determine the relationship between the making of a will by an ætheling and the making of a will by other important individuals, many of the same concerns regarding donations are expressed in the ætheling's will as appear elsewhere. Æthelstan expresses worry about the successful fulfilment of his donations, and this worry motivates him to send a message to his father. He is also aware of the dissemination of his will through its oral recitation before those in power and addresses them directly with his concerns: *nu bidde ic. ealle tha witan. the minne cwyde gehyron rædan. ægther ge gehadode. ge læwede. þ hi beon on fultume. þ min Cwyde standan mote. Swa mines fæder leaf.*<sup>32</sup> It appears that even the ætheling felt the need to make use of peer pressure to ensure that his donations occurred.

The evidence provided by witness lists casts an indirect light on the matter of will production. Witness lists are not a standard feature of Anglo-Saxon wills. In fact, only nine of the single sheet contemporary copies have a witness list and all, but one, of these nine was preserved at Canterbury.<sup>33</sup> Over half of these nine will documents date from the ninth century which suggests the possibility that the presence of a witness list reflects the conscious borrowing of a feature of charter composition. As the witness lists are found

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<sup>31</sup> Ibid., p.62, l. 3. The phrase used in the will is *nu bidde ic. ealle tha witan. the minne cwyde gehyron rædan.* (S.1503).

<sup>32</sup> Ibid., p.62, ll. 3-5. (S.1503).

<sup>33</sup> The following nine will documents have a witness list: Æthelnoth and Gænborg, Reeve Abba, Badanoth, Beotting, Cynethryth, Ealdorman Alfred, Æthelwyrd, Thurstan (S. 1530), Æthelric (S. 1471) and Bishop Ælfwold. The will of Bishop Ælfwold was likely preserved at Crediton. (S.1492)

(S.1500) (S.1482) (S.1510) (S.1200) (S.1506)



almost exclusively in Canterbury-preserved wills, it is perhaps most appropriate to consider the evidence of witness lists as relating only to a Canterbury-centred tradition of will composition.

Certainly, Canterbury-preserved wills persist in retaining this feature, while other centres preserve wills which are almost always without witness lists. The absence of witness lists in later, non-Canterbury-preserved wills may reflect a growing familiarity and sophistication in dealing with documents which concern property. As these other centres preserved wills which were produced at a later period, a period in which the difference between a charter and a will were well understood, the form of the will could be relaxed away from the charter form which likely served as its original model.<sup>34</sup> There are several features of witness lists which can help to establish the possible circumstances behind the composition of a will.

The total number of witnesses found in these lists varies considerably from will to will. For example, the will of Bishop Ælfwold contains five named individuals while that of Æthelwyrd contains fifty-one.<sup>35</sup> On occasion, it is impossible to determine the exact number and composition of the witnesses because reference to them in the text is non-specific. The will of Thurstan (S. 1530) is witnessed by *ealle tha thegenas on Eastsexan* and that of Æthelric (S. 1471) by *eal se hired æt Cristes cyricean ... 7 eal se hired æt s̄ce Augustine...7 mænig man thærtoeacan ge gehadude ge læwede. binnan burgan 7*

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<sup>34</sup> This relationship between wills and charters is dealt with in greater detail in the discussion on format on pp.95-6.

<sup>35</sup> Bishop Ælfwold: Crawford Collection, No. X, pp.23-4. (S.1492).

Æthelwyrd: Robertson-Charters, No. XXXII, pp.58-61. (S.1506).

butan.<sup>36</sup> It is a matter of speculation as to the process by which certain witnesses were selected to appear in the document while others were left out.

The predominance of ecclesiastical individuals is the most striking feature of the witness lists found in Anglo-Saxon wills. Even in wills where ecclesiastical witnesses are in the minority, the positions held by those witnesses, and the very range of offices represented, indicates considerable ecclesiastical involvement at the witnessing stage of the composition of the will document--if not at the actual making of the will itself.<sup>37</sup> In seven of the nine single sheet contemporary copies, the chief ecclesiastical witness is the Archbishop of Canterbury.<sup>38</sup> Other witnesses occupy the full spectrum of ecclesiastical offices and include the following: bishops, priest-abbots, abbots, priests, mass-priests, archdeacons, deacons, subdeacons, deans and monks. While such variety may reflect simply the availability of a wide range of ecclesiastical officials at a major centre like Canterbury, it should be noted that they are all being involved and that their participation is noted in the will document. Although this is an obvious point, it represents a striking contrast with the treatment given to lay witnesses by document composers.

Lay witnesses are not given titles as consistently as are the ecclesiastical witnesses, and the range of

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<sup>36</sup>Thurstan (S. 1530):Whitelock-Wills, No. XXX, pp.78-9;p.78, l. 22.

Æthelric (S. 1471):Robertson-Charters, No. CI, pp.188-91;p.188, ll. 26-31.

<sup>37</sup>In the following four wills, the named ecclesiastical witnesses are apparently outnumbered by the named lay witnesses: Badanoth Beotting, Æthelwyrd, Thurstan (S. 1530) and Æthelric (S. 1471). (S.1510) (S.1506).

<sup>38</sup>The Archbishop of Canterbury is the chief ecclesiastical witness in the wills of Æthelnoth and Gænborg, Reeve Abba, Badanoth Beotting, Cynethryth, Ealdorman Alfred, Æthelwyrd and Thurstan (S. 1530). (S.1500) (S.1482) (S.1510) (S.1200)

(S.1508)

(S.1506)

their titles is far more modest. The will of Badanoth Beotting provides a good example of the kind of contrast encountered in the witness lists. In his will, the seven ecclesiastical witnesses are presented by their names and their titles; the eight lay witnesses are presented, with one exception, by their names only. The single exception is that of Alchhere who is accorded his title of *dux*.

Only slightly more detail is given to the laity in witness lists where royalty are present. The wills of Thurstan (S. 1530) and of Æthelric (S. 1471) both have as lay witnesses King Edward, Lady Ælfgifu, Earl Godwine, and Earl Leofric. After this rather illustrious start, the status of the lay witnesses drops precipitously. In Thurstan's will (S. 1530), Earl Leofric is followed by Leofcild the shire reeve and four untitled individuals. Æthelric's will (S. 1471) follows Earl Leofric with Astur the Red, Ælfstan the Staller and three untitled individuals.

It seems highly likely that the lay witness lists were truncated. It is hardly credible that the royal entourage of a peripatetic king would consist of such a small number of people. Travelling in numbers that would barely provide enough people for a decent bridge party is not a characteristic of early Medieval kingship. The combination of 'nationally' significant witnesses with those of perhaps more local significance suggests that the single sheet contemporary copy may well have been produced at a local centre. Such witness lists demonstrate royal approval of the donation but also indicate who are the responsible witnesses in the locality.

A unique feature of the ninth century witness lists is that, with the exception of the will of Cynethryth, all witness lists include, as a witness, an individual with the same name as the donor. For example, both Æthelnoth and Gænborg are involved in making their will and that process involves another individual identified



as Esne the king's thegn. In the witness list of this will, the lay witnesses are given as follows: † *Æthelnoth*, † *Gænborg*, † *Esne*.<sup>39</sup> The will of the Reeve Abba has, as a witness, one *Abba geroefa*;<sup>40</sup> the will of Ealdorman Alfred is witnessed by *Ælfred dux* and by *Wærborg*--coincidentally, that being the same name as Ealdorman Alfred's wife.<sup>41</sup> It seems likely that the donors are themselves involved as witnesses in Canterbury-preserved wills of the ninth century. This practice appears to end some time after the production of the will of Ealdorman Alfred.

Before discussing the role of multiple copies of wills in providing evidence concerning both the production and preservation of will documents, it is necessary to explain what is meant by the term 'multiple copy'. Single sheet contemporary copies of wills often indicate, through either their text or their physical form, that a number of copies of the will document had been made. Any will document which indicates the existence of another copy of itself is a multiple copy. Those multiple copies which establish the existence of other copies through their text, that is through stating that other copies have been produced, are considered relevant to the problem of the preservation of wills; those multiple copies which establish the existence of other copies through their form, that is through being in the form of a chirograph, are considered relevant to the problem of the production of wills, and thus form the resource base of evidence for the discussion below.

There are a total of eight multiple copy wills extant but of those only five, that of *Æthelwyrd*, *Ælfhelm*, *Leofwine*, *Wulfgeat* and *Æthelstan* the *ætheling*,

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<sup>39</sup>Robertson-Charters, No. III, pp.4-5;p.4, ll. 25-6.(s.1500).

<sup>40</sup>SEHD, No. II, pp.3-5;p.4, l. 27.(s.1482).

<sup>41</sup>SEHD, No. X, pp.13-15;p.15, l. 10 and l. 14, respectively.(s.1508).

can be considered relevant to the discussion of will production.<sup>42</sup> The will of Æthelwyrð, of Leofwine and of Wulfgeat are all the bottom portions of chirographs, while the will of Ælfhelm and of Æthelstan the ætheling are top portions of chirographs. In addition to this chirographic copy of Æthelstan's will, there is another single sheet contemporary copy of that will which is not a chirograph. In none of these wills is there any reference to, or instruction for, the production of copies. The question therefore arises as to why these copies were produced.

Chirographs were usually produced in order to ensure that the copies made of a record of a particular transaction were of a uniform quality. These copies were made so that an accurate record of the transaction could be preserved in a number of locations for use in any future disputes. The time and expense involved in producing chirographic copies makes it likely that there was a degree of self interest in their creation.

The three single sheet contemporary copies which contain explicit instructions regarding their reproduction state that copies were to <sup>be</sup> held by St. Augustine's and Christchurch, Canterbury, as well as by either the donors themselves or their donees.<sup>43</sup> The ecclesiastical recipient, in all of these three wills, is a major, if not the major, donee of the will. Obviously, a major donee would have an interest in retaining a copy of the record of a transaction from which they derived benefit. The preference of ecclesiastical institutions

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<sup>42</sup>The information on the chirographic forms of these wills has been obtained as follows:

Æthelwyrð:Robertson-Charters, No. XXXII, p.315.(S.1506).

Ælfhelm:Whitelock-Wills, No. XIII, p.133.(S.1487).

Leofwine:Crawford Collection, No. IX, p.22.(S.1522).

Wulfgeat:Whitelock-Wills, No. XIX, p.163.(S.1534).

Æthelstan the ætheling:Whitelock-Wills, No. XX, p.167.(S.1503).

<sup>43</sup>These three wills are that of Badanoth Beotting(S.1510), Thurstan (S. 1530) and Æthelric (S. 1471).

for written records may be a significant factor in the production of multiple copies.

The production of multiple copies as chirographs only makes sense if the production of the reproductions is controlled, and if the chirographs are assigned to specified institutions, or individuals, either for general safe-keeping or for greater security of tenure for the donee. By limiting the number of recipients of copies, and by naming the holders of them, the opportunity for the creation of spurious copies would be curtailed. If multiple copies are produced in unknown quantities and distributed without any apparent control over who is to be their recipient, then it is difficult to determine exactly why, and for whom, these chirographs were being made.

At this point, it is possible to theorize that a chirographic copy may have been made solely for the ecclesiastical donee in whose institution that chirograph survives. This implies that only ecclesiastical institutions would have been entrusted with chirographic copies and that such reproduction would have been done as a matter of course. This is a difficult argument to sustain as it confuses the survival of a chirograph at an ecclesiastical centre--a mainly fortuitous event--with the presence of that chirograph at an ecclesiastical centre as the record of that donation intended for that institution as donee--an altogether more planned event. No evidence exists to support this line of argument, and it seems unlikely that it is only ecclesiastical donees who had an interest in keeping records. It should be remembered that many years might pass between the creation of a chirographic copy and its ultimate deposit at an ecclesiastical institution.

Underlying the apparent difficulty in determining the reason for chirographic copies of wills and in determining the identity of the intended recipients of these copies is an assumption concerning the role of



chirographic copies which is derived from their role *vis à vis* charters. Charters established a right to possess a property with a degree of authority which wills lack. The control of copies of charters, of their reproduction, and of their storage, could be crucial if a property held was ever disputed. The authority of a will was not equal to that of a charter and the right to possess which was set out in a will did not have the legal strength of a charter. This difference is highly significant when the matter of copying is considered.

The same obligation to produce an accurate text exists for the will as it does for the charter. This means that, in the broadest sense, it is logical to provide chirographic copies. Unlike the situation with charters, there is far less need to regulate the number of copies made, or to control the number of recipients of copies. Wills simply would not have been as decisive in a dispute as a charter could be. A number of copies could be made and distributed in the knowledge that their legal power was limited. Indeed, given the interest expressed by donors in ensuring that their wishes be widely known, it is possible to speculate that any number of copies could be disseminated throughout localities where a donor was known to hold property.

The general scarcity of single sheet contemporary copies makes it difficult to conclude much with certainty. Multiple copies were made and therefore were deemed a worthwhile endeavour by contemporaries. Some copies were produced in a limited number and were assigned to particular institutions; others were seemingly produced in unknown quantities and do not appear to have been assigned to any particular place. As usually only a single one of the chirographic copies is extant, it is impossible to know if all the copies of a will would be produced at the same time or even in the same place.

Based on the evidence provided by single sheet contemporary copies, a few points can be made concerning the production of Anglo-Saxon wills. The first point is that the composers of the will documents are not concerned with identifying themselves or the time and place of the making of the will. The evidence of charters makes it obvious that Anglo-Saxon document composers were quite capable of providing this kind of information so clearly they chose not to do so in composing wills. As this represents a conscious omission, it is useful to consider what the absence of this information may indicate.

The fact that this information is not given implies the absence of a central organizing force at work behind the composition of the will. Single sheet contemporary copies are not identified as arising from a particular event, such as the meeting of the witan or a church synod, and they are not linked to any action by the king. While wills may address the king or a lord, the role of these individuals tends to be one of protection or approval. At no time is the impression given in wills that they are an active force in the creation of the will itself. The absence of such information suggests that there is a high degree of local initiative involved in the production of wills. The information was likely common knowledge within the limited area, so there was little need for it to appear as part of the composed document.

Another feature which suggests a strong local element in the creation of wills is the tendency for donors, who possess a title, to forgo the use of that title when making their wills. The use of a title appears to be *de rigueur* in charters, but this is not the case in wills. Often the researcher must struggle to identify the donor on the basis of their name and of the property they distributed within the will without any assistance from the text regarding the donor's position

in society. It is a remarkable but frequent omission. If a donor was well known locally, there would be little need to provide anything more than the most basic identification.

Such local knowledge of both the donor, and likely of the donees, would help to explain why these documents are rife with ambiguity. Often it is difficult, and sometimes impossible, to determine from the text who is to receive what. Indeed, even the relatively simple task of establishing where one donation ends and another begins can prove difficult. If both the participants in the will and the audience of the will knew to whom and how the property was to be distributed, the will document would not be as obscure as it now appears. The will document begins to acquire a certain ephemeral quality in such a scenario; it begins to take on the aspect of an *aide-mémoire* which is semantically ambiguous, and obscure, only to those unfamiliar with the circumstances behind its composition.

A further point that should be made is that ecclesiastical involvement was likely very large in the production of the will document. The number of ecclesiastical witnesses and the care shown in the scrupulous recording of their titles suggests that they were a favoured type of witness. The fact that their titles run the gamut of possible ecclesiastical offices tends to support the contention that the production of the will document would occur in a centre where many different ecclesiastical office-holders would be available to act as witnesses. The will of Reeve Abba was produced at a centre where the following office-holders were available as witnesses: the Archbishop of Canterbury, a priest-abbot, priests, deacons and subdeacons.<sup>44</sup> As there is generally acknowledged to have

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<sup>44</sup> SEHD, No. II, pp.3-5;p.4.(s.1482).



been as ecclesiastical near-monopoly on literacy, such involvement is not too great a surprise.

The laity, both as witnesses and as donees, in wills are usually left untitled. The important exception to this is, of course, royal witnesses, but even where they are present, untitled witnesses appear very soon after them. The absence of titles here suggests that these non-royal, but still important, lay persons were of local significance or were, as was the case with some donees, of significance to the entire kingdom and were, therefore, also known at the local level. The way in which lay witnesses and lay donees were addressed implies the existence of a knowledgeable local audience.

The above discussion concerning the production of wills suggests the following theoretical scenario for the circumstances of their creation. Important and locally known donors make their wills before a local body of lay and ecclesiastical witnesses and perhaps also their donees. The ecclesiastical witnesses produce a document at a local centre which they, and perhaps others, retain as an *aide-mémoire* of the donations made. The document may be a complete, or partial, record of the donation made, and a number of copies may be produced and distributed to other institutions or persons who may have an interest in the donation.

Evidence concerning the preservation of single sheet contemporary copies can be gleaned from these documents in three ways. First, there is the evidence provided by endorsements, both contemporary and later, which can be found on some single sheet contemporary copies. Secondly, as was noted above, some multiple copies provide instructions concerning their own reproduction which, in turn, influenced their chances of preservation. Finally, there is the evidence of cartularies which indicate the presence of one copy of a document, if not the extant copy, at a particular place at the time when the cartulary was compiled.

It is important to consider the role of the preservation of will documents for a number of reasons. Perhaps the most important reason is that there has been a very pronounced tendency to confuse preservation with production. Part of the *raison d'être* for the structure of this chapter is to emphasize that there should be some separation between the evidence for production which is provided by single sheet contemporary copies and the evidence they provide concerning their preservation.

Endorsements have been used as evidence concerning the site of production of single sheet contemporary copies, the identity of the donor and others who appear in the will, and the time period in which a will was made. It is, therefore, useful to examine this evidence first as it has had far-reaching implications for the study of wills.

While it is obvious that single sheet contemporary copies could be, and were, kept at major ecclesiastical centres, it does not follow that such copies were produced there. If a will document has been endorsed with the names of estates given to that centre in the text of that will, it is possible, but only possible, that the will document was in the possession of that centre at some time. The will of Ælfflæd bears the endorsement *Ceorlesworthe 7 Cokefeld*<sup>45</sup> and may well have been in the possession of Bury St. Edmund's which was, according to the text, the intended donee of these estates. However, it requires a leap of faith to conclude definitely that the will 'was a Bury charter'.<sup>46</sup>

Indeed, such endorsements do not establish that such a centre was even the original holder of the will document. By their nature, single sheet contemporary

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<sup>45</sup>Whitelock-Wills, p.137. The information on this manuscript is provided by Dorothy Whitelock's notes on the will of Æthelflæd (No. XIV). Her will is found on the same parchment as that of Ælfflæd.(S.1486).

<sup>46</sup>Whitelock-Wills, p.137.

copies might be passed from hand to hand, and generation to generation, before finally ending their journey at an ecclesiastical centre which might then have endorsed them. While in the example above, the endorsement could not have been written much later than the document itself on paleographical grounds, the point is useful to make because there are examples where paleographical evidence is less clear or where the endorsement is clearly later than the compositional date of the document.

Too often information provided by a later endorsement has been embraced rather uncritically--especially when it purports to provide additional facts concerning the donor. Sadly, there has also been a degree of selectivity in determining which endorsements are cited and which are omitted. At times, the criteria used in that selection appears to have been whether the endorsement supports the argument being put forward. The endorsement on the will of Reeve Abba and the will of Heregyth demonstrates the potential difficulties in unreservedly accepting the information which endorsements can provide: *Testamentum Abbe cuius uxor Henhith dedit Cheafloke conventui tempore Chelnothi. Anglice.*<sup>47</sup> It would be convenient to accept the assertion that Reeve Abba and Heregyth were husband and wife, but it should be considered that it would be at least as easy to jump to the wrong conclusion in the twelfth century as it would be to maintain the knowledge of this relationship through several centuries.

Sometimes, however, endorsements can provide valuable information concerning the identity of a donor. The will of Æthelric (S. 1471) is one example of this. The text of Æthelric's will (S. 1471) refers to him simply as *Ægelric* making it impossible to distinguish him from a number of Æthelrics who appear in charters and witness lists around this time. The endorsement on this

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<sup>47</sup> SEHD, No. II, pp.3-5;p.5, ll. 19-20. (S.1482).



will document refers to him as follows: *Ægelric Bigga*. *Æthelric* is said to possess a son named *Esbearn* in this will document. Reference to *Æthelric's* nickname links this document with a cartulary copy of a will (S. 1502), which details the property arrangements of another *Æthelric* who is called *Ægelricus Bigga* in the text.<sup>48</sup>

A.J. Robertson argued, I believe convincingly, that the evidence of *Domesday Book* confirms that these two *Æthelrics* are, in fact, the same man.<sup>49</sup> Briefly her argument derives from the entries concerning a certain *Esbearn Bigga* who she believes inherited his father's nickname along with his property in Kent. It is possible to associate *Esbearn's* Kentish properties with those of *Æthelric*. While her argument is open to some dispute, it is clear that in this case the endorsement provided a useful connection between these sources. It should be noted that no longer are we wholly dependent on the endorsement as the only evidence of this connection. Endorsements can provide useful information, but if no other sources can confirm that information, they should be used with caution.

The *penchant* among endorers for providing dates for the documents they handled causes particular problems. It is difficult to date paleographically the Roman numerals *M, D, C, X, V* and *I*, so when these are applied to a document without any further information, determining when they were written poses a considerable challenge. The dates chosen often do not relate to particular events, so it becomes a matter of debate as to whether they are accurate and contemporary, accurate but applied at a later date to the manuscript, or the 'best guess' of a later period. As has been the case with the information provided by endorsements, these dates have

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<sup>48</sup> British Library, Manuscript, Cotton Julius D ii, f.105. (S.1502).

<sup>49</sup> Robertson-Charters, No. CI, pp.436-7. (S.1471).

been, on occasion, accepted without proper consideration. Often they have served, at least implicitly, as the basis for identifying donors, donees and others found in the will. As these individuals appear in these documents bereft of titles, or identifying nicknames, the temptation to make use of the date provided by the endorsement is strong.

The conscious production of multiple copies of a will reveals a concern for the preservation of will documents, but this too has been confused with establishing certain ecclesiastical centres as centres of will production. Three single sheet contemporary copies state explicitly that a number of copies of the document itself had been made: the will of Badanoth Beotting; the will of Thurstan (S. 1530); the will of Æthelric (S. 1471).

It seems that these three wills were probably preserved at Canterbury as in each of them a copy was said to be kept at Christchurch. Both the will of Thurstan (S. 1530) and the will of Æthelric (S. 1471) state that St. Augustine's in Canterbury was also to have a copy of their will.<sup>50</sup> In all of these three wills, one copy is said to have been retained by the donor or the donor's heir. It should be noted that the evidence from these wills may well reflect only Canterbury practices as no other centre features in all three documents. Although this resource base of evidence is small, these three wills raise a number of interesting points.

Perhaps the most striking feature of these three wills is that they each record a rather complex

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<sup>50</sup>In the published edition of the will of Thurstan (S. 1530), Whitelock-Wills, No. XXX, pp.78-9, Dorothy Whitelock points out, in footnote number 14 on page 78, that the original recipient of one copy of the will, St. Augustine's, has been erased and replaced by St. Albans. If St. Augustine's was simply an error, then it is possible that only the will of Æthelric (S. 1471) intended that a copy of the will be kept at St. Augustine's.

arrangement, by the usual standards of wills, between the donor and an ecclesiastical centre. Badanoth Beotting appears to be arranging for his own entry into some kind of quasi-religious life at Christchurch, Canterbury. This, at least, is the implication of this passage: *ic wille ærist me siolfne Gode allmehtgum forgeofan to there stowe æt Cristes cirican.*<sup>51</sup> While the donor, Thurstan, does not appear to be joining the Church in any capacity, his will (S. 1530) does establish a system of payments to Christchurch in Canterbury, which seem to be designed to demonstrate that Christchurch was the legitimate donee of his estate at Wimbish in Essex: *Thurstan geann thæs landes æt Wimbisc into X̄pes cyrcean for his sawle 7 for Leofware 7 for Æthelgythe. tham hirede to fostre æfter Thurstanæs dæge 7 æfter Æthelgythe. 7 ælcon geare an pund to fulre sutelunge tha hwile the we libban.*<sup>52</sup> The will of Æthelric (S. 1471) presents a long and rather complex arrangement for the disposal of his property at Chart in Kent that involves Æthelric's son, Esbearn, Eadsige the Archbishop of Canterbury, and the community at Christchurch.

While the complexity of these arrangements may have been responsible for the production of these wills, the need for the creation of a controlled number of copies is less obvious. It is possible that the contractual nature of the arrangements was recognized as a potential source of dispute and that the chirographic copies were designed to forestall any legal challenges. It is a truism that ecclesiastical institutions favoured written records as these would easily survive beyond living memory of oral transactions. If the ecclesiastical institution merely needed a record, it is not clear why it would bother to create a limited number of copies. Any legal challenge could be met by any number of such copies. One

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<sup>51</sup>Robertson-Charters, No. VI, pp.10-11;p.10, ll. 4-6. (S.1510).

<sup>52</sup>Whitelock-Wills, No. XXX, pp.78-9;p.78, ll. 11-15.(S.1510).



possibility that may explain the production of these wills as limited copies has, as its basis, the relative conservatism of <sup>wills preserved at</sup> Christchurch, Canterbury.

The wills preserved at Canterbury retain certain features which are not present in wills preserved elsewhere. If Canterbury was responsible for the production of these wills, their appearance as limited copies could represent a holdover from the traditions of charter composition. If this kind of presentation was simply the result of conservatism, then the difficulties produced by the will of Thurstan (S. 1530) are easier to resolve.

The very notion of limited numbers of copies is challenged by the evidence of the will of Thurstan (S. 1530). His will indicates that three copies were in existence, but the two surviving copies of this will are both top halves of chirographs. This appears to be proof for the existence of four copies.<sup>53</sup> It is possible that the number of copies mentioned in a will serves only to alert a reader as to where other copies were kept and does not represent any attempt to limit the number of copies being made.

Another point concerning these three wills is the neutrality of the language chosen when the matter of copies is discussed. The phrases below state the existence of other copies but only that of Badanoth Beotting seems to claim much responsibility for their creation.

thonne is min willa thaet thissa gewriota sien twa gelice other habben higon mid boecum other mine ærfewardas heora dei.<sup>54</sup>

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<sup>53</sup> Ibid., No. XXX, p.189.

<sup>54</sup> Badanoth Beotting: Robertson-Charters, No. VI, pp.10-11; p.10, ll. 18-20. (S.1510).

7 thissera gewritu syndan threo. an is æt xp̄es  
cyrcean. other æt s̄ce Augustine. 7 thridde biþ mid  
heom sylfan.<sup>55</sup>

Nu synd thissa gewrita threo. an is innan Cristes  
cyricean. 7 other æt s̄ce Augustine. 7 þ thridde  
hæfth Ægelric mid him sylfan.<sup>56</sup>

The language used in the will of Thurstan (S. 1530) and of Æthelric (S. 1471) is bland and laconic giving no clue as to the impetus behind the copying. Unlike Badanoth Beotting's will, there is no sense in these two wills that the donor was involved in the creation of copies.

The final source of evidence which relates to the preservation of wills is the cartulary copies of these wills. The problems of the recopying of wills into cartularies was thoroughly discussed in chapter two, so it is necessary to mention only one point here. Preservation in a cartulary indicates only the presence of a particular document at a particular ecclesiastical centre at the time when the cartulary was being compiled. Preservation does not constitute proof that the centre produced the will document, or that it was the original recipient of the document.

From the above discussion, it should be evident that the circumstances of preservation cannot be taken as direct evidence of production. Endorsements can provide information as to who could hold will documents and copies of wills found in cartularies can provide that same information. Multiple copies can give direct evidence as to who felt the need for a written record or even to who felt entitled to a copy of the will document. Overall, and unsurprisingly, it is ecclesiastical centres which appear to have had the greatest part, or perhaps, more accurately, the greatest success, in the

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<sup>55</sup>Thurstan (S. 1530):Whitelock-Wills, No. XXX, pp.78-9;p.78, ll. 25-7.

<sup>56</sup>Æthelric (S. 1471):Robertson-Charters, No. CI, pp.188-191;p.190, ll. 5-7.

preservation of these will documents. This conclusion is forced on us by the nature of the evidence, but it is worth noting that local ecclesiastical centres were selected as repositories for will documents that had a similarly local interest. Thus, the preservation of these will documents at these centres may reflect local production of will documents.

In the first section of this chapter, the focus of interest was the evidence provided by will documents concerning the circumstances of their production and of their preservation. The focus of this second section is also the production of wills, but the evidence for this section is the text of the wills themselves. While text formed part of the evidence in the first section, this section analyzes the text systematically in order to establish whether there existed a format (or formats) which was employed in the production of wills in Anglo-Saxon England.

The impetus for a study of will format comes from the success of such studies with regard to charters. Charter specialists have developed a technical vocabulary for the various divisions that appear inside the text of charters, and their detailed analysis of both charter language and format has provided much information concerning the workings of Anglo-Saxon administration. The analysis of the language used in the text has resulted in a recognition of the formulaic elements within charters which can then be used to support arguments concerning the period of composition and the likely provenance. The study of format, that is the consistent pattern followed in the presentation of information within a charter, has yielded results that can also be used to sustain similar arguments.

The Anglo-Saxon wills have been studied in terms of their formulaic use of language and in terms of a consistent pattern followed in presenting their information. For this study, the Anglo-Saxon wills



chosen for examination were single sheet contemporary copies. These copies were selected because it was less likely that these have been significantly altered in transmission, and this was a crucial consideration for this type of study.

Before proceeding to the analysis of this material, it is useful to consider both the terminology available for such a study and the limitations imposed by the nature of the evidence. The limitations of this study revolve around the questions of how legitimate the concept of format is in regard to wills and, predictably, of how legitimate are the conclusions when the resource base of evidence is so small.

Anglo-Saxon wills are not charters. It is, therefore, unreasonable to expect that the divisions found within charters are exactly paralleled by divisions within wills. There are, however, certain types of information that are commonly presented in both wills and charters. Where it is fitting and appropriate, the technical vocabulary for charter studies has been employed, but rather than attempting to squeeze the text divisions of wills into borrowed clothes, non-technical language has been used of features that are different in, or are unique to, wills. Thus, while the technical terms anathema and witness list appear, more general terms, such as introduction, cross, and main body, have been used where appropriate.

Initially, it may appear odd to question the legitimacy of format as a concept which is applicable to wills, but this oddity derives more from the legitimacy of its application to charters than from the consideration of wills. Charters were likely created in response to ecclesiastical and royal wishes and the subsequent production of charters reflected strongly this origin. A pattern was established, and although it was not followed slavishly, its influence is readily apparent. Such direct and apparent lineage does not appear to exist in

the case of wills, and this must give pause for reflection.

If a donor is leaving property to donees, it is reasonable to expect that those three elements are likely to be present in any text which purports to record that transaction. The question must arise as to whether that presence constitutes a format or simply the most obvious way of recording that kind of information. Format demands a conscious consistency in presentation, and such consistency is best revealed where there are a large number of samples available for study--patently not the case with Anglo-Saxon wills. To further complicate the matter, not only is the amount of available evidence limited, but it also has a distinct regional bias.

The following theoretical scenario illustrates the kind of difficulties which could arise from studying the extant documents as an undifferentiated mass. If there existed in Kent, within the catchment area of Canterbury for the preservation of will documents, a format for the composition of wills, then the majority of wills, ten of the extant twenty, would have that format. The logical conclusion, which may well be incorrect, would be that a format existed for the composition of wills in Anglo-Saxon England. On that basis, all documents would be checked against that format to determine their appropriateness to be considered wills and for their likely textual 'purity'. Canterbury would be given a leading role in the development of the format and for its subsequent dissemination, in more or less corrupt forms, throughout the Anglo-Saxon world.

To avoid the potentially misleading nature of the evidence, the analysis of language and of format has been undertaken on the following basis. The will documents which have been preserved at Canterbury, and which, therefore, likely represent a tradition of will composition in that area, have been examined as a group in order to establish whether there is any evidence for a

Canterbury format. Will documents preserved at other centres have been examined to determine whether they possess some kind of format and have been compared both with each other and with the Canterbury preserved documents. In this way, it is possible to determine whether wills may be considered to possess a format and whether it is possible to establish any kind of relationship between these will documents which may provide evidence concerning their production.

As the equation between preservation and production was condemned in the first section of this chapter, it is perhaps rather surprising to find that kind of equation occurring above. In order for this analysis to proceed, an assumption has been made concerning preservation and production. This assumption is that the institution which has preserved a will document was likely within the catchment area of the local tradition of production which composed the document. While the institution which preserved the document may or may not be the composer of that document, the document which it preserved reflects the compositional practices in the region surrounding that institution. As such, the format of documents has been described by using the name of the centre where they have been preserved. For example, the term 'Canterbury format' has been used to denote the format found in will documents preserved at Christchurch, or at St. Augustine's, in Canterbury, and the terms 'Westminster, London', or 'St. Albans, Herts.', format have been used where applicable. This should not be interpreted as a claim that these particular institutions actually composed the will documents themselves.

All the ninth century single sheet contemporary copies preserved at Canterbury begin with a cross, †, which precedes any text. Directly following this symbol, the donor is introduced. The style of the introduction is so brief that it can be considered simply a notation, and that brevity is also a feature of the wills preserved



in cartularies. There are some honorific titles provided at this point in the text, but there is none of the grandeur that characterizes the introductory passages of charters. This does appear to suggest a more local and less exalted audience for the will. The ninth century introductions are as follows:

Æthelnoth se gerefa to Eastorege 7 Gænburg his wif...

Ic Abba geroefa...

Heregyth hafath...

IC Badanoth beotting...

This is gething Eadwaldes Osheringes 7 Cynethrythe, Ethelmodes lafe aldormonnes...

X̅ ~ Ic Ælfred dux...<sup>57</sup>

In three of these wills, that is the will of Reeve Abba, Badanoth Beotting and Ealdorman Alfred, the introduction is followed by similar phrases which appear to suggest that each of these donors was claiming responsibility for the production of the will document. While they are not claiming to be the actual composer, they do appear to be the motivating force behind the document. This, at least, is the implication of the following:

Ic Abba geroefa cythe 7 writan hate hu min willa is...

IC Badanoth beotting cytho 7 writan hatu hu min willa is...

X̅ ~ Ic Ælfred dux hatu writan 7 cythan an thissum gewrite...<sup>58</sup>

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<sup>57</sup>Æthelnoth and Gænburg:Robertson-Charters, No. III, pp.4-7;p.4, l. 15.(s.1500).

Reeve Abba:SEHD, No. II, pp.3-5;p.3, l. 3.(s.1482).

Heregyth:SEHD, No. II, p.5, l. 2.(s.1482).

Badanoth Beotting:Robertson-Charters, No. VI, pp.10-11;p.10, l. 1.(s.1510).

Cynethryth:SEHD, No. VII, pp.10-11;p.10, ll. 14-15.(s.1200).

Ealdorman Alfred:SEHD, No. X, pp.13-15;p.13, l. 9.(s.1508).

<sup>58</sup>Reeve Abba:SEHD, No. II, pp.3-5;p.3, l. 3.(s.1482).

Badanoth Beotting:Robertson-Charters, No. VI, pp.10-11;p.10, l. 1.(s.1510).

Ealdorman Alfred:SEHD, No. X, pp.13-15;p.13, l. 9.(s.1508).

The other ninth century wills make no similar claims.

The main body of text begins after the notational introduction, and this contains the details of the donation. The details of the donations vary tremendously from will to will. Some arrangements are simple and straightforward, such as those found in the will of Æthelnoth and Gænborg, while others are substantial and complex as in the will of Ealdorman Alfred. It should be noted that in ninth century wills, the wife appears quite early in the arrangements, often accompanied by children, as the first donee. The wills of Reeve Abba, Badanoth Beotting and Ealdorman Alfred appear to reveal a concern for the welfare of their wives and children. Gænborg, the wife of Æthelnoth, appears to be acting as a donor alongside her husband.

Canterbury-preserved single sheet contemporary copies are consistent in their choice and use of personal pronouns. The will of Æthelnoth and Gænborg adopts, and employs, the third person plural throughout the text, while the wills of Reeve Abba, Badanoth Beotting and Ealdorman Alfred all use the first person singular. Heregyth and Cynethryth both use the third person singular in their wills and both provide considerable detail regarding their donations. The will of Heregyth reads much like a *précis* of action taken and leaves the reader with a sense that Heregyth herself is continuing the action initiated in the will of Reeve Abba. Cynethryth's will relates the circumstances behind her control of the estate in question and clearly establishes that she is dealing with a donation which originated with her husband.

The use of an anathema clause is very limited in these ninth century wills. It is used only twice in this period: in the will of Æthelnoth and Gænborg, and in that of Ealdorman Alfred. The form of the anathema is very rudimentary as can be seen: *7 tha sprece nænig mon uferran dogor on nænge othre halfe oncærrende sie nymne suæ: .this*

*gewrit hafath.*<sup>59</sup> In this example, which was taken from the will of Æthelnoth and Gænborg, and in the example below, which was taken from the will of Ealdorman Alfred, the anathema is brief and lacks the forcefulness of anathema passages found in later documents.

And swa hwylc mon swa thas god 7 thas geofe 7 thas gewrioto 7 thas word mid rehte haldan wille ond gelæstan, gehalde hine heofones cyning in thissum life ondwardum 7 eac swa in thæm towardan life; ond swa hwylc mon swa hio wonie 7 breoce, gewonie him God almahtig his weorldare ond ea'c' swa his sawle are in eona eonum.<sup>60</sup>

Conspicuously, all ninth century wills, but one, have a witness list, and it is arguable that the one exception, the will of Heregyth, is to share the same witness list, as her will shares the same parchment, with that which is attached to the will of Reeve Abba. Possession of a witness list is clearly a characteristic of ninth century will documents preserved at Canterbury, and as was noted earlier in this chapter, in all but one of these witness lists, the donor(s) appears. The single exception is that Cynethryth is not present as a witness of her own will. The witness list to her will does have five blank spaces preceded by crosses which may indicate the absence of some five witnesses.<sup>61</sup>

Preceding the witness list in the will of Ealdorman Alfred is the following passage: *†Her sindon thæra manna naman awritene the theosse wisan geweotan sindon.*<sup>62</sup> This is rather curious as the role of witnesses is unexplained in earlier, and later, documents, and there seems to be

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<sup>59</sup>Robertson-Charters, No. III, pp.4-7;p.4, ll. 23-4.(s.1500).

<sup>60</sup>Ealdorman Alfred:SEHD, No. X, pp.13-15;p.14, l. 36 and p.15, ll. 1-5.(s.1508).

<sup>61</sup>It should be noted that these five spaces are located as a group in the midst of the ecclesiastical witnesses, so it is possible that the absent witnesses were to be ecclesiastics.

<sup>62</sup>SEHD, No. X, pp.13-15;p.15, ll. 6-7.(s.1508).



no apparent reason for including this explanatory sentence.

It is worth noting that the will of Heregyth and of Reeve Abba share the same parchment and that the will of Æthelnoth and Gænborg appears on the same document which records the grant of the property cited in the will to the donor, Æthelnoth, by Cuthred, the King of Kent.<sup>63</sup> It has been suggested that the will of Dunn, which follows immediately after the grant to Dunn by King Æthelwulf in the *Textus Roffensis*, was written on the actual charter of that grant.<sup>64</sup> This suggestion is supported not only by the proximity of the two records in the *Textus Roffensis*, but also by the fact that the will does not name the estate given. This would make it a rather useless record, if it was preserved separately. Also, Dunn, in his will, states that he: *hafath thas boc gesald his wife 7 thæt land the thæran gewritan is.*<sup>65</sup> The actual physical joining of the will to a charter and of two wills to each other suggests possibly a need to reinforce the right of possession when the right to alienate was being exercised.

The terminology employed by ninth century will documents, both with reference to themselves as documents and with reference to the transaction they record, is not consistent. Æthelnoth and Gænborg are said to have *aræddan hiora erfe* and refer to the will document as a *gewrit* which contains a *sprece*.<sup>66</sup> Reeve Abba is said to have *cythe 7 writan hate hu min [Abba's] willa is* while Heregyth expresses the action she takes as *hafath thas*

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<sup>63</sup>C.S., No. 318. (S.41).

<sup>64</sup>*Textus Roffensis*, edited by T. Hearne (Oxford, 1720) pp.102-3. The grant of King Æthelwulf is cap. 65 (S.315) in this work while Dunn's will is cap. 66. (S.1514).

<sup>65</sup>Robertson-Charters, No. IX, pp.14-17; p.14, ll. 21-2. (S.1514).

<sup>66</sup>Robertson-Charters, No. III, pp.4-7; p.4, ll. 15-16, l. 24, and l. 23 respectively. (S.1500).

*wisan binemned*.<sup>67</sup> Contemporary endorsements on the manuscript containing both of these wills indicate the contents were Abba's *gethinga* and his *(a)rf(e)ged(a)l*.<sup>68</sup> The wills of Badanoth Beotting and of Ealdorman Alfred employ, as was seen above, similar phrases concerning the creation of their wills as that used by Reeve Abba, but Badanoth Beotting includes the following reference to the will document: *thonne is min willa thæt thissa gewriota sien twa gelice*.<sup>69</sup> For Cynethryth, her will concerns *thas wisan* and records *the gethinge* to which she is a party.<sup>70</sup> Ealdorman Alfred's will was endorsed in a contemporary hand as *Ælfredes ærfegewrit*, but the terms used inside the text are *gewrite*, *wordgecweodu*, *foresprec* and *wisan*.<sup>71</sup>

There are only two extant tenth century single sheet contemporary copies preserved at Canterbury. These are the will of Æthelwyrd, dated 958, and that of Æthelric (S. 1501), dated 961 x 995. Thus, there is a gap of approximately sixty years between the last ninth century will document and the first from the tenth century. It is remarkable that Æthelwyrd's will shares many of the characteristics of the earlier wills while that of Æthelric (S. 1501) differs significantly from those wills.

Æthelwyrd's will, like those from the ninth century, begins with a cross, but this feature is conspicuously absent from Æthelric's will (S. 1501). Both tenth century wills maintain the earlier characteristic of a notational introduction. The will of Æthelric (S. 1501) begins *Her cyth 'Ætheric' on thissum gewrite* and that of

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<sup>67</sup> SEHD, No. II, pp.3-5; p.3, l. 3 and p.5, l. 2. (s.1482).

<sup>68</sup> Ibid., p.5, l. 16. (s.1482).

<sup>69</sup> Robertson-Charters, No. VI, pp.10-11; p.10, l. 18. (s.1510).

<sup>70</sup> SEHD, No. VII, pp.10-11; p.10. (s.1200).

<sup>71</sup> SEHD, No. X, pp.13-15. (s.1508).

Æthelwyrð begins *This is Æthelwyrðæs cwide*.<sup>72</sup> The main body of Æthelric's will (S. 1501) changes the order in which donations have been made hitherto, insofar as there can be said to be a usual order.

Ninth century male donors tended to make provision for their wives and children early in the body of the will text. Æthelwyrð does not make any provisions of this sort, but this may simply indicate the absence of an appropriate donee. There is a female donee named Æthelgifu in his will, but no relationship is established. In contrast, Æthelric clearly makes a provision for his wife, Leofwyn, but does so after he makes a gift to his lord. The gift to his lord is stated as: *þ is ærest sona minum hlaforde. syxti mancusa goldes. 7 mines swyrdes mid fetele. 7 tharto twa hors. 7 twa torgan. 7 twegen francan*.<sup>73</sup> Dorothy Whitelock has noted the similarity between the terms of this gift and the heriot required in the later laws of Cnut and implies that the gift may be less than a spontaneous offering.<sup>74</sup> From this document, it appears that the wife, in the sense of spatial organization of the text, loses ground to the lord.

The choice of personal pronoun is consistent in the will of Æthelwyrð which is presented entirely in the third person singular and which, as a result, reads much like a *précis* of the action. Æthelric's will (S. 1501) contains the shift in personal pronoun that is one the most unusual features of wills. In his will, the introductory sentence is presented in the third person singular. At the close of that sentence, the will

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<sup>72</sup> Æthelric (S. 1501): Whitelock-Wills, No. XVI (1), pp.42-3; p.42, l. 6.

Æthelwyrð: Robertson-Chartes, No. XXXII, pp.58-61; p.58, l. 19. (S.1506).

<sup>73</sup> Whitelock-Wills, No. XVI (1), pp.42-3; p.42, ll. 7-9. (S.1501).

<sup>74</sup> Whitelock-Wills, No. XVI (1), p.147. (S.1501).



changes over to the first person singular and retains this usage throughout the remainder of the text. The effect of this switch is considerable as the information the will contains is presented in two stages each exhibiting a different level of proximity to the event of the will. The third person singular introduction implies distance and the status of an observer to events, but the switch to the first person singular makes the reader feel the immediacy of the actual event of the will-making. The attempt seems to be to reproduce the words of the donor and the overall emotional impact of this kind of presentation is much stronger.

Neither of these two wills possess even a rudimentary anathema clause, but they differ drastically when it comes to the matter of witness lists. Æthelwyrd's will possesses an enormous witness list containing some fifty-one named individuals along with the unnamed members of the community of both Christchurch, and St. Augustine's, in Canterbury. Unlike most of the ninth century wills, Æthelwyrd himself does not appear as a witness to his own will unless the name *Æthelweald* represents a misreading of his name. One of the principal donees of the will is named Eadric which is one name which also appears in the witness list, but there is no evidence for assuming this is the same individual. The will of Æthelric (S. 1501) is almost unique among the Canterbury-preserved wills in possessing no witness list, but considering the difficulties in which he was embroiled, this is not completely surprising.

Indeed, one of the notable features of Æthelric's will (S. 1501) is Æthelric's request that Bishop Ælfstan act as a protector for Æthelric's widow, Leofwyn, and that the bishop help to ensure that the donations were carried out. The confirmation charter of this will makes it clear why Æthelric would have experienced difficulties in finding witnesses and in having his donations

fulfilled. It appears that Æthelric was under suspicion of carrying out treasonous actions and was under this cloud at the time of his death.<sup>75</sup>

The will of Æthelwyrð has two features that are unusual. First, his will was said to have been made with the advice of Archbishop Oda and the community at Christchurch, Canterbury--though exactly what this advice was is not made clear. Secondly, the will is endorsed with the record of a subsequent arrangement made between Eadric, the principal donee in Æthelwyrð's will, and the community of Christchurch. Both of these features illustrate the considerable interest shown in regard to wills by the Church.

Both wills employ familiar terms either for their contents or for the document itself. Æthelwyrð's will is referred to as a *cwide* while that of Æthelric (S. 1501) refers to itself as a *gewrite*.<sup>76</sup> Unusually, the action of the will is captured in a phrase which appears in Æthelric's will (S. 1501): *the ic gecweden haebbe*. This phrase may be considered as close to rendering in Old English the modern verb 'to bequeath', but it also had the meaning of 'to determine', or 'to agree'.

There are three extant eleventh century single sheet contemporary copies which were preserved at Canterbury. These are the will of Æthelstan the ætheling, dated 1015, the will of Thurstan (S. 1530), dated 1042 x 1043, and the will of Æthelric (S. 1471), dated 1045. Before considering these wills, it is important to note that the will of an ætheling is, like that of a king, likely to have a number of unusual features and to pose particular difficulties in its interpretation. Such a will does not, however, exist in a vacuum; hence, once the above

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<sup>75</sup>Whitelock-Wills, No. XVI (2), pp.44-7. (S.939).

<sup>76</sup>Æthelwyrð:Robertson-Charters, No. XXXII, pp.58-61; p.58, l. 19. (S.1506).

Æthelric (S. 1501):Whitelock-Wills, No. XVI (1), pp.42-3; p.42, l. 6.

consideration has been duly taken into account, it is possible to include the will of the ætheling as part of this general study of will format.

All three of these wills begin with a cross, but the will of the ætheling Æthelstan is unusual, in that, following the cross, this phrase appears: *On godes ælmihtiges naman.*<sup>77</sup> This is reminiscent of the following Latin introductory phrase found in the will of Leofwine *In nomine dñi nñi ihū xpī*<sup>78</sup> and of the briefer *X̄s* found after the cross at the start of Ealdorman Alfred's will.<sup>79</sup> The will of Thurstan (S. 1530) and of Æthelric (S. 1471) proceed directly from the cross to the notational introduction which gives only their names. Æthelstan's will gives the same kind of introduction after the Old English invocation above. Unlike the other two wills, Æthelstan's title of ætheling is given in his introduction.

The main body of each of these wills has particular features which are unusual, so it is worth examining each one in detail. The will of Æthelric (S. 1471) presents a brief history of the purchase of the estate given in the will before proceeding to a recitation of the donations. The main body of text in wills is usually followed by the anathema clause, if it is present, and then the witness list, if it too is present. In Æthelric's will (S. 1471), the witness list has been inserted between the body of the text and the anathema.

A similar alteration of the usual order of presenting information in the text can be found in the will of Thurstan (S. 1530). Like the earliest wills, the donations start with a provision for Thurstan's wife, Æthelgyth, although it should be noted that she is not

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<sup>77</sup> Æthelstan the ætheling: Whitelock-Wills, No. XX, pp. 56-63; p. 56, l. 10. (S. 1503).

<sup>78</sup> Crawford Collection, No. IX, p. 22, l. 1. (S. 1522).

<sup>79</sup> See p. 40.



identified as such in the text.<sup>80</sup> This is followed by a description of a slightly obscure arrangement between Christchurch and St. Augustine's, in Canterbury. At this point, the witness list has been inserted into the text, and this is followed by further arrangements.

Æthelstan's will preserves the usual order of presenting information but provides unusual pieces of information. One of the most striking features of this will is the detailed costings provided for the estates which he donates. For example, the estate at Adderbury in Oxfordshire is described in his donation as follows: *thæs landes æt Eadburgebyrig. the ic gebohte æt minan fæder. mid twam hund mancosan goldes be gewihte. 7 mid. v. pundan seolfres.*<sup>81</sup> There are a number of similar descriptions of properties given in his will.

The donations appear to follow no particular pattern with regard to the donees, beginning with donations to ecclesiastical institutions and one ecclesiastic, then proceeding to his father, brothers, friends and more ecclesiastical institutions. No provision is made for a wife or for any children. It is impossible to establish whether any of the donations made to his father represent a heriot of any form rather than merely being an expression of filial duty or affection.

Perhaps the most distinctive aspect of this will is the passage concerning Æthelstan's request to his father concerning his donations. It is useful to examine the passage in detail.

Nu thancige Ic minon fæder mid ealre eadmodnesse on godes ælmihtiges naman thære andsware. the he me sende on frigedæg. æfter middessumeres 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

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<sup>80</sup> This relationship is established in Thurstan's other will (S. 1531) in which he states: *ic an mine wife Ailgithe al the thing.* (Whitelock-Wills, No. XXXI, pp.80-85;p.82, l. 5).

<sup>81</sup> Whitelock-Wills, No. XX, pp.56-63;p.56, ll. 16-18. (S.1503).

thuhte. ægther ge for gode. ge for worulde. 7 thysse  
andsware is to gewitnesse. Eadmund min brothor. 7  
Ælfsige bisceop. 7 Byrhtmær abb. 7 Ælmær Ælfrices  
sunu.<sup>82</sup>

The implication of this passage is that permission was required in order to make a will, but whether this was a general requirement, or merely a requirement for those whose wills could be sensitive politically, is difficult to determine. The scrupulous attention paid to identifying both the messenger, and the witnesses of the message itself, is reminiscent of the concern shown in the Kentish lawsuit to identify those individuals delegated to talk with Edwin's mother.<sup>83</sup> This concern can be contrasted with the apparent lack of interest in providing witnesses for the will itself which is suggested by the absence of a witness list.

These three wills show consistency in their use of personal pronouns. The will of Æthelstan is presented throughout in the first person singular. The will of Thurstan (S. 1530) and of Æthelric (S. 1471) both employ the third person singular throughout, though at one point Thurstan's will (S. 1530) does slip into the first person plural.<sup>84</sup> Less consistency is shown in the employment of anathema clauses.

Thurstan's will (S. 1530) possesses no anathema clause of any kind, while that of the ætheling has this brief and rudimentary passage: *7 Se. the thysne Cwyde. thurh ænig thingc. awende. habbe him with god ælmihtigne gemæne. 7 with Sca Marian. 7 with Sca Peter. 7 with ealle tha. the godes naman heriath.*<sup>85</sup> It is the will of Æthelric (S. 1471) which possesses a highly unusual and elaborate

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<sup>82</sup> Ibid., p.60, ll. 25-30 and p.62, ll. 1-2. (s.1503).

<sup>83</sup> Robertson-Chartes, No. LXXVIII, pp.150-3; p.152, ll. 8-11. (s.1462).

<sup>84</sup> Whitelock-Wills, No. XXX, pp.78-9; p.78, l. 15. (s.1530).

<sup>85</sup> Whitelock-Wills, No. XX, pp.56-63; p.62, ll. 10-12. (s.1503).

anathema clause, and it is worth quoting it in its entirety.

7 gif ænig man on uferan dagan gehadud oththe læwede thisne cwyde wille awendan. awende hine God ælmihtig hrædlice of thisan lænan life into helle wite. 7 thær a wunige mid eallan tham deoflan the seo lathlice wunung betæht is. buton he the deoppor hit gebete ær his ende. with Crist sylfne 7 with thone hired.<sup>86</sup>

The degree of departure of this anathema from the very brief examples, or the complete absence, of such clauses in most of the Canterbury preserved will documents is tremendous. This clause bears far more resemblance to those found in charters than any found in wills.

Both the will of Thurstan (S. 1530) and that of Æthelric (S. 1471) make use of a formal witness list. Thurstan's will (S. 1530) includes among its witnesses King Edward, Lady Ælfgifu and Archbishop Eadsige along with other ecclesiastics and laymen of high social status. The witnesses to the will of Æthelric (S. 1471) include King Edward, Lady Ælfgifu and numerous lay and ecclesiastical luminaries. Like the tenth century wills, neither of these wills appears to be witnessed by the donor nor by any of the principal donees. Both of these wills make a general reference to a large but unnamed body of witnesses. In Thurstan's will (S. 1530), the witnesses are said to include *ealle tha thegenas on Eastsexan* while Æthelric's witnesses include *mænig man thærtoeacan ge gehadude ge læwede. binnan burgan 7 butan*.<sup>87</sup> In addition, both of these wills close with a statement of how many copies of each will existed.

The will of the ætheling Æthelstan possesses no witness list, but the text implies that the information

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<sup>86</sup>Robertson-Charters, No. CI, pp.188-91;p.188, l. 31 and p.190, ll. 1-5.(S.1471).

<sup>87</sup>Thurstan:Whitelock-Wills, No. XXX, pp.78-9;p.78, l. 22.(S.1530).

Æthelric:Robertson-Charters, No. CI, pp.188-91;p.188, ll. 30-1.(S.1471).



the will contained was going to be disseminated amongst the most important individuals in the kingdom. At least, this is the implication of the following: *nu bidde ic. ealle tha witan. the minne cwyde gehyron rædan. ægther ge gehadode. ge læwede.*<sup>88</sup> Given the nature of his donees and his formal request to the king, his father, for permission to make his donations, the absence of a formal witness list is not that surprising.

All three wills are again consistent in their choice of term to employ when referring to the will document. Each considers itself a *gewrite*, but there is less unanimity as to what is contained in the document. The *ætheling* considers that it is his *cwyde* which is to be read out before the *witan* and Thurstan's witnesses are said to be those of his *cwide*. *Æthelric's* will (S. 1471) contains a *forewyrd* between himself and Archbishop Eadsige, though it is also referred to as a *cwyde*.

From the above discussion, it is possible to summarize the characteristics which may reflect a tradition of will production within the Canterbury catchment area. The use of a cross at the start of the will appears as an almost universal feature. This is most often followed by a very brief, essentially notational, introduction of the donor which may include a title, but which is not in any way elaborate. The main body of the wills tends to vary in size and complexity, but it appears that provision both for wives and for children would be made early in the text of ninth century wills. Later, it seems that the donation to the lord, a donation couched in terms which suggest that it represents a heriot, takes precedence, at least in terms of its positioning in the text, over that provision. Consistency is the chief characteristic in the choice of personal pronouns. The will composer chooses a perspective, either of self or of observer, and adheres

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<sup>88</sup> Whitelock-Wills, No. XX, pp.56-63;p.62, ll. 3-4. (s.1503).

to it throughout the text. Use of an anathema clause appears to be optional and this option is not commonly taken up. The anathema clause is not well developed with the exception of that found in the mid-eleventh century will of Æthelric (S. 1471).

In contrast, witness lists appear to be *de rigueur* in these will documents, but both their position relative to the text, and their contents, change over time. Prior to the eleventh century, the witness list appears, as it does in charters, at the end of the document, but this strict positioning appears to be relaxed in the last half-century of Anglo-Saxon England. Ninth century wills almost invariably have the donors appearing inside the witness list, but this practice appears to stop at some time between the close of the ninth century and the mid-tenth century. The will documents are referred to in most cases as a *gewrit* and can embody a *cwide* or *foresprec*.

In order to determine whether the above shared characteristics in fact constitute proof of a format for will production existing within the Canterbury catchment area of document preservation, it is necessary to consider the characteristics of those wills preserved at centres other than Canterbury. A comparison between these other wills and those preserved at Canterbury can reveal whether the observed characteristics were common to all wills or were common to all wills produced during a particular period. These are crucial considerations in addressing the question of whether or not the Canterbury catchment area actually had a format for will production. As no single sheet contemporary documents survive from any non-Canterbury centres for the ninth century, it is impossible to make any comparisons with this material. Comparison only becomes possible in the tenth century.

There are four single sheet contemporary copies of wills which survive from the tenth century from centres other than Canterbury. These form the basis for

comparison. Two wills, that of Ælfhelm, dated 975 x 1016, and of Leofwine, dated 998, were preserved at Westminster, in London, so there exists an opportunity for comparing them not only with Canterbury preserved wills, but also with each other. The other two wills were preserved separately: the first, that of Wulfgar, was preserved at the Old Minster in Winchester; the second, that of Æthelgifu, dated 985 x 1002, was preserved at St. Alban's in Hertfordshire.<sup>89</sup>

The wills of Wulfgar, Æthelgifu and Leofwine all begin with a cross. In contrast, the will of Ælfhelm, like that of Æthelric (S. 1501), has no cross to mark its beginning. The introductions which follow the crosses, or in the case of Ælfhelm, the introduction which begins the document, are brief and retain the notational style seen in the Canterbury-preserved will documents. As was noted earlier when the will of Æthelstan the ætheling was discussed, the will of Leofwine inserts a phrase between the cross and the introduction: *In nomine dñi nr̃i ihū xp̃i*.<sup>90</sup> More personal information is offered concerning Leofwine in the brief introduction where he is said to be the son of Wulfstan.

There are considerable variations, and some similarities, in the order of donations found in the main body of these texts. The first donation made by Wulfgar is to his wife though she is not identified as such in the text.<sup>91</sup> Æthelgifu provides a heriot-like donation to

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<sup>89</sup>The editions of the wills are listed below. Information on where these will documents were preserved has been taken from the supporting notes to these editions.

Ælfhelm:Whitelock-Wills, No. XIII, pp.30-5.(s.1487).

Leofwine:Crawford Collection, No. IX, p.22.(s.1522).

Wulfgar:Robertson-Charters, No. XXVI, pp.52-3.(s.1533).

Æthelgifu:Æthelgifu-Whitelock.(s.1497).

<sup>90</sup>Crawford Collection, No. IX, p.22, l. 1.(s.1522).

<sup>91</sup>Robertson-Charters, No. XXVI, pp.52-3;p.52, l. 32. This relationship is established by the apparently contemporary endorsement on this document.(s.1533).



her lord at the start of her will and describes it as *the him to beodonne biOTH*.<sup>92</sup> The will of Ælfhelm likewise begins with a heriot-like donation to his lord. Both the will of Æthelgifu and Ælfhelm start in a way very similar to the beginning of the will of Æthelric (S. 1501) who also provides a heriot-like donation. Ælfhelm makes a donation to the Church which he explains as being *for gode. 7 for wurulde*.<sup>93</sup>

These first donations by Ælfhelm are presented consistently in the third person singular. Following these opening donations, there is a change to the first person singular, and the first donation to be made in the first person singular is to Westminster and contains within it provision for Ælfhelm's wife. Further donations, and confirmation of donations, to Ælfhelm's wife, son and daughter follow. Ælfhelm's will reflects the change in the wife's position first seen at Canterbury in the will of Æthelric (S. 1501). The first donation in Leofwine's will is to St. Peter of Westminster, and this is the same donee who receives the first donation by Ælfhelm after the perspective in his will changed from the third to first person singular. In contrast to Ælfhelm's will, the will of Leofwine has Leofwine's lord, Bishop Wulfstan, as the last donee.

The will of Wulfgar begins in, and retains, the first person singular throughout. The third person singular is used almost exclusively in Æthelgifu's will, but there are a number of lapses. Nine times in the will, the pronoun used is that of the first person.<sup>94</sup> It

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<sup>92</sup> Æthelgifu-Whitelock, p.7, l. 2. (S.1497).

<sup>93</sup> Whitelock-Wills, No. XIII, pp.30-5; p.30, l. 17. (S.1487).

<sup>94</sup> The following lapses occur in the will of Æthelgifu:

Æthelgifu-Whitelock, p.11, l. 41, ...7 Leofwine mire swustur...

Ibid., l. 42, ...mire mægan...

Ibid., p.13, l. 44, ...mire mægan...

is important to note that in seven of these lapses, Æthelgifu is employing the first person possessive *min*. Considering the size of this will, such lapses cannot be said to represent much inconsistency.

The will of Ælfhelm and of Leofwine share, both with each other and with the Canterbury-preserved will of Æthelric (S. 1501), an internal change of personal pronoun from third person singular to first person singular. All three wills remain consistent in their use of personal pronoun once that change is made. As was noted above, Ælfhelm's will switches after his donation to his lord and the Church, but that of Leofwine switches immediately after the notational introduction.

None of these four tenth century wills possess a witness list, and only two of them, that of Æthelgifu and Ælfhelm, possess anathema clauses. Æthelgifu's will has an elaborate anathema which may bear comparison with that of the ætheling and Æthelric (S. 1471). She reserves, in her anathema clause, the right to alter donations she has made in the will. Ælfhelm's will is unique in that it has two anathema clauses.

The first of Ælfhelm's two anathema clauses appears at the end of the text and reads as follows:

se man se the minne cwyde wende. buton thu hyt sy  
leof. 7 ic hæbbe geleauan þ̅ thu nelle. god afyrre  
hine of his rice. buton he the hrathor ongen wende.  
7 god 7 ealle his halgan gehealde æcne thara the  
thæрто gefyrthryge þ̅ he standan mote.<sup>95</sup>

Notable here is the phrase which allows for the alteration of the will only by Ælfhelm's lord--a phrase which also appears in the will of Æthelgifu. The second

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Ibid., l. 47, ...*mire swustur sunu*...  
Ibid., ...*mire swustor dohtor*...  
Ibid., ...*minne blæwenan cyrtel*...  
Ibid., p.15, l. 63, ...*tha sohte ic*...  
Ibid., p.17, l. 64, ...*tha agef he me min lond on  
his unthonc*... (S.1497).

<sup>95</sup>Whitelock-Wills, No. XIII, pp.30-5;p.34, ll. 4-7.(S.1487).

anathema is endorsed on the document and permits no alteration of the provisions in the will.

Gif hwa æfre ænig thinc of thysum cwyde awende oththe ætbrede. sy him godes ar 7 his ece edlean æfre ætbroden. 7 he næfre ne wurthe on his myltse gemet. ac he sy amansumod of tham gemanan ealra gecorenra Cristes heapa. ge nu ge on ecnysse buton he the hrædlicor thæt forlæte. 7 on riht eac eft gewende.<sup>96</sup>

Each of these four wills have unusual features. In the will of Wulfgar, the donor retains possession of the estate at *Æscmere* which he reserves for an oral donation at a later date. This seems to be the implication of the phrase: *ic cwethe on wordum be Æscmere*.<sup>97</sup> Very unusual is the fact that this will has been physically attached to an earlier grant to Wulfgar by King Æthelstan of the estate at Ham which appears in Wulfgar's will.<sup>98</sup> It is difficult to establish when the documents were sewn together, but this method of presentation resembles that used in the record of the will of Æthelnoth and Gænborg where the will was written on the charter of a grant to Æthelnoth.

Leofwine's will has, in addition to the insertion of a phrase between the cross and the introduction, another unusual feature in that it has a dating clause. It is the only will which has this feature and its presence suggests that this document was strongly influenced by charters. The dating clause is given as follows:

anni dni    indic spæc    ecur    ciclos    dies .xiiii.    lun    dies pasce  
DCCCCXCVIII    XI    XX    V    VIII    XVII    k̅īmai    XV    k̅īmai  
lun    ip̅sius  
XVI.                      99

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<sup>96</sup> Ibid., ll. 8-12. (s.1487).

<sup>97</sup> Robertson-Charters, No. XXVI, pp.52-53; p.52, ll. 20-21. (s.1533).

<sup>98</sup> Ibid., p.307 and p.309. <sup>(s.1533)</sup> The charter is published as C.S., 677. (s.416).

<sup>99</sup> Crawford Collection, No. IX, pp.22, ll. 12-13. (s.1522).



Both Ælfhelm and Æthelgifu use the curious device of direct speech to their lord in the text of their wills. Ælfhelm stresses very strongly his loyalty to his lord, and to his lord's father, addressing him as his *leof hlaford* and then directly as his *leof* and *thu* meaning 'thou'.<sup>100</sup> Æthelgifu also uses the term *leof* and the pronoun *thu* when she addresses her lady asking her to let Leofsige serve the ætheling.<sup>101</sup> Another unusual feature of her will is that she claims to be disposing of her lord's acquisitions, and this role, which she claims, as the fulfiller of her husband's donations parallels similar roles claimed by Heregyth and Cynethryth in their wills.

The terms employed by the wills both to describe themselves as documents and the transaction which they embody are more eclectic than those encountered in Canterbury preserved documents. Wulfgar refers neither to the document nor to its contents in his will. The will of Ælfhelm is called both a *swutelung* and a *cwyde* while that of Leofwine is said simply to be a *cwide*.<sup>102</sup> The term used in Æthelgifu's will is *cwide* and her property, much like that of Æthelric (S. 1501), was said to be *nu becweden ys*.<sup>103</sup>

It appears from the above analysis that there is a fair amount of resemblance between the tenth century wills preserved at non-Canterbury centres and those preserved at Canterbury. Like the latter, most of these wills start with the cross and possess a notational

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<sup>100</sup> Whitelock-Wills, No. XIII, pp.30-35;p.32, l. 29 *leof hlaford* and p.34, l. 4 *thu, leof*. (S.1487).

<sup>101</sup> Æthelgifu-Whitelock, p.15, l. 61 *leof* and p.11, l. 38 *thu*(S.1497).

<sup>102</sup> Ælfhelm:Whitelock-Wills, No.XIII, pp.30-5;p.30, l. 16, *swutelung* and p.34, l. 4, *cwyde*.(S.1487).

Leofwine:Crawford Collection, No. IX, p.22, l. 1.(S.1522).

<sup>103</sup> Æthelgifu-Whitelock, p.7, l. 1, *cwide* and p.17, l. 66, *nu becweden ys*.(S.1497).

introduction. These wills reflect the change apparent in the wife's position in the text. Wulfgar made his wife the recipient of his first donation, but later wills made their first donation to the Church or to a lord. The heriot-like nature of the donation to the lord is more apparent in these wills than it is when such donations take place in the Canterbury-preserved wills. Two wills, that of Ælfhelm and of Leofwine begin in the third person singular and switch to the first person singular, but this kind of change also occurs in the Canterbury-preserved will of Æthelric (S. 1501). Once that change is made, these wills remain consistent in their choice of personal pronoun. The will of Æthelgifu and Ælfhelm differ from all but one of the Canterbury preserved documents in employing direct speech to their lord.<sup>104</sup> This device gives their wills a degree of immediacy not found in other wills and also gives their wills some of the qualities usually associated with letters. Anathema clauses appear to be optional, although when they are present, they are more elaborate than those found in the tenth century Canterbury-preserved documents. Most of the variations found within the non-Canterbury-preserved wills can be found in the Canterbury-preserved documents with the possible exception of the device of direct speech; however, the use of witness lists seems to reveal a real difference between these will documents.

Only two of the Canterbury-preserved documents lacked witness lists, and both of these wills were exceptional in that one was the will of an ætheling and the other was the will of a suspected traitor. None of the non-Canterbury-preserved wills had a witness list. This alone gives unity to the wills produced within the Canterbury catchment area, but it also suggests a degree of independence in the will production traditions elsewhere. It is more difficult to determine whether the

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<sup>104</sup> The only Canterbury preserved will which employs this device is the will of the ætheling Æthelstan. (S.1503).

absence of the witness list constitutes part of an alternative format for the production of wills.

There are five extant will documents preserved at centres other than Canterbury which survive from the eleventh century. These five wills are that of Wulfgeat, dated c. 1000, which was preserved at Worcester Cathedral, that of Ælfflæd, dated 1000 x 1002, which was preserved at Bury St. Edmunds, that of Bishop Ælfwold, dated 1008 x 1012, which was preserved at Crediton, that of Æthelstan, the ætheling, dated 1015, which was preserved at the Old Minster in Winchester, and finally, that of Bishop Ælfric, dated 1035 x 1040, which was preserved at Bury St. Edmunds.<sup>105</sup> Two of these wills, that of Ælfflæd and of Bishop Ælfric, were preserved at Bury St. Edmunds and thus may be usefully compared with one another in order to determine whether they share a tradition of will production. The will of Wulfgar was preserved at the Old Minster in Winchester, so it is possible to compare that will document with the single sheet contemporary copy of the will of Æthelstan the ætheling which was also preserved there. As the will of the ætheling has already been dealt with in some detail, it figures only marginally in the following analysis.

The wills of Wulfgeat, Bishop Ælfwold and Bishop Ælfric all begin with a cross followed by a brief notational introduction. Wulfgeat's introduction includes his place of origin, while the introduction of both Bishop Ælfwold's and Bishop Ælfric's will indicates they are bishops but does not indicate their sees. The

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<sup>105</sup> Information concerning the preservation of these wills was derived from the supporting notes attached to the following published editions.

Wulfgeat:Whitelock-Wills, No. XIX, pp.54-7.(s.1534).

Ælfflæd:Whitelock-Wills, No. XV, pp.38-43.(s.1486).

Bishop Ælfwold:Crawford Collection, No. X, pp.23-4. (s.1492).

Æthelstan the ætheling:Whitelock-Wills, No. XX, pp. 56-63.(s.1503).

Bishop Ælfric:Whitelock-Wills, No. XXVI, pp.70-3.(s.1489).



most unusual beginning belongs to the will of Ælfflæd. Her will does not start with a cross and is abrupt even by the standards of other wills: *Ælfflæd gæswyte lath on this gewrite.*<sup>106</sup> Following on from that introduction is a phrase reminiscent of that found in the will of Ælfhelm: *hu hæo wile habban gefadad hiræ æhta for gode. 7 for worldæ.*<sup>107</sup>

Both Wulfgeat and Bishop Ælfwold begin their donations with the gift of a burial fee. Wulfgeat follows that donation with a number of other ecclesiastical donations. Those donations end with a grant of his forgiveness, and then the donations to the laity begin. First, Wulfgeat's lord receives a donation which appears to be a heriot, and provision is made for Wulfgeat's wife and daughter. Wulfgeat's lord is specifically asked to be a friend to them. The construction of the body of the text is in two parts with the first part containing donations to ecclesiastical donees, while the second contains those to lay donees. Bishop Ælfwold's second donation is to his lord and has the appearance of a heriot.

The will of Bishop Ælfric initially appears to be resemble that of Wulfgeat in terms of the order of donations as he too starts with ecclesiastical donees before proceeding to the laity. This initial division breaks down as the text continues. Similar to the preceding wills, his first donation to a lay donee is made to his royal lord, in this case Harold Harefoot. Bishop Ælfric's will resembles that of Æthelric (S. 1471) in that prior to the making of any donations, it relates how the bishop acquired, and held, his property.

The first donation made by Ælfflæd is to her lord. Her donation is large, and it seems likely that it represents not simply a heriot, but that it is associated

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<sup>106</sup> Whitelock-Wills, No. XV, pp.38-43; p.38, l. 1. 1. (S.1486).

<sup>107</sup> Ibid., p.38, ll. 1-2. (S.1486).

with her specific request that her lord protect her ancestral foundation at Stoke. In common with the donations made by other female donors, she emphasizes the role of her will as part of a continuum of donations made by earlier ancestors and even states that she is confirming a grant made by her lord.<sup>108</sup> Ælfflæd makes a donation to both Ealdorman Æthelmær and a different Æthelmær, asking them to be her good friends and advocates to herself and her interests in life and in death.<sup>109</sup>

The will of Bishop Ælfwold is the only one of these wills which does not change the personal pronoun employed inside the text. His will remains in the third person singular throughout. Ælfflæd's will changes from the third person singular to the first person singular immediately after the brief introduction and remains consistent thereafter. The will of Bishop Ælfric makes the same change but does so slightly further into the text. In that will, the change occurs not immediately after the introduction but rather follows the brief passage outlining how the bishop acquired his property. Once the change is made the document remains in the first person singular. The same changeover occurs at a relatively advanced point within the text of Wulfgeat's will. The third person singular is used throughout the first part of this will--specifically that part which includes all the ecclesiastical donations. It is also used for Wulfgeat's donation to his lord and his wife but changes when Wulfgeat is describing how the property is to descend after the death of his wife. At that point, the first person singular possessive is used and the

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<sup>108</sup> Ibid., p.40, ll. 4-5 and ll. 9-10. There are numerous references to earlier grants made throughout her will. (s.1486).

<sup>109</sup> Ibid., p.40, ll. 12-21. (s.1486).

first person singular is employed in the rest of the text.<sup>110</sup>

None of these four wills possess an anathema clause and only one, the will of Bishop Ælfwold, possesses a witness list.<sup>111</sup> Not only is the mere presence of the witness list reminiscent of Canterbury-preserved wills in general, but of the five witnesses who do appear, three are definitely donees in the will, and it is quite possible that the other two are as well. This appearance of donees as witnesses reflects strongly the ninth century practice that was preserved in Canterbury.

It is worth noting at this point that the absence of a witness list in the will of the ætheling Æthelstan made it remarkable as a Canterbury-preserved document, but if it is considered as part of the non-Canterbury-preserved body of documents, this absence is unremarkable. This suggests that the ætheling's will, like the will of Wulfgar, may well be part of a Winchester tradition of will production.

The wills of Wulgeat and Ælfflæd, like that of Æthelgifu and Æthelstan the ætheling and Ælfhelm, employ the device of direct speech in the text of their wills. Wulgeat asks one Æthelsige to make sure that Wulgeat's wishes were known among Wulgeat's family and to Wulgeat's lord. He refers to Æthelsige directly as *Æthelsige. leof*.<sup>112</sup> Ælfflæd, also, uses the term *leof* in her will.<sup>113</sup> Through the use of this device, the sense of

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<sup>110</sup> Whitelock-Wills, No. XIX, pp.54-7;p.54, l. 23, *min cynn*. (S.1534).

<sup>111</sup> It should be noted that the last line in the will of Ælfflæd is illegible in the manuscript, so it is possible that this will might have possessed an anathema clause or witness list. It is unlikely, however, because this illegible line follows on from the boundary clause, and it seems more likely that the line related to that clause. (S.1486).

<sup>112</sup> Whitelock-Wills, No. XIX, pp.54-7;p.56, l. 8. (S.1534).

<sup>113</sup> Whitelock-Wills, No. XV, pp.38-43;p.38, l. 7. (S.1486).



the immediacy of the record is heightened, and a similarity between the style of wills and the style of letters becomes evident.

Ælfflæd's will has a number of interesting characteristics. It has a unique feature in its inclusion of boundary clauses for estates mentioned in the will. The bounds of estates at Balsdon, and at Withermarsh and Polstead, all in Suffolk, are written in a contemporary, albeit different, hand on her will.<sup>114</sup> It has been suggested by Dorothy Whitelock that these clauses may have been taken from charters relating to these estates and added to this manuscript of the will. This is possible but difficult to establish with any certainty.

The will of Ælfflæd, like that of Æthelnoth and Gænborg, and of Wulfgar, is physically joined to another text which has a bearing on its provisions. Preceding Ælfflæd's will, on the same sheet of parchment, is a copy of her sister Æthelflæd's will.<sup>115</sup> This reinforces the sense that Ælfflæd is the vehicle for the fulfilment of earlier donations and that she is the legitimate holder and, therefore, the legitimate donor of the property.

The terms used inside the wills in reference to themselves as documents, or to the transaction they embody, are neither standardized nor unusual. Wulfgeat's will is presented merely as *Wulfgeates gecwide*.<sup>116</sup> The document containing Ælfflæd's will is referred to as a *gewrite* and a *cwide*, and she is said to *gæswytelath* her wishes.<sup>117</sup> Similarly, the other will preserved at Bury St. Edmunds, that of Bishop Ælfric, is also called a

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<sup>114</sup> Ibid., pp.145-6. (s.1486).

<sup>115</sup> B.L., MS., Harley Charter 43, C.4. (s.1494).

<sup>116</sup> Whitelock-Wills, No. XIX, pp.54-7;p.54, l. 7. (s.1534).

<sup>117</sup> Whitelock-Wills, No. XV, pp.38-43;p.38, l. 1, *gewrite* and p.40, l. 20, *cwide* and p.38, l. 1, *gæswytelath*. (s.1486).

*gewrite*, and he, too, is said to *swytelath* his wishes.<sup>118</sup> Bishop Ælfwold's will is considered to contain his *cwyde*.<sup>119</sup>

The will documents preserved at centres other than Canterbury which date from the eleventh century share a number of characteristics. It is still usual for these wills to begin with a cross which is then followed by a notational introduction. The body of text is variable, but it appears that the donation of a burial fee is competing with the donation of a heriot for the position of first donation. The provision for wives and children is still quite common. There appears to be a shift towards the use of direct address inside the text which lends the will an enhanced sense of immediacy, and a degree of intimacy, that is reminiscent of a letter. The change in personal pronoun seems to become more common with wills starting in the third person singular and then changing to the more personal first singular as the donations occur. Anathema clauses are optional and little used, while the witness list appears only once. The term *gewrite* seems to be favoured as the word for the will document, while *cwide* seems to gain acceptance as the word for the transaction embodied by that document.

From the analysis above, a number of features emerge as being common to all wills, while others appear to be specific to Canterbury. It is useful to review these characteristics for wills as a whole before turning to the question of whether the characteristics represent traditions which, by their very existence, suggest a conscious format.

The use of a cross at the start of wills appears to be almost universal as is the notational style adopted in the introduction. It is usual to have the donor's name given, and this is occasionally embellished by a title or

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<sup>118</sup> Whitelock-Wills, No. XXVI, pp.70-3;p.70, l. 17. (s.1489).

<sup>119</sup> Crawford Collection, No. X, pp.23-4;p.23, l. 1. (s.1492).

a familial association. Part of the purpose of the brief introduction appears to be to establish what type of transaction the document embodies, so often the document states that a declaration, an agreement, an arrangement, or a *cwide*, is being made. The language used to describe the transaction is not uniform or standardized and, as such, the phraseology of the opening cannot be regarded as formulaic.

The main body of the wills is variable, and this befits documents which contain records of personal arrangements for the disposal of personal property. Among the early wills, there is a marked concern shown by male donors for providing for their widow and offspring. This concern seems to be reflected in the positioning of donations relating to these donees which were placed at the start of the body of text. From approximately the mid-tenth century onward, this position in the text seems to be occupied either by burial payments to the Church or by the heriot-like donations to a lord. While this does not mean that wives and children were no longer provided for, it may well reflect the increasing intrusion of institutions within the kingdom into the lives of its more august members.

Changes in personal pronouns used within a single text seems to be another characteristic of later wills. The change occurs only once in a text and seems to follow a pattern. Wills which change the personal pronoun used begin with the third person singular and then switch to the first person singular after a short length of text. There is no sense that this is accidental, as it is maintained throughout the subsequent text. It is, therefore, unlikely to be the result of a will producer finding the composition of a document which uses the same personal pronoun throughout beyond their capacity. It is possible that the third person singular beginning is used for the introduction of the will--essentially acting to identify what the document is and who is involved--before



proceeding to the actual donations. The pronoun shift occurs often enough that it is unlikely to be mere happenstance.

Both anathema clauses and witness lists meet with varying fortunes in the wills. The use of an anathema clause seems to be entirely optional in wills. As a general observation concerning those wills which employ such a clause, these tend to become more elaborate as the period progresses. Witness lists are almost non-existent in wills not preserved at Canterbury. In the wills that are preserved there, it appears that up until the mid-tenth century, donors would appear in the witness list.

The terminology employed by will documents either in reference to themselves as documents or in reference to the transaction they embodied is far from uniform. There is a tendency for more agreement as the period progresses, but the period ends before there is any widespread standardization.

Two questions remain to be considered before we proceed to the analysis of donors and donees. First, do these characteristics of the presentation of information within the will constitute a conscious format; secondly, how does the matter of format relate to will production.

The answer to the first question depends in the final instance on the degree to which characteristics have to be similar before they are considered to reflect the canons of a format of composition. The characteristics above are drawn from all the extant will documents and are similar enough to distinguish these documents from charters. Some of these documents have all of these features; others have only some. While the smallness of the resource base of evidence makes it impossible to be sure, it seems unlikely that these characteristics are derived from underlying guidelines, from an established format, by which wills were composed. There is a general approach to the composition of wills, and it is remarkably consistent throughout the period,

but there is little to establish much beyond a general approach. No stylistic or formulaic elements seem to connect the wills--with the possible exception of the use of witness lists in Canterbury-preserved wills. It is possible to postulate the existence of a Canterbury tradition which employed witness lists, but a shared feature does not a format make.

The apparent absence of a format in the composition of wills is an important factor in the matter of will production. Such an absence reinforces the sense of locality in the production of wills and emphasizes the lack of central means for the production of wills. Stylistic devices which appear in the wills, such as the use of direct speech and the switch of personal pronouns from third person singular to first person singular, seems to be aimed at emphasizing the oral nature of the original transaction. These devices also seem to fix the document better in the memory as they provide a vicarious sense of being a direct witness to the event of will-making. The lack of format, that is of a limited and recognizable structure, suggests a possible lack of concern with regard to the reproduction of this type of record.

#### CHAPTER FOUR: Customary Inheritance and the Records.

In the previous chapters, the evidence used in this thesis has undergone a thorough examination. Careful scrutiny of the evidence and the consideration of its limitations was necessary before the documents could be used in the discussion of inheritance in Anglo-Saxon society. Inheritance is a vast and complex subject, but it is perplexing that while other difficult subjects have been studied, inheritance has been largely ignored. Part of the reason for this lack of study appears to stem from the fact that most historians have their own concept of how inheritance operated. Seldom is their concept made explicit in their work.

In this chapter, a number of premises are put forward concerning the operation of inheritance within Anglo-Saxon society. Although these premises may seem obvious at times, it is useful to begin with a basic simple structure to which detail may be added as research progresses. It is beyond the scope of this thesis to present a comprehensive picture of inheritance, but the discussion in the next two chapters will go some way towards enabling us to build an explicit and simple model of inheritance in the Anglo-Saxon world.

The most important premise concerning inheritance presented in this chapter affects both the division of evidence in this thesis and its presentation. As the whole structure of the argument is based on this premise, it must be stated immediately. There were two non-exclusive ways available to Anglo-Saxon donors for disposing of their possessions at death. The first way of disposing of their property was that property could be given according to the guidelines set out by a system of customary inheritance. The second way was that property could be given by means of a document which set out the donor's personal instructions. This latter method is discussed in detail in chapter five.



Evidence concerning inheritance has been divided according to its relevance to each of these two ways of disposing of property at death. Written wills, oral declarations, and category A, B and C lost wills provide evidence which relates to the second way of disposing of property. Additional documents, that is references to property descent, references to an inheritance, and grants made while dying, are considered relevant as evidence for the first way. It is a contention of this thesis that the second way of disposing of property represents, like the tip of an iceberg, evidence of only a small fraction of the inheritance which was taking place in society. The most usual way property was inherited was through a system of customary inheritance.

Customary inheritance refers to the system for the distribution of property, that is land, rights and movables, after the death of one possessor to another possessor, or to a group of possessors. The recipients of property from this distribution would be determined by guidelines within that society, and they would be considered the natural successive possessors of that property. The criteria for the selection of the recipients would be culturally determined, so the succession would be considered natural in the sense that it was natural to that society. It would be the custom of that society for certain individuals to receive the property.

The origins of these guidelines and their exact nature are impossible to determine with certainty, but it is possible to develop some idea of their nature through observing how they appeared to operate. Customary inheritance refers to the culturally predetermined system of guidelines which govern how property is to descend from one generation to the next. Such a system would include guidelines which established who was to receive property and in what quantity.

Initially, such a system has a monolithic and rule-based appearance. In reality, it is highly unlikely that the system would be as rigid as was perhaps implied above. Customary inheritance would remain a series of guidelines which contained within them an element of choice. Choice would be vital, because, ultimately, it would be the suitability of an heir that would be the prime consideration in whether they received property.<sup>1</sup>

The support structures within Anglo-Saxon society were not so well developed that they could enable family interests to survive the occasional incompetent heir. The heir upon whom the family interests of a generation fell would have to be the best that a family could muster. No family would place all of its eggs in one basket, but their greatest hope for that family would be well provided for.

There were more than simply family interests involved in customary inheritance. Inheritance could profoundly affect the stability of a society and was therefore a subject of concern to the various elites within that society. Competition between the interests of the family and the interests outside of the family meant that inheritance was a subject of considerable importance in Anglo-Saxon society.

The earlier process by which the Anglo-Saxon world was transmuted from self-interested warrior clans into the broader, but still self-interested, elements within a kingdom predates this thesis. While such a transformation would have had an effect on inheritance, it should be recognized that, by the start of the ninth century, there appears to have been in place a system of customary inheritance which was not inherently destabilizing. The role of the ruler and of the various

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<sup>1</sup>The term 'heir' is used for both male and female heirs. If there is a specific gender meant in a particular context, the phrase 'male heir' or 'female heir' has been used.

elites would be to maintain such a system, and this task accords well with the king's perceived position as the guardian and codifier of custom.

With the customary inheritance system in place, and stable, any family would recognize who was to be the major heir by the rules of custom and would train the other lesser heirs accordingly. There would always be pressure, however, to select the best possible candidate. Customary inheritance would operate between the pressure to select by the rules and the pressure to select the most effective heir. A scramble for property from generation to generation would be highly destabilizing, but while the blind distribution of property by rules might please lawyers, it would be a strategy unlikely to succeed in ensuring the survival of a family. Compromise, arrived at through the application of general guidelines, was likely the best course of action for family success.

The term 'family' has been used above without any real attempt at defining its parameters, so it may be useful to consider the relationship between family interests and kin interests. The question arises as to whether there existed a larger sense of family interest, the sense that the overall welfare of a kin group was more important than the welfare of individual families inside the kin group. It is reasonable to expect conflicts of interests between families within a kin group, but it is unrealistic to expect to find guidelines governing which interest should be considered to have priority. The pursuit of family interests within a larger kin grouping and inside society as a whole likely involved realistic compromises between the competing interests and a certain amount of opportunism.

The emphasis was placed on compromise in the above discussion in order to address one of the largest misconceptions about Anglo-Saxon society. The misconception has had a profound effect on the study of



inheritance, and it arose because the customary inheritance system has been ignored. Essentially, this misconception is that the introduction of charters is synonymous with the introduction of personal choice for the donor and that this marks the start of conflict between the wishes of the kin and those of the individual.

Charters permitted, at least in theory, the exercise of a greater degree of unilateral power by the donor, but the conflict of interests was inherent in the customary inheritance system. Personal choice was already present in the system and was not introduced by charters. The charter, theoretically, gave a donor the ability to exercise their choice without the need to compromise, but as the success of a donation depended on the co-operation of others, successful donations likely involved a degree of compromise. Whether donors used this ability to enhance the donation received by the donor who had been selected by the system of customary inheritance, or to reward a donor of ability, or to benefit their own spiritual well-being, would be a matter of individual choice.

A second premise of this thesis relates to charters. It is that not all property in Anglo-Saxon England was held by charter. In order to assess properly the impact of the introduction of charters on inheritance, the matter of landholding and inheritance prior to charters must be considered.

T.M. Charles-Edwards has postulated the existence of a 'pool' of properties used by early rulers to reward their followers.<sup>2</sup> This pool would be consistently renewed as followers died, and the property which had constituted their personal reward returned to the pool.

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<sup>2</sup>T.M. Charles-Edwards, 'The Distinction between Land and Movable Wealth in Anglo-Saxon England', *English Medieval Settlement*, edited by P.H. Sawyer (London, 1979) pp.97-104.

This reward would be used to enhance a follower's status and would be a temporary addition to the smaller body of property to which the followers already had a claim by birth. His theory is interesting because it postulates on a small scale the existence of a holding that could be passed from one holder to the next. Tacitly, this theory admits the existence of a system of customary inheritance operating prior to the introduction of charters.

Dr. Charles-Edwards provides a valuable discussion of the effect on such a system which would result from the introduction of charters.<sup>3</sup> The effects of that introduction are considered with special reference to the famous lament of Bede concerning the existence of false monasteries made in his letter to Egbert, Archbishop of York, which dates from 734.

Quod enim turpe est dicere, tot sub nomine monasteriorum loca hi qui monachicæ vitæ prorsus sunt expertes in suam ditionem acceperunt, sicut ipsi melius nostis, ut omnino desit locus, ubi filii nobilium aut emeritorum militum possessionem accipere possint: ideoque vacantes ac sine conjugio, exacto tempore pubertatis, nullo continentiaæ proposito perdurent, atque hanc ob rem vel patriam suam pro qua militare debuerant trans mare abeuntes relinquant; vel majori scelere atque impudentia, qui propositum castitatis non habent, luxuriæ ac fornicationi deserviant, neque ab ipsis sacratis Deo virginibus abstineant.<sup>4</sup>

Apparently, followers would claim to found a monastery simply in order to gain a charter for property which they could then no longer be obliged to return. Their reward would join that body of property whose destiny they already controlled. Regardless of whether the introduction of charters occurred as Dr. Charles-Edwards postulated, it seems clear that their major

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<sup>3</sup>Ibid., especially pp.100-1.

<sup>4</sup>A.W. Haddan and W. Stubbs, editors, *Councils and Ecclesiastical Documents relating to Great Britain and Ireland*, Vol. III (Oxford, 1871) pp.314-25;p.320. (Not in Sawyer).

effect was, at first, on landholding rather than on customary inheritance.

The role of charters in early landholding remains difficult to assess. Charters may represent a recent acquisition of property or belated acknowledgement of a long-standing possession. Charters were an innovation but the holding of property was not. It is highly unlikely that all property was held by charter even at the close of the Anglo-Saxon period. There was a growing tendency for property holders to attempt to gain recognition of their right to possess and to alienate through the acquisition of a charter, but the meagre number of surviving charters indicates that these documents were not being produced in sufficient numbers to account for all the property being held. It seems that charters became, at first, part of the symbolism of land transfer--a kind of parchment equivalent to a clump of earth. While charters became, in time, much more, the ease with which they fitted into traditional Germanic traditions should not be overlooked.

As charters were acquired and kept rather than being passed on immediately to ecclesiastical institutions, they would begin to affect the operation of customary inheritance. They would provide considerable individual power over a property, but this kind of power would be limited to only those properties held by charter. The customary inheritance system would continue to operate much as it had prior to the introduction of charters, and as the bulk of property was not held by charter, the operation of customary inheritance would retain its importance. Charters would act as a supplement to the system of customary inheritance to the possible benefit or detriment of the donees.

From the above considerations, it is possible to generate some theoretical ideas concerning the system of customary inheritance which seems to have operated in Anglo-Saxon England. As these theoretical ideas provide



the structure for the analysis of the evidence which follows, they must be made explicit. The first assumption made is that any group of individuals, considered as kin, or family, by the conventions of Anglo-Saxon society, are able to possess property which they can transfer to their descendants. The second assumption is that there existed a governing principle, or set of principles, conscious or unconscious, that determined which individual within a group of descendants was to become the possessor of most of the property. Essentially, this means that each successive possessor was not a random choice and that in each transfer situation, while the situation was in itself unique, there existed generally recognized guidelines which indicated who that possessor ought to be. The third assumption is that while it is acknowledged that charters introduced a new element into the system of customary inheritance, property continued to be transferred without the benefit of charters. Thus, Anglo-Saxon property possessors could dispose of their property through charters or other written documents, through the customary inheritance system, or through a combination of both.

The evidence for the operation of the customary inheritance system is, unsurprisingly, indirect. If the system of customary inheritance operated perfectly, it would leave no records at all. Custom is seldom subject to extensive notation in records. As few systems work perfectly, records do exist, but it should be remembered that the system is striving to produce none.

Such evidence as there is derives mainly from the records of property disputes, particularly those concerning land and estates. In these disputes, the strength of claims would be compared and any documents which established the right to possess, if they existed, would be presented. Charters also provide evidence concerning the system of customary inheritance as they

sometimes recorded how the grantor or grantee acquired the right to possess a particular estate.

In both records of disputes and in charters, there would be a natural tendency to put forward the strongest possible claim to the property. Thus, the possessor would be represented as the best claimant as established by society's guidelines governing succession. In relating the history of an estate, the possessor and successor, the donor and donee, would be individuals chosen on the basis of how closely they matched the ideal recipient of property according to the guidelines. While local knowledge of the history of an estate would prevent outright fabrication, that history would be presented in the best possible light for the audience.

This raises the familiar spectre of the possible tampering with documents which had been preserved in order to demonstrate legitimate possession before a Norman legal audience. It is quite conceivable that alterations could be made in the history of an estate to make its transmission conform more to Norman ideas of legitimate descent. This is a valid consideration, but it must be pointed out that the indirect nature of much of the evidence makes it an unlikely candidate for widespread falsification. Passages which relate to the operation of customary inheritance are often not central to the document in which they appear, and indeed, the matter of inheritance is often reported in an off-hand manner. The amount of this kind of indirect evidence is large and its geographical spread is substantial; both of these factors weigh strongly against its falsification, and the similarity of much of the information preserved in this way means that these references are likely to be indicative of authentic Anglo-Saxon practice.

One source of evidence regarding customary inheritance which has not been used in this study is the Anglo-Saxon law codes. As such laws have long been regarded as representing the codification of custom, it

is perhaps a surprising omission. In one important but restricted sense, the evidence of the laws can be used. These laws suggest the existence of some kind of customary inheritance system, and they are, to that extent, a valuable source. In terms of the actual operation of such a system their evidence is dubious.

The major difficulty with laws derives from their ambiguous nature. Are the laws a statement of what was happening in Anglo-Saxon society, or were they pronouncements on what ought to happen in Anglo-Saxon society? There is already a considerable and growing body of research concerning laws, and this research indicates that, if nothing else, the evidence from the laws must be used with caution.<sup>5</sup> The temptation to fit examples to what the laws state is strong, so it is useful to concentrate solely on the sources to see what pattern, if any, emerges.

As the circumstances behind the development of the customary inheritance system and the relationship between that system and charters have been considered, it is useful to examine, in detail, the evidence which exists for the operation of that system. Evidence concerning the operation of customary inheritance was provided by the following: references to property descent; references to an inheritance; grants made while dying. The

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<sup>5</sup>The Anglo-Saxon law codes have exercised a considerable fascination for generations of English lawyers and historians. The most recent modern study began with the publication of J.M. Wallace-Hadrill's *Early Germanic Kingship in England and on the Continent* (Oxford, 1971). Perhaps the most comprehensive work undertaken on laws in general has been done by C.P. Wormald. His work has appeared in many publications including the following: P.H. Sawyer and I. Wood, editors, *Early Medieval Kingship* (Leeds, 1977); D. Hill, editor, *Ethelred the Unready: Papers from the Millenary Conference*, British Archaeological Reports, British Series Vol. 59, 1978 (Oxford, 1978); P. Fouracre and W. Davies, editors, *The Settlement of Disputes in Early Medieval Europe* (Cambridge, 1986) and in his own work *Ideal and Reality in Frankish and Anglo-Saxon Society* (Oxford, 1983).



limitations of each of these categories of evidence has also been discussed.

The evidence from references to property descent relates to the study of customary inheritance in a number of ways. Perhaps the most obvious value of such references resides in the fact that they provide a real indication of who was considered a legitimate donee. This general value is enhanced where the references reveal that some kind of relationship existed between the donor and the donee. Incidental to the above is the fact that they can, on occasion, indicate the social status of those involved in the transaction. The evidence from these references is less useful when an attempt is made to establish the wealth of the donor or the donee. Usually only one or two estates are mentioned in these references, so unless the total holdings of the donor, or donee, can be ascertained from other sources, the relative value of the donation to the overall wealth of the donor, or donee, can only be estimated. Hence, it is almost impossible to determine the quality of the relationship, whether good or bad, between the donor and donee on the basis of these references.

References to property descent appear in documents which record a variety of transactions, and these references may discuss a descent which had occurred many years prior to the composition of the document in which that reference was recorded. There is a dependence in these documents on the document composer. The assumption has been made that they made use of correct local traditions regarding the property. It is often difficult to date these property descents with any degree of accuracy, so although a chronological approach has been followed in the presentation of this evidence, the dating should be regarded as approximate.

A total of fifteen such references have been extracted from the records for this chapter, but this does not represent an exhaustive search. The majority of

these references date from the tenth and eleventh century as the records from this period are more plentiful and are not as geographically concentrated around the Canterbury area. While this number may appear small, there are enough references to be indicative of trends which are apparent from other types of evidence.

The single ninth century reference occurs in the record of the council meeting at *Clofesho* in 825 which contains the resolution of a dispute between Archbishop Wulfred and the Abbess Cwoenthryth.<sup>6</sup> In this record, the relationship between the donor, King Coenwulf and the donee, Cwoenthryth is described in these terms: *Cwoenthryth filia Coenwulfi heresque illius.*<sup>7</sup> This apparently straightforward relationship is complicated by the fact that Cwoenthryth is not simply a royal daughter, but she is also an abbess. The position held by Cwoenthryth makes it difficult to establish how much of the property involved in the dispute was in her possession as a donation from her father, and how much was in her possession as the abbess.

The actual amount of property demanded as reparation is substantial, consisting of one hundred hides distributed in four areas: *id est æt Hearge, Herefrething lond, et æt Wembalea, et æt Geddingcgum.*<sup>8</sup> Dr. M. Gelling has identified three of these places as Harrow and Wembley in Middlesex and Reading in Berkshire, but the location of *Herefrething lond* is unknown.<sup>9</sup> If the one hundred hides represents King Coenwulf's donation to his daughter, it appears to be quite large. It is useful to

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<sup>6</sup>A.W. Haddan and W. Stubbs, editors, *Councils and Ecclesiastical Documents relating to Great Britain and Ireland*, Vol. III (Oxford, 1871) No. I, pp.596-601. (s.1436)

<sup>7</sup>Ibid., p.598. (s.1436)

<sup>8</sup>Ibid. (s.1436)

<sup>9</sup>M. Gelling, *Early Charters of the Thames Valley* (Leicester, 1979) No. 206, pp.102-4.

compare it with the donations made by King Alfred in order to gain some perspective on the possible dimensions of royal donations.

Although King Alfred controlled a larger kingdom than King Coenwulf and was, therefore, more able and likely to make substantial donations, his daughters did not receive many estates in his will. They did, however, receive a substantial amount of cash which, in addition to the estates they did receive, meant they gained a significant amount of wealth. Compared with King Alfred's sons, however, the donation they received does not appear very substantial. Perhaps the closest parallel donation made for a daughter who was in holy orders is the hundred hides given to the Benedictine nunnery at Shaftesbury by King Alfred when his daughter, Æthelgifu, entered that convent.<sup>10</sup> His provision was adequate but does not appear to indicate that this daughter was a favourite or even a major donee. It seems likely that Cwoenthryth received a similarly adequate provision but that it was not excessive by royal standards.

References to property descent in the tenth century are not particularly careful about establishing the relationship between the donor and the donee. In the record of a dispute concerning Sunbury in Middlesex, the parent-children relationship makes one of its rare appearances: *tha cleopode Eadweard Æthelstanes brothor. 7 cwæth . ic. hæbbe Sunnanburges boc the uncre yldran me læfdon. læt me þ land to handa ic agife thinne wer tham cyng.*<sup>11</sup> This presents a rather curious division whereby Edward has possession of the *boc* while Æthelstan, Edward's brother, has possession of the estate. The use of the term *yldran* for parents singles out neither the

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<sup>10</sup>Robertson-Charters, No. XIII, pp.24-5. (s.357).

<sup>11</sup>Robertson-Charters, No. XLIV, pp.90-3;p.90, ll. 9-11. (s.1447).



father nor the mother and may indicate that wife and husband acted together equally in the donation. Certainly, this sharing of the property between the two brothers had turned acrimonious, and it is possible that the division of holding represented an opportunistic grab of the property by Æthelstan away from Edward. The quality of their relationship is clear from Æthelstan's response to his brother's offer: *tha cwæth Æthelstan ꝥ him leofre wære ꝥ hit to fyre oththe flode gewurde. thonne he hit æfre gebide.*<sup>12</sup>

The reference to Ælfwine provides an example where the relationship between the donor and donee is unclear.<sup>13</sup> In this reference, Ælfwine is called the *successor in hereditate* of Wilfric.<sup>14</sup> This reference is characteristic of others in the tenth century in that both the donor and donee are male. In every reference selected from this period, the donor is male, and in all but a single case, that of the widow of Ælfric, the donee is also male.

The widow of Ælfric son of Æscwyn was involved in litigation that arose from her late husband's receipt of the charters of Snodland in Kent which had been stolen from the Bishop of Rochester.<sup>15</sup> As a result of this case, the widow's own property, which comprised the estates at Bromley and Fawkham, both in Kent, was forfeited. In response to this loss, her kinsman(*mæg*) Byrhtric reacted and is portrayed in the record as causing the widow to seize the property back. This is the implication of the following: *Ongan tha syththan Byrhtric thare wydewan mæg. 7 heo to tham genedde ꝥ hy brucan thara landa on*

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<sup>12</sup> Ibid., ll. 11-13. (s.1447).

<sup>13</sup> *Johannis, Confratris & Monachi Glastoniensis, Chronica sive Historia de Rebus Glastoniensibus*, Vol. II, edited by T. Hearne (Oxford, 1726) p.372 (s.1743).

<sup>14</sup> Ibid., p.372. (s.1743).

<sup>15</sup> Robertson-Charters, No. LIX, pp.122-5. (s.1457).

*reaflice*.<sup>16</sup> It is difficult to establish exactly which estates came to her via her relationship with Ælfric, but it does seem certain that she was the recipient of some of his property as the bishop chose to pursue his claim against Ælfric through her. The degree of involvement by her kinsman is a notable feature as he seems to be an active agent in the pursuit of her rights. Although she was the donee, action taken to retain the property is undertaken by her kinsman. Her own action ceased after she had ensured that she had usufruct of the estates.

In another case, that of Ecgferth, property belonging to him became subject to forfeiture but, in fact, descended to Archbishop Dunstan in order that he act *to mundgenne his lafe. 7 his bearne*.<sup>17</sup> In this case, and that above, the woman's situation was such that it appeared to require active intercession by a male agent, in some capacity, in order to protect her interests.

The eleventh century references to property descent share many of the characteristics found in those of the tenth century. Little effort is made in the records to establish the nature of the relationship between the donor and the donee. There appears to be a donation of property from father to son in the reference relating to Ulf, but the wording used is not clear enough to be sure of this.

Her cyth on thisum gewrite hu tha forword wæron geworhte on Excestre æt foran Godwine eorle 7 æt foran ealra scire betwyx Alfwolde bisceope 7 tham hirede æt Scireburnan 7 Care Tokies suna æt tham lande æt Holacumbe. þ wæs þ hi wurdon sehte thæt tha gebrothra eallæ geodon of tham lande butan anum. se is Ulf gehatan the hyt becweden wæs. þ he hyt hæbbe his dæg.<sup>18</sup>

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<sup>16</sup> Ibid., p.122, ll. 22-4. (s.1457).

<sup>17</sup> Robertson-Charters, No. XLIV, pp.90-3; p.92, l. 3. (s.1447).

<sup>18</sup> *Charters of Sherborne*, Anglo-Saxon Charters Vol. III, edited by M.A. O'Donovan (Oxford, 1988) No. 17, pp.59-61; p.59. (s.1474).

The only explicit relationship that occurs in these references is that between Leofwine and Æthelmær found in the foundation charter of King Æthelred for Eynsham Abbey.<sup>19</sup> In this charter, Leofwine is referred to as the *consanguineus* of Æthelmær.<sup>20</sup> The term, itself, is defined as meaning 'related by blood, kinsman or kinswoman' which does not particularly advance our knowledge of their relationship.<sup>21</sup> The references cited here illustrate the same predominance of male donors and male donees in the eleventh century as was found in the tenth century. All donors and all donees, with the exception of ecclesiastical donees, were male.

There are a number of post-Conquest references to property descent that are worth a closer examination. In one reference, the relationship between the donor, Deremann, and donee, Leofstan, is established as being that of brothers.<sup>22</sup> The donation is recorded in an unsensational fashion, and both donor and donee appear to have been Anglo-Saxon possessors. Although such a document may reflect Norman perception of the property descent, it does suggest the possibility that such descent could occur and that it seems to have taken place without any documentation.

Another post-Conquest reference occurs in a Westminster forgery. In this document, which purports to be a writ of King Edward confirming the donation of *Ailhre burthein 7 Gode hiis wif*, the donors are making a

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<sup>19</sup> *Cartulary of the Abbey of Eynsham*, Vol. I, Oxford Historical Society, Vol. XLIX, edited by H.E. Salter (Oxford, 1907) No. I, pp.19-28. (s.911).

<sup>20</sup> *Ibid.*, p.21. (s.911).

<sup>21</sup> *Dictionary of Medieval Latin from British Sources: Fascicule II C*, prepared by R.E. Latham (Oxford, 1981) p. 445.

<sup>22</sup> *Cartularium Monasterii Sancti Iohannis Baptiste de Colecestria*, Vol. I, Roxburghe Club Publications, Vol. 131, edited by S.A. Moore (Oxford, 1897) p.28. (Not in Sawyer).



joint donation.<sup>23</sup> For such a donation to occur in a forgery suggests that the practice was recognized as possible, if not necessarily widespread, in Anglo-Saxon society. It should be noted that the donee in this case is an ecclesiastical institution and that most joint donations appear in the context of ecclesiastical donations.

In addition to these references, there exists a major work which relates to the descent of property in the north. Considering the southern and eastern bias in document survival, the *De Obsessione Dunelmi*, and the evidence it provides, is especially useful, as it can be used to begin to address this imbalance in the perspective on Anglo-Saxon England.<sup>24</sup>

The *De Obsessione Dunelmi* appears in the same manuscript as the *Historia Regum* of Simeon of Durham, but it is generally acknowledged that Simeon of Durham did not actually compose the *De Obsessione Dunelmi*.<sup>25</sup> The manuscript seems to have been written around the period 1165 x 70, likely at the scriptorium of Sawley Abbey in the West Riding of Yorkshire. The work itself was probably composed at Durham around 1075 shortly after the failed rebellion of Earl Waltheof II. The text concerns the history of some of the estates belonging to the

(s.1118).

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<sup>23</sup>Harmer-Writs, No. 74, pp.340-1;p.341, ll. 4-5. F.E. Harmer discusses the authenticity of this writ both in her notes on this writ found on pages 494-5 and, more specifically, in her introduction to the Westminster writs, especially pages 301-3.

<sup>24</sup>*Symeonis Monachi Opera Omnia., Historia Ecclesiae Dunhelmensis*, Vol. I, Rolls Series Vol. 75, edited by T. Arnold (London, 1882) pp. 215-220. Hereafter this work will be cited as *De Obsessione Dunelmi*. (Not in Seyer).

<sup>25</sup>The following discussion of the manuscript and its origins is taken from Cyril Hart's introduction to his translation of the work found in *Early Charters of Northern England and the North Midlands* on pages 143-50, especially page 143. The manuscript is part of the collection at Corpus Christi College, Cambridge, where it is MS. 139. See also H.H.E. Craster, 'The Patrimony of St. Cuthbert', *English Historical Review* Vol. LXIX, 1954, pp.177-99. and H.S. Offler, editor, *Durham Episcopal Charters, 1071-1152*, *Darkest Society* Vol. CLXXIX (Gateshead 1968) No.3. Also G.W.S. Barrow, *The Acts of Malcolm IV, King of Scots 1153-1165*, *Regesta Regum Scottorum*, Vol. I (Edinburgh, 1960) No.23 and O.E. Greenway, editor, *Charters of the Honour of Mowbray, 1107-1191* (London, 1972) No.2 to 5. Also F. Barlow, *The English Church 1000-1066*, Second Edition (London, 1979) p.172.

church of Durham which appear to have been disputed. The case put forward in the *De Obsessione Dunelmi* seems to be that which favours Durham, but even though the work presents only one side of the dispute, it provides considerable evidence of the descent of property.

The history of the estates contained in the *De Obsessione Dunelmi* is complex, but as it does repay close scrutiny, it is worth summarizing completely. The family structure indicated within the text has been set out in diagrams 4.1 and 4.2 for easy reference. Ecgfrida, the daughter of Ealdhun, the Bishop of Durham, received six estates on the condition that she remained married to Earl Uhtred, the son of Waltheof I, Earl of Northumbria. Earl Uhtred rejected Ecgfrida as his wife, but their union had already produced a male child called Ealdred. Uhtred's repudiation meant that the six estates should have returned to Durham and this appears to have occurred: *et quia eam contra hoc quod promiserat et juraverat abjecit, pater puellæ, videlicet episcopus, terras supradictas ecclesiæ quas cum ea donaverat ab Ucthredo recepit.*<sup>26</sup>

Ecgfrida then married one Kilvert, the son of Ligulf, and it is implied that she received at least some of the same six estates on the same conditions that had been applied to her first marriage: *Quæ patris sui jussis obtemperans, cum Bermetun, et Skirningheim, et Eltun, quas in propria manu habebat, rediit, et ecclesiæ et episcopo suas proprias terras secum reddit.*<sup>27</sup> This Kilvert rejected Ecgfrida as his wife, but their union had produced a female child named Sigrid. If Ecgfrida received six estates after her marriage to Kilvert, then after his repudiation these estates should have returned to Durham. Only three estates are named as returning to Durham along with Ecgfrida herself.

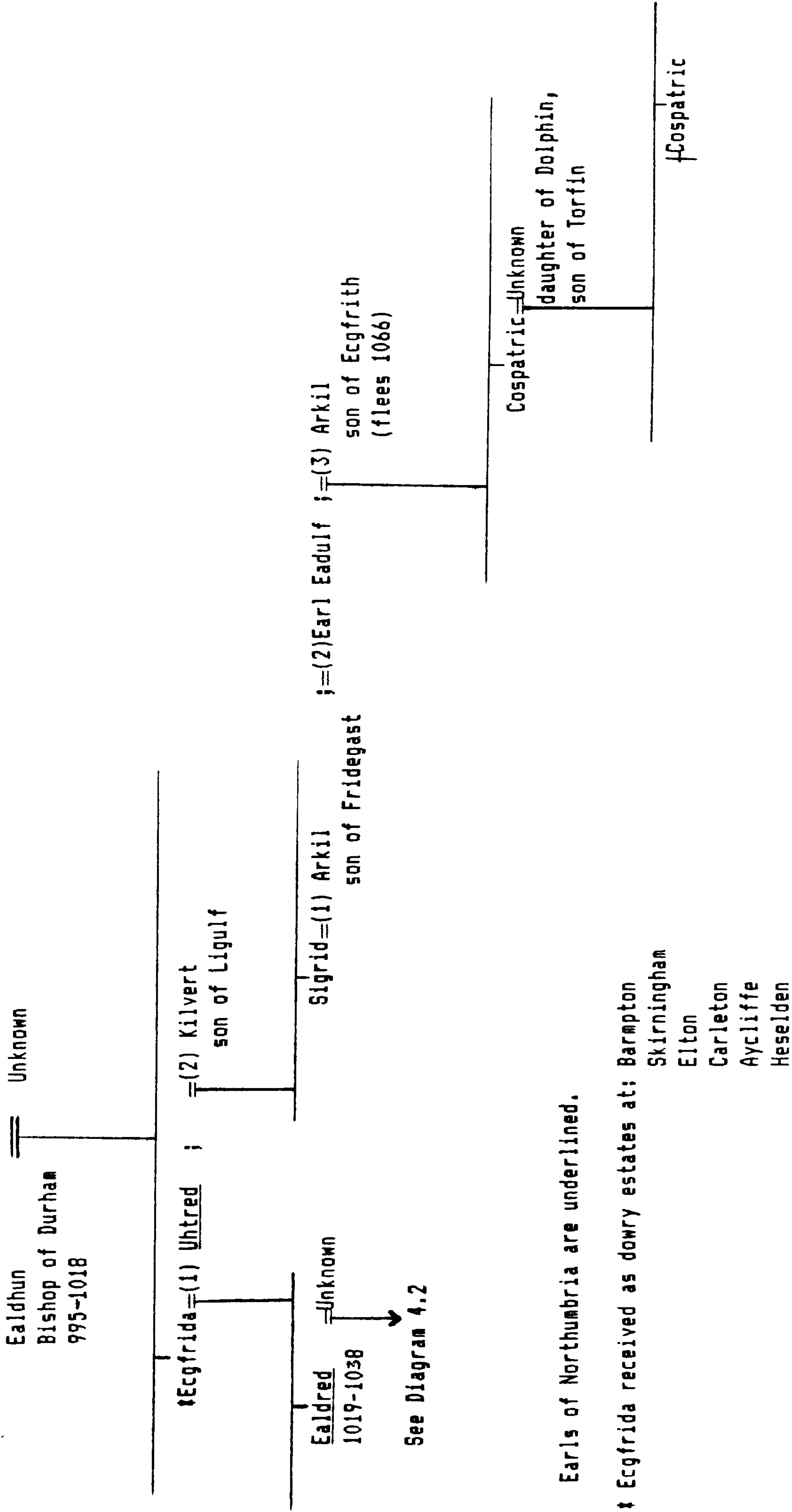
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<sup>26</sup> *De Obsessione Dunelmi*, p.216. (Not in Sanger).

<sup>27</sup> *Ibid.*, p.217. (Not in Sanger).

# Family Structure from De Obsessione Dunelmi, I

Diagram 4.1

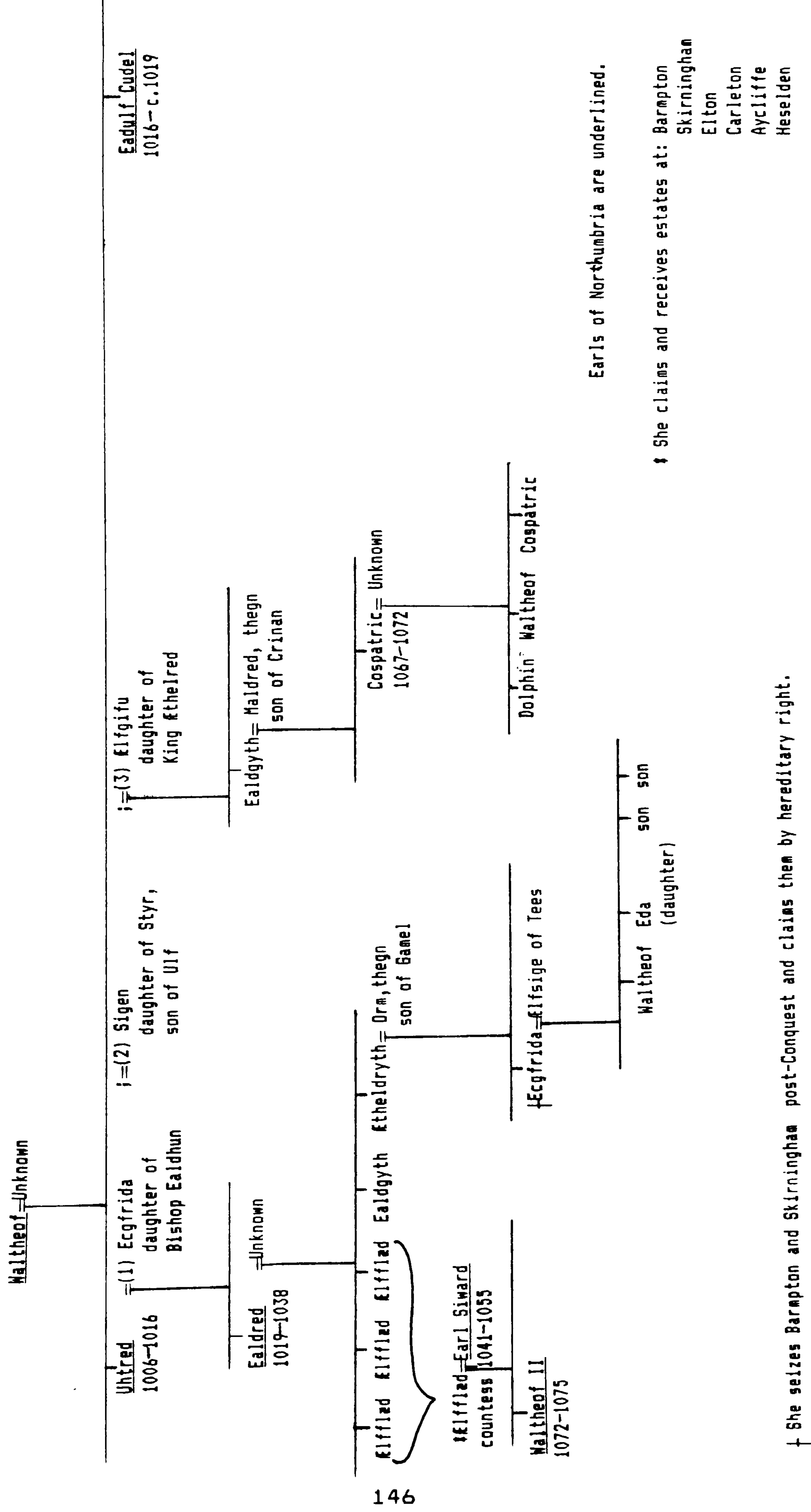


† He was the post-Conquest claimant of property (c.1100) against Waltheof the son of Ecgfrida and Ælfsige of Tees.



# Family Structure from De Obsessione Danelmi. II

### Diagram 4.2



Ealdred, the child of Ecgfrida and Uhtred, married and produced at least three female children all of whom were named Ælfflæd. One of those three married Earl Siward and claimed *jure hæreditario* all six estates that had been granted to her father's mother, her own paternal grandmother, Ecgfrida.<sup>28</sup> Ælfflæd received these six estates from Earl Siward who wielded considerable power in Durham at this time.<sup>29</sup> Sigrid, the child of Ecgfrida and Ecgfrida's second husband, Kilvert, married three times, and her third husband was Arkil, the son of Ecgfrith. When Ælfflæd and Earl Siward died, Arkil and, by implication, Sigrid occupied the six estates which Sigrid's mother Ecgfrida had received. Sigrid died and Arkil gave Durham three of the six estates. Arkil himself went into exile after the arrival of the Normans and, therefore, had to abandon the three remaining estates. It seems likely that, at this point, the son of Ælfflæd and Earl Siward, Waltheof II, now Earl of Northumbria, reoccupied these three estates. With the collapse of his rebellion, Earl Waltheof II's cousin, a woman named Ecgfrida, seized two of these estates and claimed them on the basis of *hæreditario jure*.<sup>30</sup>

As with so many records of Anglo-Saxon England, this history offers a multitude of tantalizing possibilities without fully committing itself to any. Overall, it gives the impression of a series of property descents that appear to operate through the females. First, Ecgfrida received the six estates. These estates were likely destined to belong to Ealdred had Ecgfrida not

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<sup>28</sup> Ibid., p.219. (Not in Sawyer).

<sup>29</sup> Ibid., p.220. The Latin used for this transaction is very neutral: *quas comes Siwardus maritus suus ei donavit*. How Siward was able to grant her these lands is an obscure point in this account. Siward's own power is indisputable, as he goes on to give his, and Ælfflæd's, son the earldom of Northumbria. (Not in Sawyer).

<sup>30</sup> Ibid., p.220. (Not in Sawyer).

been repudiated and had she not married a second time. It seems possible that Ecgfrida received the same six estates again when she married Kilvert. It is likely that these estates would have gone to their daughter Sigrid had Kilvert not also repudiated Ecgfrida as his wife. All six estates, if they had been given to Ecgfrida, probably should have returned with her to Durham. Only three estates are stated as having returned with her. The question arises as to what had become of the other three estates. From the subsequent developments, it seems most probable that they had been retained either by Ealdred or by Sigrid, but it is unclear who was holding these three estates. The possibility that only three estates were given to Ecgfrida on the occasion of her marriage to Kilvert cannot be ruled out.

Ælflæd, the daughter of Ealdred, was able to claim all six estates successfully, but the role of her husband Earl Siward in the success of that claim cannot be dismissed. It was he, not Durham, who was said to have granted the properties. At their death, Arkil occupied the estates by means of his wife Sigrid's claim. In each case, a female donee was crucial in the claim to these estates.

The family trees outlined in chart 4.1 and 4.2 reveal an apparent absence of male donees. The family structure shown in these charts is derived solely from the *De Obsessione Dunelmi* and, if it is complete and accurate, reveals a family that was capable of producing few males. If that is the case, then descent through the female is hardly surprising. Obviously, such descent had some claim to legitimacy, but the situation, as it appears to have existed, was one which favoured the supra-legal activities of husbands. The role of the females in this account is passive with the exception of that of Waltheof II's cousin, Ecgfrida. Difficulty exists, however, in relating this account to reality and



to literary conventions concerning the 'proper role' of women in these circumstances. The position of women within the operation of the customary inheritance system is not made much clearer by the evidence found in the *De Obsessione Dunelmi*.

What does become clearer from this account is that even where a customary inheritance system operated, there seems to have been considerable scope for the opportunistic acquisition of property. While Ealdred and Sigrid may have had legitimate conflicting claims to the estates, Ælfflæd received these estates through the influence of Earl Siward rather than as a result of any success in a lawsuit. Arkil pursues his wife's hitherto apparently dormant claim only when it is safe to do so. The whole system seems to operate on a blend of power and patience with claims to property being pursued when it is possible to do so with the least risk and greatest chance of success. There exists the possibility that this account, likely prepared on behalf of the Durham claim, stresses the descent of property through the female in order to undermine and to erode the case being made against the claims of Durham. That case would have been fought before a Norman legal audience which would likely be unsympathetic to property claims through the female.

The evidence from references to property descent illustrate a number of characteristics that are important to the notion of how the customary inheritance system operated. The most striking characteristic of this evidence is the marked majority of male donors and male donees. This gender bias is overwhelming. Even in the account of the *De Obsessione Dunelmi*, the women seldom operate alone, and the impression given by this work is reinforced by other examples. Husbands or kinsmen seem to be involved in a very active capacity as protectors although the altruism implied by that term is perhaps inaccurate. The position assigned female participants, at least in the recorded accounts, is best illustrated by

the charter outlining the history of the Kentish estates of Bromley and Fawkham.<sup>71</sup> In that account, the donor is clearly identified as Ælfric, the son of Æscwyn, but the donee, his widow, remains unnamed throughout, even though her kinsman is named.

Another characteristic of these references is the lack of interest shown in recording the relationships between donors and donees. This may reflect the local nature, and local knowledge, of these transactions. A third characteristic noticeable in these references is the failure to mention any forms of documentation when discussing property transfer. The absence of any discussions regarding documents reinforces the sense that undocumented transfers are a commonplace in this society.

Evidence from references to an inheritance present much the same kind of information as was found in references to property descent. Usually only one or two properties are singled out as part of the inheritance, so it is difficult to establish the importance of that inheritance to the overall wealth of the donor or donee. Relationships which likely existed between donor and donee are rarely explained, and the lack of information given concerning the social status and wealth of those involved means it is difficult to assess the quality of that relationship from the size and nature of the donation.

References to an inheritance appear in many different types of documents, but it is the records of disputes which often supply the most information. This evidence, like that concerning property descent, establishes a pattern of donation which operated within Anglo-Saxon society. At times, it can give more information than that but that is its primary value.

It is worth reiterating a point made in chapter two, before the evidence of such references is analyzed.

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<sup>71</sup>Robertson-Charters, No. LIX, pp.122-5.(s.1457).

Inheritance would be a convenient explanation for the possession of a property when the actual circumstances behind the acquisition were dubious or no longer known. The potential exists for being misled by this kind of reference, and the only defence against being misled is to choose a large and geographically diverse sample. The sample of nineteen references analyzed here is on the smallish side, but it is sufficient to be representative of the trends which seem to emerge from this type of evidence.

There is only a single ninth century reference to an inheritance which establishes a relationship between the donor and the donee. The donation is special in that it involves a royal donor, King Coenwulf, and a significant donee, Ealdorman Æthelwulf.<sup>32</sup> In this reference the ealdorman is described as *regis Kenulfi propinquus*.<sup>33</sup> As is often the case when a relationship is mentioned, the term for this relationship is unspecific. *Propinquus* is defined as 'a relation, relative, kinsman'.<sup>34</sup> Thus, the exact nature of their relationship is not made much clearer.

Another ninth century reference which may indicate the inheritance by a son of a father's property is found in the record of a settlement of a dispute which was concluded at the synod of *Clofesho* in 824.<sup>35</sup> The passage concerning inheritance is as follows: *ibi in alia plura colloquia aliqua contentio allata est. INter Heaberhtum episcopum et illam familiam æt BERCLEA de hereditate Æthelrici filii Æthelmundi...Habuit autem episcopus ante*

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<sup>32</sup>W. Dugdale, *Monasticon Anglicanum*, A New Edition, edited by John Caley et al, Vol. I (London, 1817) No. XLI, pp.607-9;p.609. (Not in Sawyer).

<sup>33</sup>Ibid. (Not in Sawyer).

<sup>34</sup>C.T. Lewis and C. Short, *A Latin Dictionary* (Oxford, 1879, reprinted 1975) p.1470.

<sup>35</sup>C.S., 379. (S.1433).



*nominatus terram illam cum libris. sicut Æthelricus ante præcepit ut ad WEDGERNENSEM aecclesiam redderetur.*<sup>36</sup> Of interest in this passage is the rare reference to documentation involved in the transaction. The feature which suggests the father to son inheritance is the presence of the identifier 'son of Æthelmund' which appears in the text. Although its presence might simply be due to a need to distinguish this Æthelric from any other, it may be of more significance given the context.

There are two ninth century references to an inheritance in which the donees are female. As this was unusual in references to property descent, it is useful to examine these two references in some detail. In both cases, the donors from whom the female donees received property are unknown.

The first reference concerns Lufa, a female donee who is described in the record of her grant as *ancilla Dei* and as *Godes thiwen*.<sup>37</sup> The first reference she makes to her inheritance in this record seems to be in a very general sense: *of them ærfe the me God forgef 7 mine friond to gefultemedan*.<sup>38</sup> The context of, and sentiment expressed in, that reference means that it could be interpreted as representing purely the Christian expression of acknowledgement, and thanks, for the gifts of present life. Her second reference makes it clear that it was a specific inheritance to which she was referring: *ob minem erfelande et Mundlingham*.<sup>39</sup> This reference alters the significance that can be attached to the phrase *7 mine friond to gefultemedan* and raises the possibility that she may have encountered some difficulty in securing her property. Certainly, this seems to be

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<sup>36</sup> Ibid. (s.1433).

<sup>37</sup> SEHD, No. IV, pp.7-8;p.7, l. 3 and l. 24 respectively. (s.1197).

<sup>38</sup> Ibid., p.7, ll. 5-6. (s.1117).

<sup>39</sup> Ibid., ll. 25-6. (s.1197).

the impression held by F.E. Harmer, as in her translation of the Old English *to gefulmedan*, she chooses to insert within square brackets the additional phrase 'to secure'. The phrase as it appears in her translation becomes 'the inheritance...my friends have helped me [to secure]'.<sup>40</sup> As Lufa donates, at least in this document, only the render from her estate rather than the estate itself, her possession of the property may be in some way partial.

The second reference concerns the inheritance of three sisters, Beornwyn, Ælfflæd, and Walenburch and is found in a charter ostensibly created in order to replace the sisters' lost *scripsiuncula*.<sup>41</sup> It appears that these three sisters were to share the property equally amongst themselves: *illam utraque terram easdem prenominate sorores inter se dividentes unusquisque illare accepit. III cassatos. 7 quarte terciam partem sibi in proprium jus*.<sup>42</sup> The property was not large but was apparently considered adequate to their needs. It seems from events described later in the text that each sister was entitled to withdraw her own share from the property. Such freedom and the equitable division would argue against a system of primogeniture operating within female inheritance, but this is, unfortunately, the only sure example of such division I have yet found.

Tenth century references to an inheritance show a greater interest in recording the relationship between the donors and donees. It is exceptional, even by the standards of the tenth century, to find a relationship established as clearly as that between Ælfstan and Ælfheah.<sup>43</sup> In the account of the history of Wouldham in Kent, Ælfheah, the donee, is referred to as: *Ælfah his*

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<sup>40</sup> SEHD, No. IV, pp.43-4; p.43. (s.1197).

<sup>41</sup> C.S., 410. (s.277).

<sup>42</sup> Ibid. (s.277)

<sup>43</sup> Robertson-Charters, No. XLI, pp.84-7. (s.1458).

*sunu his yrfewærd.*<sup>44</sup> The relationship between Ælfstan, son of Heahstan, and Ælfheah could hardly be more precisely described, but it should be noted that the donee provided the money by which the donor had acquired the property donated. Thus, the inheritance is not quite as straightforward as it initially appears.

This reference illustrates another characteristic of tenth century references, in that, both the donor and donee are male. There are a clear majority of males in these references. Among these references, there is an unusual one which seems to cite as donors both the mother and the father of Ealdorman Æthelwine.<sup>45</sup> This appears to indicate that theirs was a joint donation.

One of the most interesting of these references concerns the difficulty caused by a condition stipulated as a prerequisite for the holding of the estate at Sodbury in Gloucestershire.<sup>46</sup> A certain Eanbald was granted the property on condition that each successive holder fulfilled the following prerequisite:

thæt Mired bisceop gesealde Eanbalde thæt land æt Soppanbyrg mid this bebode--7 seoththan Eanbald hit sealde Eastmunde--7 him bebed Mired bisceop bebod on Godes ealmihtiges noman 7 on there halgan thrinesse, thæt tha hwile the ænig man wære on hira mægthe the godcundes hades beon walde 7 thæs wyrthe wære, thæt he thonne fenge to tham lande æt Soppanbyrg; gif hit thonne hwæt elles geselde, thæt hit næfre on lædu hand ne wende, ac hit seoththan eode to tham bisceopstole.<sup>47</sup>

Following the death of Eanbald, Eastmund took over the property. As both a kinsman and a man suitable for the church, he qualified as a fit holder of this property.

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<sup>44</sup> Ibid., p.84, l. 9. (s.1458).

<sup>45</sup> *Chronicon Abbatix Rameseiensis*, Rolls Series Vol. 83, edited by W.D. Macray (London, 1886) No. 28, pp.52-5; p.53. The estate involved in this reference is Brington in Huntingdonshire. (Not in Sawyer)

<sup>46</sup> SEHD, No. XV, pp.25-7. (s.1446).

<sup>47</sup> Ibid., p.26, ll. 1-8. (s.1446).



Unfortunately, a problem arose at his death. It appears that after Eastmund died, Eadnoth, representing the kin, took the property and offered it to each member of the family but was unable to find any person who wished to take holy orders. The desire to keep the property, in spite of being unable to fulfil the condition for holding, led to conflict which was resolved, ultimately, and recorded in the document.

This reference is remarkable for a number of reasons. First, it provides further evidence for the operation of inheritance without benefit of any documentation. Secondly, the conditions for inheritance have been remembered and acknowledged, if not respected, by all who were involved. No attempt was made to deny the stipulation for holding the property on the basis that it was not documented. It is apparent that conditions established by oral agreement were respected and could have a real influence on the transmission of property. This point is important when considering the transfer of property by a system of customary inheritance. If this dispute had not provided details of the conditions attached to the possession of Sodbury, it is likely that the descent of that estate through the kin would be considered as reflecting some unfathomable kin-based rules governing inheritance. In this reference, knowledge of the conditional operating in the selection of heirs prevents that kind of incorrect assumption, but it is useful to consider that such conditionals, of which nothing is known, may be operating in other references.

The relationship between the two female donees and their respective donors found in the tenth century references is established clearly. The donee, Æthelgyth, is identified as the daughter of Æthelwulf, but no other information is provided.<sup>48</sup> Æthelflæd, the other female donee, is described as the wife of one Æthelwine, who was

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<sup>48</sup>C.S., 603. (S.367).

likely the Ealdorman of East Anglia, and she was said to have received property from her father.<sup>49</sup>

The reference to Æthelgyth occurs in a charter which confirms her receipt of inheritance. This charter is identical in form with another charter given to Ealdorman Æthelfrith in order to replace *omnes hereditarii libri* belonging to him which had been destroyed by fire.<sup>50</sup> Thus, it is likely that the charter which contained the reference to her inheritance once belonged to Ealdorman Æthelfrith. The production of a replacement charter, which mentions the inheritance of Æthelgyth, the daughter of Æthelwulf, for the benefit of Ealdorman Æthelfrith, who had held the original until its destruction, suggests that there existed some kind of relationship between these individuals. This impression is heightened by the fact that all three share the personal-name element *Æthel-*. Unfortunately, the nature of that relationship is obscure.

The lack of detail in the replacement charter concerning Æthelgyth's inheritance suggests that the extent and nature of that inheritance was known and recognized. Ealdorman Æthelfrith's position as the legitimate holder of that property is also implied. The impression of an inheritance system able to operate without excessive documentation is further reinforced. Few details are provided, but it is sufficient evidence to satisfy Ealdorman Æthelfrith that his lost charters have been replaced. The reference to Æthelgyth's inheritance has more an appearance of an *aide-mémoire*, of

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<sup>49</sup> *Chronicon Abbatiae Rameseiensis*, Rolls Series Vol. 83, edited by W.D. Macray (London, 1886) No. 28, pp.52-5; pp.52-3. (Not in Sawyer).

<sup>50</sup> The relationship between the charter which refers to Æthelgyth, which is S. 367, and the other charter produced for Ealdorman Æthelfrith, which is S. 371, has given rise to considerable debate. The charter concerning Æthelgyth seems to be considered the least suspect of the two. The phrase in the text is taken from C.S., 606 which is a printed version of S. 371.

providing an element of continuity to the holding of property, than of representing any documented legal claim. The individuals involved in this record possess considerable social status and likely had considerable familiarity with documentation. It is significant, therefore, to find that they were not relying completely on documentary proofs regarding inheritance.

Glastonbury Abbey was the only ecclesiastical donee said to have received an inherited property in this sample in the tenth century. This reference occurs after a copy of a charter made on behalf of Ealdorman Æthelfrith to replace one of those that had been destroyed by fire. The charter, itself, confirms the possession of twenty *cassati* at Wrington in Somerset, and the reference appears after the boundary clause: *Hanc prefatam hereditatem Athelstan dux filius Etheredi conversus et factus monachus optulit secum ad monasterium Glastingens'*.<sup>51</sup> The abbey received this property from Ealdorman Æthelstan, the son of Æthelred, as he became a monk there. This reference would seem to indicate that there may well have been a family connection between Ealdorman Æthelfrith, Æthelred, and his son, Ealdorman Æthelstan, and the shared personal-name element *Æthel-*reinforces this possible connection.

It is speculative, but interesting, when this possible family connection is linked with that concerning Æthelgyth. By linking the possible family connections, the following list of individuals likely to have interacted with Ealdorman Æthelfrith is produced: Æthelwulf, Æthelwulf's daughter Æthelgyth, Ealdorman Æthelfrith, Æthelred, and his son Ealdorman Æthelstan. The preponderance of male names in this sequence is striking.

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<sup>51</sup> *Great Chartulary of Glastonbury*, Vol. II, Somerset Record Society Vol. 63, 1948, edited by A. Watkin (Frome, 1952) No. 1016, pp.545-6;p.546. (s.371).



A number of changes appear in the pattern of references to an inheritance in the eleventh century. The tenth century trend toward a more complete expression of the relationship between the donor and donees is reversed with a return to the vagueness of the ninth century. The joint donation implied in the reference concerning Ealdorman Æthelwine appears to be a harbinger for the eleventh century as the 'parents' of donees comprise an increasing number of donors. Where donors are named, there is still a predominance of males, and the majority of the donees are male. There is only a single female donee, and she received her inheritance, the land at Barking in Suffolk, from her parents.<sup>52</sup> Glastonbury Abbey's receipt of an inheritance in the tenth century seems to prefigure a growth in the number of ecclesiastical donees--both institutions and individual ecclesiastics.

The references to inheritance which involve parents and ecclesiastical donees usually record the entry of offspring into the monastic life. The reference concerning the estate at Pendock in Worcestershire provides an example of this type of donation.

De Peonedoc jam dicamus. Hanc villam Northmannus monasterio dedit cum filio suo, quem cum eadem terra ad altare obtulit, monasticis disciplinis Deo perpetualiter servire, terramque ipsam, in usus tam ejus quam ceterorum fratrum cum testamenti cyrographio...Extiterat quidem hec terra et antea de possessione monasterii, sed vi, ut prediximus, ablata, ad ipsum N. heredum successione pervenerat, quique eam sic restituit.<sup>53</sup>

A rather less typical occurrence is recorded in a Bury St. Edmund's list of benefactors, and it is worth relating this story in full.

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<sup>52</sup>L.E. II c.83, p.151. (Not in Sawyer)

<sup>53</sup>*Hemingi Chartularium Ecclesiæ Wigorniensis*, Vol. I, edited by T. Hearne (Oxford, 1723) pp.249-50. (Not in Sawyer)

Fuit et quidam monachus de Westmonasterio, qui hæreditatem parentum suorum Hemegreth consecutus fuerat, ubi delectandi causa residebat. Cujus cum infamiam quidam monachus Edridus præpositus Sancti Edmundi multoties erubesceret, accessit ad eum inquiring, Nunquam congruum est ut vita monachi laicalis fiat, hinc discede, nec amplius infra hundreda sancti Edmundi aliquam villam vendicare, nec hanc reposcere quia sancti Edmundi est, præsumas. Ita monachus alterius austeritate pertæsus discessit, et villa hactenus in possessione sancti Edmundi permansit.<sup>54</sup>

In this case, the monk chose to return to his inheritance at Hengrave, in Suffolk, rather than remain at the monastery. The rebuke of the reeve, Eadred, and his action to block the sale of the property brought the monk into line, but this example illustrates that such donations could have a surprising outcome.

Parents, as well as their offspring, seem to have been reluctant to part with their property even after it had been given. Æfic the prior, who became 'dean of Christianity for Evesham Vale',<sup>A</sup> rendered to Evesham Abbey *ex paterna hereditate duas villas Baddebi et Neueham*.<sup>55</sup> It appears from the following that Æfic's brother, Wulfsige, had to retrieve these estates back from their parents in order to fulfil Æfic's gift: *Hoc idem fecit postea beatus Wlsius quum parentes sui easdem villas iterum injuste occupassent; de una enim erant parentela*.<sup>56</sup>

A very large donation was made to the abbey of Ely by Lustwine and his wife, Leofwaru, and was said to have been made from inherited property. The size of that donation implied that the inheritance had been large, but unfortunately, the donation was said to have been increased. This makes it difficult to ascertain which

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<sup>54</sup> W. Dugdale, *Monasticon Anglicanum*, A New Edition, edited by J. Caley et al, Vol. III (London, 1821) No. IX, pp.138-9; p.139. (Not in Sawyer).

<sup>55</sup> *Chronicon Abbatiae de Evesham*, Rolls Series Vol. 29, edited by W.D. Macray (London, 1863) p.83. (S.957)

<sup>56</sup> Ibid., p.83. (S.957)

<sup>A</sup> On this title see: J. Jayers 'Original', *Cartulary and Chronicle: the Case of the Abbey of Evesham*, *Monumenta Germaniae Historica* - *Schriften*, Band 33, IV, *Fälschungen im Mittelalter*, *Diplomatische Fälschungen* (II), Teil IV (Hannover, 1988) pp. 371-75

properties were inherited and which were added to the gift. The passage relating this grant is as follows:

Ambo spe futurorum bonorum certi, ambo circa sancte religionis cultum devotione intenti, sed potius erga nos suam bonitatem extendere disposuerant, et de sua hereditate ecclesie nostre, ut carta eorum demonstrat, in ius perpetuum tradiderunt que hic debite inferuntur. Nam dederunt pro animarum suarum expiatione Deo et sancte Ætheldrethe Dittune, non illam silvestrem, et Cnopwelle preter dimidiam hydram, et tunicam ex rubea purpura per girum et ab humeris aurifriso undique circumdatam, atque has addidit possessiones, videlicet Burch parvum et Westune, Chidingtune et Pentelaue, Wimbisc, Girdele, Hamniggefelde et Estchentune cum suis pertinentiis.<sup>57</sup>

If the grant of these properties represent the inheritance, then this is the only occasion on which more than two estates occur in a reference to an inheritance. It seems likely that the properties which follow the phrase *atque has addidit possessiones* are, in fact, supplemental to the inheritance. This means that the inheritance consisted of two estates and a tunic.

In two references, the property given is said to be from the donor's *patrimonium*. Both of these grants are made to Christchurch in Canterbury. The first grant is made by the priest Wulfstan who is nicknamed 'the Wild', and it reads as follows: *Ego Wulfstanus...concedo ecclesiae Christi in Dorobernia terram patrimonii mei nomine Thurroce ad victum monachorum ibidem in eadem ecclesia deo servientium.*<sup>58</sup> The second grant is made by Godwine: *Ego Godwinus...dedi ecclesie Christi villam patrimonii mei nomine Cice, ad victum monachorum in eadem ecclesia Christi in Doroberniam.*<sup>59</sup> Even assigning a

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<sup>57</sup>L.E.II.C. 89, p.158. (Not in Sanger).

<sup>58</sup>C. Hart, *The Early Charters of Essex: The Norman Period*, Department of English Local History, Occasional Papers No. 11 (Leicester, 1957) No. II, pp.21-2; p.22. (S.1644)

<sup>59</sup>C. Hart, *The Early Charters of Essex*, Department of English Local History, Occasional Papers, First Series, No. 10, Revised Edition (Leicester, 1971) No. 53, pp.26-7. (S.1645)



neutral meaning of inheritance to the term *patrimonium*, the evidence tends to establish a distinct male bias in the operation of inheritance.

The evidence from references to an inheritance reproduces many of the characteristics noted in the evidence from references to property descent. The numerical preponderance of male donors and male donees represents the most important parallel between these two types of evidence. Emphasis on the male in these records provides rather a contrast when compared with the evidence from both lost and written wills. The commonplace descent of property and receipt of inheritance by the male appears from this evidence to be a feature of the customary inheritance system. There is some indication that the degree of imbalance between genders may have begun to diminish slightly towards the end of the period, but the role of women in joint donations is as obscure as that of men. Both genders are being involved in the operation of inheritance through those joint donations.

Unfortunately, the references to an inheritance are equally uninformative regarding the nature of the relationship between the donors and the donees. There appears to be a cyclical interest in providing details concerning these relationships. The ninth and eleventh century references evince meagre interest in the nature of the relationship while those from the tenth century show more interest. This cycle of interest may be related to a growing awareness of the use and limitation of documents. If that is the case, then the absence of this kind of information from ninth century references may result simply from disinterest, and a similar absence from eleventh century references may reflect an understanding, grown out of the tenth century experience, that it would take more than a claim to have inherited a

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property to defend its possession if challenged. This remains speculative, and the absence of such information could as easily indicate that it was not known at the time of the composition of the record, or that it was so well known locally that there was no reason to preserve it in the record.

An interesting development in the eleventh century is the appearance of parents acting as joint donors to their children. It is highly unlikely that such donations did not occur prior to this period especially as the records of these donations are reported in an unsensational manner. Such donations are recorded usually when the child of the donating parents was offered for a religious life of some kind. The record of such joint donations may result from a desire on the part of both parents to have their gift known and to ensure that it would be credited to their spiritual benefit.

Donations to ecclesiastics are more frequently found in references to an inheritance than in references to property descent. This is to be expected, because while a church might receive property from an inheritance, once property descended to the church its descent through a family would be, at least theoretically, halted.

Female donees are a rarity throughout the period. They seem to be identified in terms of their relationship to men, usually a father or husband, and care is taken to establish from whom they received property. In the care shown in the recording from whom female donees had acquired property, the appearance of female donees in the references differs from the appearance of male donees. A somewhat egalitarian picture of female inheritance is suggested by the equal division of property among three sisters, but there is only one example of this, and there seems to be no other evidence of such divisions. The property which they divide is not large, and it is impossible to determine the importance of one-third of such a property to the overall wealth of each sister.

References to an inheritance involve those at the highest level of society as donors. This suggests that apparently otherwise unrecorded inheritance could take place even among those most familiar with documents. Titles of individuals rarely feature in the records indicating either that those of lower status participated in this kind of inheritance or that these records were not overly concerned to identify those involved. It is possible that this type of record was dependent on local knowledge so that those involved were widely known, and it was, therefore, unnecessary to identify them more exactly.

Unlike the evidence provided by the two types of references, grants made while dying concern larger amounts of property and also are often the main feature of the records in which they have been preserved. As these grants were not peripheral to the text, they are far more likely to have undergone some degree of tampering. The relationship between these grants and the customary inheritance system is complex.

Grants made while dying may act in accordance with, or in contradiction to, the dictates of a customary inheritance system. It is possible that their role was that of tidying up loose ends or of disposing of property of a variable nature that could not be captured and disposed of in a document (i.e. exact amounts of money, or numbers of head of cattle). Such grants might also be used to secure obedience to a donor up to that donor's death. This seems to be the implication of Wulfgar's remarks concerning his property at *Æscmere: ic cwethe on wordum be Æscmere on minum geongum magum swelce me betst gehierath.*<sup>60</sup>

Grants made while dying would probably not be aimed at disrupting the usual flow of inheritance for the simple reason that such grants would be less likely to be

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<sup>60</sup>Robertson-Charter, No. XXVI, pp.52-3;p.52, ll. 20-2. (s.1533).



successful than those made earlier before witnesses or recorded in documents. These grants represent a personal choice by the donor, but it is likely that personal choice would be exercised within the parameters established by the system of customary inheritance. Donors who made such grants lacked the unilateral power over property which the possessor of a charter held. Their power was limited as was the time left to them in which to accomplish their grants. To be successful, their grant would have to conform to the strictures set out by society, and in this way, these grants suggest the compromise and flexibility afforded to donors within the customary inheritance system.

From the evidence, it appears that these grants did not involve the whole of a donor's property. This suggests that the role of the grant was complementary to the system of customary inheritance. It is possible, however, that the record of the grants is itself incomplete. The majority of the examples used in the analysis of the grants are taken from the *Liber Eliensis* and the *Libellus Æthelwoldi Episcopi* as these two sources have an apparently high degree of reliability and as both are available as modern critical editions. The problems inherent in this type of source were dealt with extensively in chapter two, and the difficulties cannot be easily swept aside. Nonetheless, I believe that grants made while dying can provide insight into inheritance in Anglo-Saxon society.

The bias shown in favour of the records from Ely means that evidence from the tenth and eleventh century is far more extensive than that from the ninth. The emphasis on these works does not mean that other works have not been consulted, and it should be noted that the conclusions drawn from these examples appear to receive general support from other sources. Unfortunately, work on other sources has not kept pace with that undertaken in regard to Ely. Many texts have not been edited

critically since their first appearance in the Rolls Series and many lack any real resource base of original material that can be used to check their narrative. This reliance on Ely material can be considered a flaw, but I consider it an acceptable compromise between the quantity of evidence and the quality of that evidence.

Grants made while dying provide a clearer picture of those selected as suitable donees than that given by the references. Relationships between the donors and donees still tend to be obscure. More information is given concerning the social status of those involved in the grant and it is sometimes possible to get a better idea of the wealth of those involved.

Grants made while dying are not a late innovation. The appearance of such a grant in a record of the eighth century and the mundane way in which it is recorded suggests that these grants possess a considerable, if unwritten, history. The record of the resolution of the conflict at a synod reports the grant in the following terms: *Præfata autem Dei famula Dunne, constructum in prædicto agello monasterium, cum agris suis necnon et cartulam descriptionis agri, cui tunc sola ipsa præerat, filiæ, nimirum filiæ suæ, in possessionem, ad Dominum migratura largita est.*<sup>61</sup> The conflict arose between Hrothwaru, the granddaughter of Dunne, and Bucge, the daughter of Dunne, when Hrothwaru asked for the charter of this property which had been held by Bucge for safekeeping and Bucge refused to part with it.

This record has a number of remarkable features. First, it relates to a family of female ecclesiastics--a group not particularly well represented in the records as a whole. Secondly, the monastery is clearly regarded as a personal possession rather than as a separate entity. The role of Dunne is twofold: she is a nun and a founding

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<sup>61</sup>A.W. Haddan and W. Stubbs, editors, *Councils and Ecclesiastical Documents relating to Great Britain and Ireland* (Oxford, 1871) pp.337-8;p.338. (s.1429)

patron; she is the maternal grandmother of Hrothwaru. Both roles of Dunne play a part in the record, but it appears that more emphasis should be placed on the former than on the latter. It appears that Oshere, the sub-king of the Hwicce, asked Æthelred, King of the Mercians, for the original gift to Dunne and Bucge. This would seem to indicate that Dunne was an individual of some status or that there existed some relationship between her and Oshere.<sup>62</sup>

The majority of tenth century grants made while dying provide no information concerning the relationship between the donor and donees. Three grants which do give this information indicate the relationship to have been between a brother and his sisters,<sup>63</sup> an uncle and his nephew,<sup>64</sup> and a father-in-law and his son-in-law.<sup>65</sup> Once again, the absence of this kind of information may reflect simple ignorance of the nature of the relationship, indifference to recording that information, or that the relationship was so well known there was no need to mention it.

The ratio of female donors to male donors is far closer than that encountered either in the references to property descent or to an inheritance. Of the male donors who appear, only three are given titles. Two of these donors are ecclesiastics--one is a monk and the

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<sup>62</sup> Ibid., p.337.(5.1429)

<sup>63</sup> *Libellus*, c. 7, pp.75-6;p.75, in Latin and pp.6-7;p.7, in translation. This relates to the grant of Leofric. (Not in Sawyer)

<sup>64</sup> *Libellus*, c. 42, pp.96-8;p.97, in Latin and pp.29-31;pp.30-1, in translation. This relates to the grant of the reeve Wulfric. (Not in Sawyer)

<sup>65</sup> *Chronicon Abbatiae Rameseiensis*, Rolls Series Vol. 83, edited by W.D. Macray (London, 1886) No. 53, pp.83-4;p.84. This relates to the grant of Godwine's wife's father. (Not in Sawyer)



other is a bishop.<sup>66</sup> The single male lay donor who possesses a title is *Wlfricus prepositus*, Reeve Wulfric.<sup>67</sup> Information concerning the status of female donors is similarly scant with most existing simply as a name.<sup>68</sup> Only two female donors, Eadgifu and Eadflæd, are identified in greater detail, and it is worth examining their grants in detail. Before analyzing those grants, it should be noted that there are a significantly larger number of male donees in the grants made during this period.

Eadgifu is identified as the grandmother of King Edgar and her grant is related in the following account: *Interea contigit quod avia Ædgari regis, nomine Eadgiva, cum moreretur, dimisit cuidam nobili matrone, que dicebatur Ælftreth, v hydas in Estsexe apud Holand, quas ipsa emerat a Sprouue pro xx libris.*<sup>69</sup> The donee, Ælfthryth, although unidentified in the above, has been tentatively identified as the widow of Æthelwold, Ealdorman of East Anglia, and the future wife of King Edgar.<sup>70</sup>

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<sup>66</sup>Both of these grants appear in the *Libellus*. *Godingus monachus* appears in c. 37, p.93, in Latin and p. 26, in translation. *Oschetelus episcopus* appears in c. 33, p.90, in Latin and p.22, in translation. (Not in Sawyer)

<sup>67</sup>*Libellus*, c. 42, pp.96-8;p.97, in Latin and pp.29-31;pp.30-1, in translation. (Not in Sawyer)

<sup>68</sup>There are several examples of this kind of female grantor. Eanflæd appears twice in the *Libellus*, c. 32, p.89, in Latin and p.22, in translation, but is mentioned simply by name. A certain Ælfgifu appears in the *Libellus*, c. 58, p.103, in Latin and p.36, in translation, with no further identification. (Not in Sawyer)

<sup>69</sup>L.E., c. 31, pp.104-5;p.105. A similar account of this grant is found in the *Libellus*, c. 41, pp.95-6;p.95, in Latin and pp.28-9;p.28, in translation. (Not in Sawyer)

<sup>70</sup>C. Hart, *The Early Charters of Essex*, Department of English Local History, Occasional Papers, First Series, No. 10, Revised Edition (Leicester, 1971) No. 17, pp.12-13.

Eadgifu had lost her estates during a period of disfavour under King Eadwy but had them returned during King Edgar's reign.<sup>71</sup> Given her pedigree, social status and position in the kingdom, it is remarkable that her grant involves such a small amount of property. Her difficulties in the account of the loss and recovery of her property suggests that even the most important women had a carefully circumscribed role with regard to property. It is possible, however, that her difficulty reflects the need of record composers to emphasis King Edgar's qualities in their story.

The donor Eadflæd encountered a similar loss of property and her loss and grant appear in two records. The first record is a charter of King Æthelred on behalf of Abingdon abbey and the second is an account which appears in the *Historia Monasterii de Abingdon*.<sup>72</sup> In the charter, she is described as a *uidua*, while in the *Historia*, she is referred to both as *matronae* and *muliere*. Both sources agree that her property was taken by Ælfric though the charter refers to him as *Ælfric cognomento Puer* while the *Historia* states he was *quidam comes vocitamine Ælfric*.<sup>73</sup> Nothing was done about her loss until the property of which she had been deprived came into the possession of King Æthelred as part of the possessions which Ælfric had forfeited because of his treachery. Eadflæd was permitted by King Æthelred to

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<sup>71</sup> SEHD, No. XXIII, pp.37-8. (S.1211).

(S.937).

<sup>72</sup> The charter has been printed as K. 1312.<sup>4</sup> The account from the *Historia* is found in *Chronicon Monasterii de Abingdon*, Vol. I, Rolls Series Vol. 2, edited by J. Stevenson (London, 1858) p.374.

<sup>73</sup> K. 1312, p.174. (S.937).

*Chronicon Monasterii de Abingdon*, Vol. I, Rolls Series Vol. 2, edited by J. Stevenson (London, 1858) p.374.

repossess her inheritance: *pro amore optimatum meorum qui eius apud me extiterant advocati*.<sup>74</sup>

The image presented by these accounts is that female property holders seem relatively powerless and dependent on the strength of their specifically male advocates. Nothing is said concerning Eadflæd's own status, but the fact that her advocates were considered by King Æthelred to be his *optimatum* suggests that she was a figure of some influence. Like Eadgifu, her grant involves a surprisingly small amount of property--only three estates. If this was the extent of the property received by her as her inheritance, she was not excessively endowed. Eadflæd's decision at the end of her life to grant her property back to the king renders his magnanimity in returning her property slightly suspect.<sup>75</sup> As a gesture of gratitude, her grant appears excessive, and it is at least possible that her repossession was not as complete as the record suggests.

The amount of property given by these grants suggests that they do not encompass the totality of a donor's possessions. Rarely are there more than two estates involved in the grant, and even small portions of estates are granted in this way. The monk, Goding, grants the following property: *in eadem uilla, scilicet in Toftes, unam hydam terre*.<sup>76</sup> Byrhtsige's grant is remarkable in that, although it is valuable, it consists entirely of moveable property: *unum cyphum argenteum de xl. solidis*.<sup>77</sup> Because the social status of these individuals is difficult to establish, it is possible to

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<sup>74</sup>K. 1312, p.174. (S.137).

<sup>75</sup>*Chronicon Monasterii de Abingdon*, Vol. I, Rolls Series Vol. 2, edited by J. Stevenson (London, 1858) p.374. (S.937)

<sup>76</sup>*Libellus*, c. 37, p.93, in Latin and p.26, in translation. (Not in Sanger)

<sup>77</sup>*Ibid.*, c. 10, pp.77-8; p.77, in Latin and pp.9-10; p.9, in translation. (Not in Sanger)



maintain that the size of their grants reflects their position in society. The important status held by the female donors above argues against this simple equation between the size of donation and the status of the donor, but it is possible to counter that the small amount of property granted by women may reflect a real, but inferior position, held by them with regard to the holding of property.

The male donor, Berricus, gave only the land at *Stura*, but he was a man *moribus et genere nobilis*.<sup>78</sup> His humble donation was witnessed by the following: *sancti Oswoldi et totius curiæ tam Ramesiæ quam Wigornia, et Ailwini aldermanni, et Ailwardi comitis filii ejus, et Ailrici Child*.<sup>79</sup> This constitutes a fairly impressive array of witnesses, if Berricus was a man of low status. Oskytel, the Bishop of Dorchester, grants only the land of Beeby in Leicestershire, but given the possessions held and donated by Theodred, the Bishop of London, it seems highly improbable that Beeby constituted the sum total of Bishop Oskytel's possessions.<sup>80</sup> The strongest argument against the contention that grants made while dying encompassed the whole of a donor's possessions is provided by the evidence surrounding the grant of Wulfstan of Dalham.

Wulfstan of Dalham appears to have been a man of considerable importance in East Anglia during the last half of the tenth century. In the *Libellus Æthelwoldi Episcopi* he is described as *unus qui regi erat a secretis* and is the recipient of fulsome and lavish praise: *vir prudens, consilio pollens, opibusque potens, celitus*

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<sup>78</sup> *Chronicon Abbatia Rameseiensis*, Rolls Series Vol. 83, edited by W.D. Macray (London, 1886) No. 51, p.82. (s.1371)

<sup>79</sup> Ibid. (s.1371)

(Not in Sawyer)

<sup>80</sup> Bishop Oskytel appears in the *Libellus*, c. 33, p.90, in Latin and p.22, in translation. For comparative purposes, Bishop Theodred's will appears as Whitelock-Wills, No. I, pp. 2-5. (s.1526)

*inspiratus*.<sup>81</sup> The *Liber Eliensis* is more restrained in its praise referring to him simply as *vir venerandus*.<sup>82</sup> He is portrayed as an active friend of Ely as the following episode illustrates:

Quo audito, surrexit Wlstanus coramque omnibus dedit sancte Ætheldrythe terram et piscationem de Staneie quam prefata uidua sibi dederat. Deinde uocauit Oggan dixitque ad eum: 'Quandoquidem, karissime, gloriosam uirginem Ætheldrytham uenerari cepisti, ne differas facere quod factururus es. Bonum quidem est quod uoluisti facere, sed felicius est ut uita comite perficias.' Cuius consilium Ogga haud paruipendens, fecit ut dixit, deditque sancte Ætheldrythæ...predictam hydam.<sup>83</sup>

Wulfstan's name was sufficiently well known for it to be cited in the *Historia Ramesiensis* in order to identify further a property holder: *Athelwoldo cognato Wlfstani de Delham*.<sup>84</sup> He also makes an appearance in the witness list of the document which records the history of Bromley and Fawkham in Kent. In that list, which includes King Edgar and Archbishop Dunstan, he is placed as follows: *7 Ælfere ealdorman. 7 Wulfstan on Dælham. 7 Ælfric. on Ebbesham. 7 seo duguth folces on westan Cænt*.<sup>85</sup> Such a position lends credence to A.J. Robertson's suggestion that this is the same Wulfstan who appears in the *Vita Sancti Æthelwoldi*<sup>86</sup>: *Misit quoque rex [Edgar] quendam ministrorum suorum famossisimum, Uulfstanum vocabulo, cum episcopo, qui regia auctoritate mandavit*

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<sup>81</sup> *Libellus*, c. 2, pp.71-2;p.71, in Latin and pp.2-3, in translation. (Not in Sawyer)

<sup>82</sup> L.E., c. 55, pp.126-7;p.126. (Not in Sawyer)

<sup>83</sup> *Libellus*, c.27, pp.87-88;p.87, in Latin and pp.19-20;p.20, in translation. (Not in Sawyer)

<sup>84</sup> *Chronicon Abbatiae Ramesiensis*, Rolls Series Vol. 83, edited by W.D. Macray (London, 1886) No. 49, pp.78-80;p.79. (Not in Sawyer)

<sup>85</sup> Robertson-Charters, No.LIX, pp.122-5;p.124, ll. 2-4. This record is taken from the the *Textus Roffensis*. (S.1457).

<sup>86</sup> Robertson-Charters, p.367.

*clericis ocissime dare locum monachis, aut monachicum suscipere habitum.*<sup>87</sup>

It should be apparent from the above that Wulfstan of Dalham was considered an important man in the kingdom and that he possessed significant royal connections. His position and influence makes it improbable, indeed absurd even, that he possessed only the following property: *duas terras quas Wlstanus de Dalham cum moreretur sancte Ætheldrethe dedit, videlicet xxx<sup>ta</sup> hydas in Hemmingeford et vi in Winningetune.*<sup>88</sup> His potential property holdings, or at least the potential holdings for someone of his social status, make him a likely candidate for disposing of his property by means of a will. There is no indication that any will was ever made. Wulfstan's property seems to have descended without benefit of a will, and it seems likely that only a small portion of it was recorded in his grant made while dying. This suggests that either the process of record-keeping, or the process of granting, was highly selective.

Wulfstan of Dalham's widow, Wulfflæd, is known to have had property, but unfortunately, whether she derived this property through her relationship with Wulfstan is unknown.<sup>89</sup> Wulfstan is not given a title in these records, and if his grant made while dying had been the only record concerning him which had survived, it would give no clue as to his importance and influence. This point should be kept in mind when considering other grants made by donors about whom little, or nothing, is known.

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<sup>87</sup> *Chronicon Monasterii de Abingdon*, Vol. II, Rolls Series Vol. 2, edited by J. Stevenson (London, 1858) c. 14, p.260. The insertion in the square brackets is my own. (Not in Sawyer)

<sup>88</sup> L.E.II c. 7, pp.79-80;p.80. These estates are identified by E.O. Blake as Hemmingford Abbots and Wennington, both in Huntingdonshire. (Not in Sawyer)

<sup>89</sup> L.E.II c. 38, p.111. (Not in Sawyer)



The account of Orthmær and his wife, Æalde, provides the only example found so far of a tenth century, joint grant made while dying. Such an event is highly unusual, so it is worth relating the circumstance of their grant in full: *.xl. hydas terre in pago qui dicitur Hætfeld, quas uir potens quidam Ordmærus nomine et uxor eius Æalde cum morerentur ei [King Edgar] dimiserunt.*<sup>90</sup> The statement that both grantors are dying is a unique occurrence in my experience, and the rarity of such a statement provides a measure of support for the contention that it is being used to describe an actual event. It is unlikely that this account represents an attempt to express some kind of pre-death agreement as there appear to be a number of ways of expressing such agreements available at this time. This joint donation raises questions associated with the joint holding of property in Anglo-Saxon society which, unfortunately, cannot be addressed here. Because the grant was made to a royal grantee, it may represent a required gift, but that is speculative.

Only two grants made while dying from the tenth century have women as their grantees. This means that in spite of the more even gender ratio in the grantors, males are in the majority as grantees. The first female recipient, who was discussed briefly above, was Ælfthryth. She received a gift from her future husband's, that is King Edgar's, grandmother.<sup>91</sup> The second grant made while dying with female recipients was that made by Leofric. In his grant, his two sisters, Æthelflæd and Æthelgifu, appear to receive equal portions

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<sup>90</sup> *Libellus*, c. 5, pp.73-4;p.73, in Latin and pp.5-6;p.5, in translation. The insertion in square brackets is my own. (Not in Sawyer)

<sup>91</sup> *Libellus*, c. 41, pp.95-6;p.95, in Latin and pp.28-9;p.28, in translation. (Not in Sawyer)

of property.<sup>92</sup> As such, this grant creates a situation which is reminiscent of the division of property that had occurred between the three sisters, Beornwyn, Ælfflæd and Walenburch.

Eleventh century grants made while dying possess many of the same characteristics as those from the tenth century. The nature of the relationships between the donor and donees is undefined for the most part. The relationships which are established in these grants include that between friends,<sup>93</sup> that between relatives,<sup>94</sup> and that between husband and wife.<sup>95</sup> Unlike the references and earlier grants, there is an even ratio between female and male donors, and female and male donees. Grants to ecclesiastical donees are made explicitly in order to provide for the burial of the grantor. Unless these grants represent a sudden interest in funeral arrangements, it may be that similar considerations lay, unexpressed, behind earlier grants to ecclesiastical recipients. The amount of property being granted is small and again difficulties arise when attempts are made to establish how the grants related to the overall wealth of the donors and donees.

When Wulfwine appears in the *Domesday Book*, no indication of his social status is apparent.<sup>96</sup> The property which he bought and held is small and, from the context, it appears to have been held on a three-life lease. Thus, his grant to his wife is one of a life-

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<sup>92</sup> *Libellus*, c. 7, pp.75-6;p.75, in Latin and pp.6-7;p.7, in translation. (Not in Sawyer)

<sup>93</sup> *Hemingi Chartularium Ecclesiæ Wigorniensis*, Vol. II, edited by T. Hearne (Oxford,1723) pp.396-8;p.397. (S.1408)

<sup>94</sup> *Cartulary of the Abbey of Eynsham*, Vol. I, Oxford Historical Society Vol. XLIX, edited by H.E. Salter (Oxford, 1907) No. 1, pp.19-28;p.21. (S.111)

<sup>95</sup> *Domesday Book:Worcestershire*, edited by F. Thorn and C. Thorn (Chichester, 1982) 23.1, 177a-177a,b. (Not in Sawyer)

<sup>96</sup> *Ibid.*

tenancy rather than possession of the property. All of this information suggests that Wulfwine was a figure of relatively minor significance. Yet, it seems likely that Wulfwine's son was the bishop of Lichfield which, in contrast, suggests that Wulfwine was of more importance than the record indicates. It seems improbable, given Wulfwine's son's position, that the only property of which Wulfwine was possessed, and could dispose, was a life-tenancy.

Similarly, there is no indication of Leofwine's status, or his wealth, when he grants the vill of Shifford in Oxfordshire. This grant appears in a charter of Æthelred in which he confirms the gifts of the founder of Eynsham Abbey. The founder is Æthelmær, and in the record of Leofwine's grant, the relationship between them is established in the following terms: *quam ei [Æthelmær] Leofwinus suus consanguineus*.<sup>97</sup> It is difficult to believe that a *consanguineus* of the founder of Eynsham Abbey would possess only a single vill.

Perhaps the most persuasive argument against the contention that eleventh century grants made while dying encompassed all of a donor's possessions can be derived from the record of the dispute between Aki, the son of Toki, and Ealdred, the Bishop of Worcester. This dispute arose out of a grant made by Toki to the bishop. Toki is referred to in this account as *prepotens et dives minister regis* while his son, Aki, is described as *potens et ipse minister regis*.<sup>98</sup> These titles would suggest that the holdings of these two individuals would very likely exceed the three hides in Teddington and Alstone in Gloucestershire and one *curtem* in Worcester, that appear

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<sup>97</sup> *Cartulary of the Abbey of Eynsham*, Vol. I, Oxford Historical Society, Vol. XLIX, edited by H.E. Salter (Oxford, 1907) pp.19-28;p.21. The insertion in square brackets is my own.(s.411)

<sup>98</sup> *Hemingi Chartularium Ecclesiæ Wigorniensis*, Vol. II, edited by T. Hearne (Oxford, 1723) pp.396-8;p.397.(s.1408)



in the record. Even if the description and titles were exaggerated, it is unlikely that a dispute involving persons of little importance would be heard in the presence of the king, Earl Leofric and other important persons of the *provincia*.

The presentation of the dispute raises a number of interesting points concerning inheritance, so it is useful to examine it in some detail.

Hanc terram Toki, prepotens et dives minister regis, jure hereditarie successionis, liberam ab omni servitio humano, preter regale, quod dumtaxat toti patrie commune est, quamdiu vixerit, tenens, mihi, ob amicitiam inter nos, confirmatam, et pro anime sue remedio moriens testamento donavit. Sed cum filius suus, Aki nomine, potens et ipse minister regis, patris testamentum irritum facere volens, eam parentum successione ad suum jus reclamasset, savente et consentiente ipso Domino meo rege, et Leofrico comite, et ceteris optimatibus hujus provincie attestantibus, datis sibi. viii. marcis auri purissimi, liberam a sua, et ab omni parentele sue hereditaria proclamatione, eam mihi reddidit, et scripto coram testibus firmato reconsignavit, ut libere eam possem dare seu vendere cuicumque vellem, absque ullius contradictione.<sup>99</sup>

Toki's grant, and the means by which it seems to have been effected, links charters to the granting process in a complementary way. The circumstances of his grant are related as: *moriens testamento donavit*. At the point of death, Toki surrenders his charter to the grantee he wishes to succeed him in possession of the property. This passage provides a clear indication of the role which could be played by charters in inheritance.

Aki states that he had reclaimed this grant *parentum successione ad suum jus* which suggests that he possessed a right in the possession of that property even though that property was held by charter. As this dispute arose and was valid enough to be adjudicated, this right seems to have existed. Also, because the bishop gave him *viii. marcis auri purissimi* in order to

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<sup>99</sup> Ibid., p.397. (s 1408)

free the property from future claims, it would appear that even Aki's opponent recognized a potential danger from such a right. The impression given by this dispute is that there was, in existence, a set of guidelines concerning inheritance and that these were recognized. It seems that risk was involved if an individual were to act in breach of these guidelines--even if property was held by charter.

The donor, Thurgunt, is described in the *Historia Ramesiensis* as *nobilis matronæ*, the *conjuga* of Thurkil of Haringworth and as a *mulier*.<sup>100</sup> Little evidence is provided concerning her own, or her husband's, social status. Her donation of *terram de Saltretha*<sup>101</sup> and of *filacterium unum habens pretium duodecim mancarum auri, et album cum casula et stola, et calicem unum cum una cortina*<sup>102</sup> would seem to indicate a measure of wealth that would suit an individual of relatively high social status. The impression of a high social status would be further supported by the statement that her *body was to be interred at Ramsey*.<sup>103</sup>

At the end of the account of her grant, the following passage appears in which Thurkil *terram prænominatam pro ipsius anima super majus altare coram abbate Alfwino et toto fratrum conventu obtulit*.<sup>104</sup> This passage seems to indicate that her husband had to act in

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<sup>100</sup> *Chronicon Abbatiae Ramesiensis*, Rolls Series Vol. 83, edited by W.D. Macray (London, 1886). The reference to *nobilis matronæ* appears in No. 172, p.199, to *conjuga* and *mulier* in No. 107, p.176. Her main grant is recorded in No. 107, pp.173-6; pp.175-6. (Not in Sawyer)

<sup>101</sup> Ibid., No. 107, pp.173-6; p.175. C. Hart has identified this estate as Sawtry Judith in Huntingdonshire (*Early Charters of Eastern England* (Leicester, 1966) No. 325, pp.236-8; p.236). (Not in Sawyer)

<sup>102</sup> Ibid., No. 172, p.199. (Not in Sawyer)

<sup>103</sup> Ibid., No. 107, pp.173-6; p.176.

<sup>104</sup> Ibid., p.176. (Not in Sawyer)

order to complete her grant. The importance of his role in the granting process is implied at the start where the grant is made *permittente viro suo* and is *in testamento reliquit*.<sup>105</sup> What exactly the form of that *testamentum* was is unknown.

*Venerabilis femina* is the description used of the grantor, Æthelgifu, in the *Liber Eliensis*, but unfortunately, little more information is added concerning her identity.<sup>106</sup> Her grant was made to Ely, and the circumstances of that grant were given as follows: *Huius vero donationis multi testes fuerunt qui ad eam convenerant tempore mortis illius, insuper Ælsius abbas de Ely et Lefsius monachus eius, sed et nobiles de provincia et filius eiusdem femine Brixius et filia nomine Ædytha*.<sup>107</sup> The presence of local worthies suggests that she was a person of some local significance. The account of her grant continues and makes the following statement: *atque alii qui in testamento eius sunt, quod Anglice scriptum in ecclesia adhuc habetur in testimonium*.<sup>108</sup>

By implication, it would appear that this account of the grant made while dying and the *testamentum* are two separate records. The *testamentum* had likely been composed prior to the grant, and it seems likely that *terram de Thacstede* and *quascumque habebat sanctorum reliquias* had been deliberately kept out of the *testamentum* in order to be distributed at death.<sup>109</sup> The implication that these two accounts are separate is reinforced by the statement that the *testamentum* was in English while the grant was obviously in Latin and by the

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<sup>105</sup> Ibid., p.175. (Not in Sawyer)

<sup>106</sup> L.E.<sub>II</sub>c. 59, pp.130-1;p.130. (Not in Sawyer)

<sup>107</sup> Ibid., pp.130-1. (Not in Sawyer)

<sup>108</sup> Ibid., p.131. (Not in Sawyer)

<sup>109</sup> Ibid., p.130. (Not in Sawyer)



fact that those gathered around Æthelgifu's deathbed are said to be those who appeared in the *testamentum*. The retention of a small amount of property for distribution at death also occurs in the will of Wulfgar.<sup>110</sup>

Ælfwaru appears in both the *Liber Eliensis* and the *Historia Ramesiensis*. In the former, she is described as *Quedam vidua nobilis genere et dives valde*<sup>111</sup>, while the latter introduces her as *matrona Alfwara, genere nobilis*.<sup>112</sup> Her status appears to have been substantial, especially as she was buried at Ely and her name set out on the sacred altar. Her wealth, as the passage describing her grant indicates, seems to have been considerable. Less clear, however, is the action taken in her grant. The record in the *Liber Eliensis* gives the following account: *Hec moriens testamentum suum coram multis sub cyrographo sermocinatione vulgi descripto fecit confirmari*.<sup>113</sup>

The interpretation of this passage depends largely on the choice of definition for the term *testamentum*. If that term is interpreted as meaning a charter, then the account suggests she was performing an act of confirmation to publicize further her intentions regarding her property. By implication, the grant occurred late in her life, but it was not a grant made while dying--it was an act of confirmation while she was dying. If the term *testamentum* is interpreted as meaning a will, then it becomes far more difficult to establish what she was doing. It is possible that her grant while dying is to be made into a written will.

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<sup>110</sup> Robertson-Charters, No. XXVI, pp.52-3, especially page 52, ll. 20-2. (s.1533)

<sup>111</sup> L.E.<sub>II</sub>c. 61, pp.132-3;p.132. (Not in Sawyer)

<sup>112</sup> *Chronicon Abbatiae Ramesiensis*, Rolls Series Vol. 83, edited by W.D. Macray (London, 1886) No. 54, pp.84-5;p.84. (Not in Sawyer)

<sup>113</sup> L.E.<sub>II</sub>c. 61, pp.132-3;p.133. (Not in Sawyer)

Both Ely and Ramsey received property from Ælfwaru, but neither record even hints at the existence of any donation apart from the one each contains. It is clear that each of these grants alone did not encompass the whole of her possessions, and this seems to confirm the contention that grants were only responsible for part of the disposal of a donor's total wealth. The possibility that the records of the grants may have been extensively edited cannot be ruled out. These records indicate that she acted without any apparent male interference which would seem to imply that she wielded considerable power in the locality.<sup>114</sup>

Grants made while dying provide little additional information concerning the relationships between donors and donees. The reason behind the omission of such information is unknown, but it seems most likely that it could be explained by local knowledge of the relationship. This method of disposing of property seems to have been utilized by men and women in equal numbers. Notably, the records concerning female grants often make reference to a male of some authority in regard to their grant. It seems highly improbable that these grants represent the donation of the sum total of a donor's possessions. Given the probable status of some donors, the contention that they held only one or two estates is unsustainable. The possible function of such grants within the customary inheritance system is difficult to establish with certainty, but some possibilities are addressed below in the general discussion of the evidence presented so far concerning the customary inheritance system.

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<sup>114</sup> C. Hart, *Early Charters of Eastern England* (Leicester, 1966) No. 28, p.32. In this entry, Dr. Hart suggests that Ælfwaru was the daughter of Æthelstan Mannessune. His arguments concerning this can be found in his article about Abbot Eadnoth (see bibliography).

The evidence above supports the contention that a customary inheritance system operated within Anglo-Saxon society and affords a glimpse into its operation. Support is provided for the premises that property was held, and transferred, by and within a kin group, that there existed a hierarchy of suitability among the heirs within a kin group, and that charters acted to complicate inheritance but did not supplant custom. In addition, the evidence seems to suggest that, within the hierarchy of donation, gender played a role and that donations to the Church had a specific role related to burial.

References to property descent and references to an inheritance, while not being informative concerning the relationship between donors and donees, give the impression that they are reporting nothing unusual or extraordinary. No mention is made of a deathbed scene, and no reference is made to any kind of written records. Individual donees receive property seemingly as a matter of course, and other evidence indicates that individuals were perceived as possessing rights in property even if that property was held, or given, by charter. Their right could be bought, sold or disputed, but its existence was never denied. The right to hold property did not require written proof in order for it to be recognized.

That a hierarchy of donees existed is suggested by the evidence in both a positive and a negative way. The absence of clearly defined relationships and the partial nature of the records, makes it difficult to determine the exact nature of that hierarchy. Given the apparent gender bias in favour of males, the simplest relationship whose existence could be anticipated would be that of father and son. There is a real absence of any references to sons in this evidence, and this becomes more significant when the same absence occurs in oral declarations, lost wills, and written wills. Sons are a rarity in the records where they are outnumbered by



daughters. Such an absence may indicate that their interests were being met outside of any record-making process. It is my contention that the customary inheritance system would operate on their behalf.

The treatment of female donors and donees reinforces the sense of a male-oriented hierarchy. In accounts of female transactions, references are often made to males as guardians of the women's interests. These male figures, whether family member, relation or friend, are often depicted taking on a very active role in pursuing the claims of, or claims through, female property possessors. Equitable division of small amounts of property between women donees mitigates against the notion of a strict hierarchical pattern for female inheritance. Such division is apparently absent from the pattern of male inheritance which tends to be cast in the 'all or nothing' mould. The division into equal shares would tend to diminish the power of individual possessors, and such a system for female inheritance may indicate that this risk was acceptable in the case of female inheritance.

Grants made while dying, in a way similar to charters, could influence the customary inheritance system on behalf of donees. Grants could be made to a number of possible donees, thus providing the granter with a fair range of choices. Customary donees could find their position further enhanced or that the position of other donees in the hierarchy had been strengthened. Unfortunately, establishing whether a particular grant acted to enhance the dictates of custom, or to subvert those dictates to reward an heir of ability, is extremely difficult. Unlike charters, grants could likely only be exercised within a dictated pool of potential grantees. Charters, at least theoretically, freed a grantor from the constraints of custom in choosing their beneficiary.

The most striking evidence of the supplemental nature of the role of charters within the customary

inheritance system is numerical. Even in the very limited discussion of property found in this study, references have been made to estates for which no charter exists. If all property in Anglo-Saxon England had to be held by charter, natural wastage, or even a policy of discrimination against charters, would be hard pressed to reduce the number of charters to those few which survive now. If all property was held by charter, property could descend through the transfer of charters. If only some property was held by charter, the question arises as to how did the other property descend.

References to property descent, references to an inheritance and grants made while dying all involve relatively small amounts of property. From the status and theoretical wealth of the donors, their possessions should have been substantial. While the incomplete nature of the records may be responsible for this apparent disparity, it is difficult to believe that the records are the only factor at work. A customary inheritance system provides a possible explanation for the discrepancy between what ought to have been held and what was disposed of according to the records.

Grants made while dying in favour of ecclesiastical institutions are often related to the burial of the grantor at the recipient institution. Such grants take on the aspect of a payment for a service. The aspect reinforces the sense that granting to the Church represents the unusual, in the sense that the grantee is beyond the limits of possible grantees as established by the customary inheritance system. To the customary inheritance system, the Church would represent someone outside of the kin, and therefore, someone not entitled to receive property.

Before analysis of the evidence of oral declarations, lost wills and written wills is undertaken, a final point should be made concerning the work in this chapter. The sample of material here was limited. As

was stated, it was large enough to be considered representative and the conclusions reached on the basis of it appear to be confirmed by other sources. It was limited for a reason and that was that it derives predominantly from post-Conquest sources. If such sources were to mislead, it was best to limit the contribution made by such sources to the overall discussion of inheritance. The evidence used in chapter five is predominantly pre-Conquest, and by restricting the amount of post-Conquest evidence consulted, the pre-Conquest evidence should receive a fair hearing.



## CHAPTER FIVE: Customary Inheritance and the Role of Wills.

The evidence provided by written wills, and to a lesser extent by oral declarations and lost wills, has long been considered as primary to the understanding of inheritance in Anglo-Saxon England. The emphasis on these documents has tended to obscure their specific role in the operation of inheritance, and this has, in turn, resulted in a fundamental misinterpretation concerning inheritance. This misinterpretation arose because these sources were perceived as being representative of the normal practice of inheritance in Anglo-Saxon society. Written wills are extraordinary in the complete sense of that word. They provide evidence of the circumstances which were considered to be beyond the scope of the customary inheritance system. The ordinary means of inheritance, that is the customary inheritance system, was unable to accommodate the wishes of the donor. This inability necessitated the creation of a document which could accommodate those wishes. Written wills are evidence of the moments when donors sought to break free of the constraints of the customary inheritance system, whether in degree or absolutely, and sought to exercise their own authority. Although this may represent a rather extreme statement of the case, it must be made forcefully, because to study these sources with the objective of discovering the normal, ordinary practices of inheritance, is to begin from a misconception about the nature of these sources. To use a codicological metaphor, these sources are the marginalia to the main text of inheritance.

Written wills, more than oral declarations and lost wills, form the resource base of evidence for this chapter. The reason for choosing to emphasize their evidence is that they represent the most complete and likely accurate evidence of what could be achieved in wills. Oral declarations and lost wills enhance the

impressions gained from written wills and do not differ substantively in the evidence they provide. As such their evidence is supplemental to that of written wills and has been subsumed into the discussion.

Behind each written will is a unique set of circumstances, but in the case of each will, those circumstances were apparently addressed through the production of a will. Each donor encountered their own particular difficulties that could not be resolved within the customary inheritance system, and each found the solution to their difficulties in the creation of a will. This implies that the will was a recognized tool for dealing with the unusual and that it was flexible enough to offer itself as a solution to a number of different problems. The aim of the analysis undertaken in this chapter is to attempt to establish the problem, or the special circumstances, which lay behind the creation of each will. Once these special circumstances have been established, it becomes possible to theorize as to the nature of the normal circumstances of inheritance.

The normal circumstances of inheritance are discernible not only by their absence from wills but also by their appearance in other sources. In particular, the evidence provided by those sources studied in chapter four helped to illuminate some of the normal circumstances. The relationship between normal and special circumstances is complex, and the evidence from written wills can actually cast light on both the normal and the special. For the most part, normal circumstances escaped the records as they would be accommodated within the customary inheritance system. Written wills capture, without fail, the special circumstances.

The customary inheritance system outlined in chapter four was based entirely around the kinship group, and little consideration was given to those individuals outside the kin who held positions of higher or lower authority. In the period which long predates this study,

it seems likely that the two concepts of the power of an office and of the power of the person holding that office were indissolubly linked. Authority figures derived their power from who they were rather than from any abstract notion of a position conferring power. Authority, with its accompanying ideas of hierarchy, would be based within the hierarchy of the kinship structure. A system of customary inheritance would operate effectively within the group, because every individual would be included within the kinship structure. The introduction of Christianity with its own notions of hierarchy and with its subsequent influence on the role of the king would create real difficulties for that system of inheritance.

The Church, and the way in which the Church held property, was alien to the customary inheritance system. Attempts to force the Church to adapt to Anglo-Saxon customs had to be fiercely resisted by churchmen, as the lay kin of ecclesiastics struggled with the notion that property that went to the Church was lost to them. The very existence of charters bears eloquent witness to the distance between Anglo-Saxon and Church custom regarding property. Gifts to the Church would be different and beyond the capability of a kin-based inheritance system.

Church led teachings on charity and the treatment of slaves and other unfortunates would also create the need for a way to benefit those who did not figure in the customary inheritance system. The benefits which accrued to the soul of the donor who provided alms, or manumitted the slaves, seems to have been a theme that loomed large in early Anglo-Saxon Christian teachings. The gift of alms at death as a penitential practice has been explored in some detail by Dr. Sheehan, but it is useful to emphasize the novelty of such practices.<sup>1</sup> These practices reached outside of a donor's kin group and

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<sup>1</sup>Sheehan-Will, pp.11-16.



would pose practical difficulties to the customary inheritance system.

By the start of the period covered in this thesis, the role of the king and his followers had undergone tremendous changes, and their roles continue to alter during this time. The most striking change in their position is the amount of power that they acquire. It is a truism that the king and his followers gain their power at the expense of kin-based power structures. A trend of this period is the increasing, and increasingly successful, intrusion of the king into the customary inheritance system. Perhaps the surest indicator of this intrusion is the appearance, and refinement, of the heriot.

Over the course of the tenth century, sporadic gifts were made to the king, or to a donor's lord, in order to secure the smooth transfer of property from donor to donee. By the beginning of the eleventh century, these sporadic gifts have become *de rigueur*, and their size is regulated in the law codes. The heriot reflects the growing power and intrusiveness of lordship. Lordship was no longer as closely tied to kinship, so that another innovation was introduced into Anglo-Saxon society that was beyond the usual parameters for the operation of the customary inheritance system.

It should be apparent that the customary inheritance system was being placed under increasing pressure to respond to new developments as the period progressed. In addition to the normal, but not, therefore, any less complex, considerations of kinship, donors would have to have been aware of their growing obligations to their king, their lord and their followers. An obligation to fulfil their duties as Christians would also figure in their donations. Almsgiving for the benefit of their souls would have to be arranged, as would donations to cover burial and memorial services. With the increasing number of claims made on the donors by those outside of

the kinship group, donors would recognize that the kin group had begun to lose ground as a power in society. Donees whose interests had been safeguarded by the force of kinship would appear less protected--especially where their interests conflicted with those of lordship. Wise donors would attempt to use the new obligations of lordship in order to shore up the failing power of the kin group. This briefly sums up the social dynamic which is operating behind the production of wills and the operation of the customary inheritance system.

The relationship between wills and the customary inheritance system was more complex than perhaps is suggested by the above discussion. It is not a clear cut case of either a will or customary inheritance. Anglo-Saxon society was not static, and the pressures outlined above would operate with different force at different times in different places. The various interests competed with each other and won out in varying degrees on an individual basis. Special circumstances and normal circumstances represent two ends of the spectrum of inheritance. Written wills are not a monolithic source. Usually, they record a number of transactions some of which are occurring for the first time, while others are merely receiving confirmation. The extraordinary provides the impetus to create the will, but once created, it may well be used to record the ordinary. Wills and the customary inheritance system are not locked in an exclusive competition.

All donors who used wills were exercising their authority over their property and were compensating for a perceived deficiency in the way in which their property would have been distributed by the customary inheritance system. The choice of the word compensate is important, because while donors are tampering with the customary inheritance system, they are not always going to use their power to punish donees. Wills could as easily have been used to augment property distributed by the

customary inheritance system as they could have to supplement the property given to a worthy, but perceived as under-rewarded, donee. Donors can deprive donees of an anticipated inheritance, supplement the property which is distributed by the customary inheritance system, or reward those donees who are deserving but who receive little through the customary inheritance system. Such variety in the donor's possible intentions complicates the interpretation as to what in the will constitutes the special circumstances which called it into existence. The extraordinary element in the will may simply be a matter of degree, that is, of the quantity of property being donated, rather than a matter of substance, such as the selection of an unusual donee, or of property of an unusual nature.

The special circumstances which provide the impetus for the creation of the will should not be interpreted as referring solely to a different or unusual relationship between the donor and donee. While donors and donees are analyzed in this chapter, it must be noted that the special circumstances may concern the property contained in the will. At the end of this chapter, and in chapter six, the property which appears in wills has been analyzed in order to determine whether the nature of that property necessitated the creation of a will. Two aspects of the nature of the property which appears in wills have been studied. The first aspect is whether the property in wills represents a comprehensive listing of all the property possessed by a donor. The second aspect, and that which is explored in chapter six, is whether there exists some kind of basis for the selection of those properties which appear in wills.

The question as to what constitutes the ordinary and the extraordinary in wills is difficult to answer. It would be easy, but hardly fool-proof, to assume that the major donee in any will represents the extraordinary. As such, the relationship between the donor and every donee



has had to be examined in order to discover whether it may have provided the impetus for the creation of the will. Written wills are more informative about these kinds of relationships than other sources, but even in them, the amount of information is often quite scanty. Over the course of the analysis, it emerged that donees could be divided into groups according to the role assigned to them in the will.

Four basic roles were available to donees, but a donee could possess more than one role in the same will. The roles were by no means mutually exclusive, and indeed, the acquisition of a number of roles helped in determining the relative importance of individual donees within the group. This was especially useful where it was difficult to assess the relative value of the properties which the donees had received from the donor. These four roles were: the named donee; the caretaker; the guardian; and the undertaker.

The named donee refers to individuals who receive property in the will but about whom nothing more is known. No links are provided between these donees and the donor, or between them and any of the other participants in the will. Sometimes, named donees may share a personal-name element with the donor, or with another donee, which may be indicative of some kind of kinship relation, but it is impossible to establish this with any confidence.

The role of caretaker is the most complex and interesting of all the possible roles available to donees. Caretakers are donees who have a degree of control over the property which they have been given by a donor. The role varies as a caretaker's actions may be largely predetermined and circumscribed, or they may be almost unlimited. An example of the role of a circumscribed caretaker would be the situation where a donee receives a property, but where after their death, the donor has determined the identity of the next

recipient. Thus, the first donee thus has possession and use of that property for life but can neither sell it nor donate it. A far less controlled caretaker often appears in wills where donations are made to the wife and children. In such cases, the wife has control of the property for her lifetime only but is in a position to determine how it is given to the offspring. In this way, the caretaker acts as a bridge between one property holder and the next. There is a certain resemblance between this role, when it is being used to ensure that a donor's wishes are being fulfilled, and that of the modern executor. This type of caretaker, however, possesses considerably more power. The will of Cynethryth provides an example of a situation in which the female donee has the role of a less controlled caretaker.

Cynethryth's position with regard to her power over the estate at Chart in Kent is presented as follows:

Cynethrythe, Ethelmodes lafe aldormonnes, ymbe thet lond et Cert the hire Ethelmod hire hlabard salde. Wes hit becueden Osbearte his brothar suna, gif he Cynethrythe oferlifde, 7 siththan neniggra meihanda ma thes cynnes; ac hia hit atuge yfter hira dege swe hit him boem rehtlicast 7 elimestlicast were.<sup>2</sup>

Her qualifications to hold the property and to determine who receives it next are spelled out clearly. The donor Æthelmod has not determined the next recipient and has left it to his widow's discretion. This contrasts strongly with wills wherein conditionals are employed extensively in order to make sure that the certain chosen donees receive property.

The role of the guardian and undertaker are far less complex than that of the caretaker. The guardian was to act to protect the donation, the donees, or both. Unlike protectors, guardians are rewarded for this task in the will. The actual threat against which the guardian is to act is never made explicit, so the role tends to be that

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<sup>2</sup>SEHD, No. VII, pp.10-11;p.10, ll. 14-19. (S.1200).

of a paid overseer. Appropriately, the final role available to donees was that of the undertaker. Undertakers are always ecclesiastical donees, whether an individual, an institution or a patron saint of an institution. The donation is made in order to ensure that the donor's body was collected and was buried where the donor indicated. Donations were also made to cover commemorative rites. The instructions given to the undertakers are not, however, always explicit.

From the above discussion, it should be apparent that there was a hierarchy among the donees which seems to have been based on the function attached to each role. Thus, it is not simply the number of roles acquired by a donee which helps to establish their relative importance within the body of donees but also the nature of those roles. The types of donees have an importance beyond the internal world of the will, as the presence of various roles in any will reveals something of the circumstances behind its composition.

The roles which appear in a will, and the activity associated with each role, can, for example, be related to the possible breakdown of the customary inheritance system. If guardians start appearing consistently in wills, this may well indicate that the traditional, customary protectors of the donee's interests are failing to fulfil, effectively, their duties. In order to ensure their effectiveness, it becomes necessary to devise a will which ensures that they act on behalf of the donees. Such a breakdown may represent the special circumstances behind the creation of the will. In this case, the roles of the donees provide not only information on those individuals inside a will but also relate to the wider issue of the special circumstances behind the creation of wills.

As the possible roles available to donees have been established, it is useful to proceed to examine the evidence provided by the wills in order to determine the



circumstances behind their composition. In common with wills of later periods, ninth century wills provide little direct evidence concerning the circumstances behind their composition. No mention is made in these wills to any particular events or circumstances involving the donors, donees, or property. Analysis of these records reveals two major concerns with which the donors appear to have been preoccupied. Their first concern was about how property was to descend when the donor seemed to have no direct heirs; their second concern was in making sure that the donor's wife and children were adequately supported.

The concern with the descent of property in the absence of direct heirs appears in five of the ninth century wills. In three of these wills, that of Æthelnoth and Gænborg, of Reeve Abba and of Heregyth, the absence of children is made clear. In the wills of Cynethryth and of Ceolwin the state of childlessness is not so well established. As childlessness may provide impetus for the creation of a will, it is useful to analyze each of these wills in some detail.

In the donation of Æthelnoth and Gænborg of the estate at Eythorne in Kent, it is obvious that they have no children. If they had had children, the following condition set out in their will would be an absurdity: *gif hio bearn hæbbe thonne foe thæt ofer hiora boega dagas to londe 7 to æhte. gif hio thonne bearn næbbe.*<sup>3</sup> Failure to produce offspring meant that the property would go to Wulfred, Archbishop of Canterbury. Reeve Abba's will is similarly straightforward concerning the absence of a child: *Gif me thonne gifethe sie, thæt ic bearn begeotan ne mege, thonne is min willa.*<sup>4</sup> With the

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<sup>3</sup>Robertson-Charters, No. III, pp.4-7;p.4, ll. 18-20. (s.1500).

<sup>4</sup>SEHD, No. II. pp.3-5;p.3, ll. 10-11. (s.1482).

failure to produce a child, the property descends to Reeve Abba's wife.

In both cases, the absence of a child, whose gender is not, apparently, a determining factor in whether they inherited or not, influences the descent of property. If these donors had a child, the instructions concerning the descent of property in their wills alter quite radically in order to ensure that the child would be well supported. Indeed, the degree of alteration suggests that at least part of the special circumstances behind the composition of the will was the need to accommodate the possibility of the birth of a child. Undoubtedly, part of the appeal of wills seems to have been their adaptability in meeting specific possibilities through the use of conditionals. The ability to foresee and to react to the possible rather than only to the actual would give wills a considerable advantage over the customary inheritance system.

Given the extensive use of conditionals in the will of Reeve Abba, it is not surprising to find that the will of the donor Heregyth, which appears on the same parchment as that of Abba, tends to focus on refining small details. The relationship between the two wills tends to lend some support to the theory that the two donors may have been husband and wife, or that at least Heregyth was in some measure dependent on him. Certainly, the terms of her own will suggest the tentative and limited power of a caretaker donee rather than the dynamism normally associated with an independent donor. She avoids conditionals entirely and makes no reference to even the possibility of children. Distance between herself as donor and the property she donates is created through noncommittal statements regarding the donees who are to receive property. Phrases, such as Heregyth's *bibeadeth them mannum the efter hire to londe*

*foen, on Godes noman.*<sup>5</sup> and *se mann se to londe foe*<sup>6</sup>, seem to indicate a lack of interest in the identity of the donee. The contrast between the language of her donation and Reeve Abba's need to plan for almost every contingency in the descent of his property could not be more striking.

The will of Cynethryth is similar to that of Heregyth in that she, too, appears to be acting as a caretaker. Cynethryth's position was far more explicitly expressed than was Heregyth's. Her freedom of action seems, however, to have been, at least morally, circumscribed. This seems to be the implication of Eadweald's statement: *Nis Ethelmode enig meghond neor thes cynnes thanne Eadwald, his modar his brothar dohtar.*<sup>7</sup> Eadweald suggests by this statement that Cynethryth ought to be looking to fulfil the spirit of Æthelmod's original donation to *Osbearte his brothar suna* and make her donation to the kinsman who has the next strongest claim to that property.<sup>8</sup> There is no mention of children in her will, but the terms of Eadweald's claim would seem to imply that Cynethryth and Æthelmod were childless.

Of particular interest in Cynethryth's will is the following statement which appears to have been part of Eadweald's claim to that property: *mest cyn thet he thet lond hebbe 7 his beorn yfter him.*<sup>9</sup> This statement, following on from Eadweald's kinship claim, implies that there exists a recognized course for an inheritance to take through the kin. The use of such an argument indicates not only that inheritance was a well-developed

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<sup>5</sup>Ibid., p.5, ll. 8-9. (s.1482).

<sup>6</sup>Ibid., p.5, l. 12. (s.1482).

<sup>7</sup>SEHD, No. VII, pp.10-11; p.10, ll. 24-6. (s.1200).

<sup>8</sup>Ibid., p.10, ll. 16-17. (s.1200).

<sup>9</sup>Ibid., p.10, l. 26. (s.1200).



concept by this date, but also that the precepts which governed that inheritance were widely recognized.

Ceolwin received her property from her lord, likely the Osmod who appears later in the will, and donated it to the community at the Old Minster, Winchester.<sup>10</sup> Children are absent from her will, though she does provide a rent-free hide for her brother's son, Wulfstan. Although the will does not establish her role, when this will is compared with others, it does suggest she is acting as a caretaker. Comparing this will with that of Dunn, the role of Dunn's wife seems to resemble that of Ceolwin. In Dunn's will, Dunn's wife receives the following: *Dunn hafath thas boc gesald his wife 7 thæt land the thæran gewriten is an Godes est. thæt hio hæbbe hire dæg 7 his bruce. 7 efter hire dæge. geselle hit on thæs halgan apostoles naman s̅c̅e Andreas tham hirode 'in'.*<sup>11</sup> The similarity between the explicit role of Dunn's wife and the of role Ceolwin is striking. In neither will is there any indication that the couples had children.

Both Cynethryth and Ceolwin are widows at the time they make their wills, but their status as parents is obscure. Although no parent-child relationship is present in their wills, this cannot be taken as sure evidence that no children had survived from their respective marriages. The parent-child relationship with regard to property may well have been a part of the customary inheritance system, and therefore, donations from parent to child did not require the creation of a will. Nonetheless, there remains the possibility that the special circumstances behind the creation of these wills was the need to dispose of property in the absence of a suitable heir.

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<sup>10</sup>Robertson-Charters, No. XVII, pp.30-3. (s.1513).

<sup>11</sup>Robertson-Charters, No. IX, pp.14-17;p.14, ll. 21-4. (s.1514).

The concern shown for determining the distribution of property through the use of conditionals would seem to indicate a reluctance on the part of donors to see their property divided according to the customary inheritance system. The absence of children seems to create in the above donors the desire to give their property to the Church for their own spiritual benefit. Childlessness, the unsuitability of the donor's children as heirs, or the fact that provision for children was made through the customary inheritance system, could all represent the circumstances behind the creation of these wills. However, childlessness seems the most likely circumstance, as it is clearly implied by the use of conditionals. All these donations could simply have been made for spiritual benefits, but the use of conditionals that would withdraw donations to the Church if a couple had a child makes it clear that spiritual benefits are not the *raison d'être* for the will. The Church was a worthy recipient, but only if there was no kin more worthy.

The two ninth century wills which exhibit the greatest concern for the welfare of the donor's wife and children are those of Badanoth Beotting and Ealdorman Alfred. The keen interest shown by these donors in ensuring that their families were well supported initially suggests that the customary inheritance system was perceived as being less able to safeguard their interests<sup>adequately</sup>. This, in turn, implies some breakdown in the traditional protective function of the kin.

In the will of Badanoth Beotting, the ultimate donee of his estate is the community at Christchurch in Canterbury. The immediate donees, the caretakers of that donation, are his wife and children. The community at Christchurch does have a role *vis à vis* Badanoth Beotting's family in that the community are charged with the following task: *ic [Badanoth] wille...min bearn thær*

*liffest gedoan 7 wiib 7 cild thæm hlaforde 7 higum 7 there stowe befestan ober minne dei to frithe 7 to mundbyrde 7 to hlaforddome on thæm thingum the him thearf sie.*<sup>12</sup> In essence, the role of the community is that of a guardian, and their zeal in their protection of Badanoth Beotting's family interests is assured by the fact that any action they undertook on his family's behalf would, ultimately, protect their own interests. The relationship created between Badanoth Beotting's family and the community at Christchurch arises out of Badanoth's Beotting's own relationship with that community. From his will, it appears that he was entering into some kind of special association, perhaps quasi-religious, with that community: *ic wille ærist me siolfne Gode allmehtgum forgeofan to there stowe at Cristes cirican.*<sup>13</sup>

Ealdorman Alfred's will indicates that he, too, felt concerned for the welfare of his wife, Werburg, and their daughter, Alhthryth. Like Reeve Abba, Ealdorman Alfred employs a considerable number of conditionals to extend his influence, and control, over his property after his death. His will attempts to determine the descent of property to Alhthryth's potential children. Werburg and Alhthryth are the major donees and between them share most of his named property. If Alhthryth fails to have children, the property is to *feo thonne an hire rehtfæderen sio neste hond to them londe ond to them ærfe.*<sup>14</sup> Essentially, if Ealdorman Alfred's line terminates with Alhthryth, the property returns to those of Alfred's relations who have succeeded in producing offspring.

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<sup>12</sup>Robertson-Charters, No. VI, pp.10-11;p.10, l.4 and 11. 6-8. The insertion in square brackets is my own.(s.1510).

<sup>13</sup>Ibid., p.10, ll. 4-6.(s.1510).

<sup>14</sup>SEHD, No. X, pp.13-15;p.13, l. 26 and p.14, l. 1.(s.1508).



Ealdorman Alfred provides a conditional near the end of his will which echoes the sentiments expressed by the childless couples above: *Gif thæt thonne God ællmæhtig geteod habbe ond me thæt on lene gelith thæt me gesibbra ærfeweard forthcymeth wepnedhades 7 acænned weortheth, thanne ann ic thæm ofer minne dæg alles mines ærfes to brucenne swa him leofust sio.*<sup>15</sup> It is difficult to establish exactly to what type of relationship Ealdorman Alfred is referring here. If he means another child, then his conditional donation is unique. Unlike the all conditionals of the other, childless couples, Ealdorman Alfred states specifically that it must be a male child.

Given the reversion clause if Alhthryth fails to have children, and the conditional concerning the appearance of a better male heir who would inherit all that was to have gone to Werburg and Alhthryth, it seems that Ealdorman Alfred very much wanted a male heir. It is remarkable, then, that the ealdorman actually already had a son, named Æthelwold, and even more remarkable that his son does not appear to be the major donee in this will.

Ealdorman Alfred's son, Æthelwold, has achieved considerable notoriety among historians. This notoriety derives not from anything Æthelwold did, but rather from the fact that as the recipient of his father's *folclond*, he has been an integral part of a continuing historical argument which has been in progress since the late nineteenth century. The debate about folkland and bookland has had a crucial impact on the question of Æthelwold's status, and it has, in fact, contributed to the notion of his illegitimacy.<sup>16</sup> As the nature of the

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<sup>15</sup> Ibid., p.14, ll. 32-6. (s.1508).

<sup>16</sup> F.W. Maitland, *Domesday Book and Beyond* (Cambridge, 1897) p.246. The notion of Æthelwold's dubious status is taken up by most subsequent writers. F.E. Harmer is one notable exception, and she makes a number of valid points in her notes to this will. See SEHD, pp.90-1.

donation to Æthelwold is central in determining his status, it is useful to cite it in full.

Ond ic sello Æthelwalde minum sunu III hida boclonde: II hida on Hwætedune, [ane]s hides an Gatatune, 7 him sello therto c swina; 7 gif se cyning him geunnan wille thæs folclondes to thæm boclonde, thonne hæbbe he 7 bruce; gif hit thæt ne sio, thonne selle hio him swa hwather swa hio wille, swa thæt lond an Horsalege, swe thæt an Leangafelda.<sup>17</sup>

The question arises as to whether Æthelwold is a major or minor donee, and the answer is entirely dependent upon the interpretation of folkland. Any attempt to summarize the various arguments concerning folkland and bookland would be beyond the scope of this thesis, but a few points should be made regarding these divisions when they appear in the context of a donation. If folkland is interpreted as being a technical term for property given to Æthelwold under the customary inheritance system, then the fact that the decision whether or not Æthelwold inherits is left to the king would indicate that the king possessed tremendous, and highly intrusive, power with regard to inheritance in society. That the king's power was of this magnitude seems unlikely, as in no other sphere is there any indication that a king had that much influence--especially over the affairs of an ealdorman. Two possibilities are implied by the above: first, the interpretation of folkland cited above is flawed; secondly, Æthelwold has, in some way, endangered his own right to inherit and that is why the king has that degree of power with regard to Æthelwold's inheritance.

If folkland is considered to be that property which is received by an individual upon their acquisition of an ealdorman's status, then the control of such property by the king becomes, perhaps, slightly more likely. By such an interpretation, Æthelwold is a major donee of the

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<sup>17</sup>SEHD, No. X, pp.13-15;p.14, ll. 8-13. The square bracket insertion appears in the edition of F.E. Harmer.(s.1500).

will. The instructions in case Æthelwold fails to gain the property suggest that Æthelwold has somehow potentially disqualified himself from receiving the property. If Æthelwold does not receive the folkland, then he is a minor donee in the will, but it is difficult to establish what this would mean with regard to his position as a recipient under the customary inheritance system. The donation to Æthelwold has the characteristic 'all or nothing' tone of donations to male donees which was apparent in the additional documents. Less emphasis should, therefore, likely be placed on this tone when it appears in this context, as it does not, in itself, constitute proof that his status, as a son, was in any way suspect.<sup>18</sup>

To summarize, the wills of Badanoth Beotting and Ealdorman Alfred show extensive concern for both their wives and children. Badanoth Beotting establishes, by means of his will, a link between his family interests and those of the community at Christchurch, thereby ensuring protection of the former by the latter. In the will of Ealdorman Alfred, the future of his property is charted through the use of conditionals, and the positions and actions of the donees, his wife and daughter, are fixed. With regard to Æthelwold, Ealdorman Alfred indicates that he will abide by royal judgement as to whether his son is worthy to gain his folkland. Both of the donors appear to regard their donees as being in a vulnerable position.

Little has been expressed, so far, concerning ecclesiastical donors as any donations they made would be, at least theoretically, incapable of revealing information about the operation of customary inheritance in society. These donors would hold almost all their

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<sup>18</sup>SEHD, pp.90-1. In her note concerning bookland and folkland, F.E. Harmer offers the simple suggestion that Æthelwold may have received little in the will because he had already been provided for.



possessions as caretakers for the church and would be bereft of family interests. Strict adherence to such model behaviour post-dates this era, so in practice high ecclesiastics do dispose of property to members of their kin. Their position was such that they would be obliged to disguise their relationships with donees where that relationship was considered inappropriate to a member of the church. Unfortunately, the parent-child relationship would likely qualify as one of dubious merit for a churchman. In general, ecclesiastical donors possess a more complex relationship with their donees, because they had to balance the interests of their community with those of their kinship group. This balancing of interests should not be viewed solely in terms of conflict. Kinship and ecclesiastical interests could operate together.

Perhaps the best example of kinship and ecclesiastical interests operating in tandem can be found in the will of Werhard the *presbiter*. The work of Dr. Nicholas Brooks has shown that the bulk of Werhard's donation consisted of property that had been acquired by Archbishop Wulfred, and this alters the perception of Werhard as an independent donor.<sup>19</sup> Dr. Brooks has postulated, plausibly, that part of Werhard's role as the recipient of Archbishop Wulfred's largesse was to hold back the landed wealth which Wulfred had acquired until Werhard was sure that the community at Christchurch had demonstrated its commitment to reform.<sup>20</sup> Werhard, as a donor, seems to have taken on a role similar to that of a caretaker donee of Archbishop Wulfred. The relationship between them was, however; not based solely on ecclesiastical associations.

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<sup>19</sup>N. Brooks, *The Early History of the Church of Canterbury* (Leicester, 1984) p.140.

<sup>20</sup>Ibid., p.141.

Werhard the *presbiter's* statement concerning his relationship with Archbishop Wulfred is unequivocal: *WLFREDO archiepiscopo propinquo meo.*<sup>21</sup> He is both a kinsman and an ecclesiastical associate, and as Dr. Brooks has noted, it is an unavoidable conclusion that Archbishop Wulfred's gift to Werhard enabled Werhard to achieve tremendous power at Canterbury.<sup>22</sup> The crux of interpretation is the extent to which any ecclesiastic is acting as a member of the church and as a member of a kin group. It is often impossible to assess the relative strength of each role unless the ecclesiastical donor makes plain from which obligation their donation springs.

The special circumstances which appear to lie behind the creation of ninth century wills seem to be either the need to protect wives and children, or the need to supplement the customary inheritance system in determining, by means of conditionals, which donees are to receive property. Overall, there does appear to be a strong tendency to prefer males as heirs. The impression given by these documents is that female heirs were acceptable, but that the lack of a male heir was unfortunate. Such a lack was not, however, disastrous. As donees, female heirs were perceived by donors as being in need of greater protection, and as requiring more estates than those owed to them through the customary inheritance system. Certainly, part of the function of wills seems to be to establish the right of female donees to hold properties, even if only in a caretaker capacity.

Another part of the function of wills relates to childlessness. Donations made on the basis of childlessness are made on the condition that they occur only if the situation does not change. Such donations are revocable should a child appear on the scene. The

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<sup>21</sup> C.S., 402, p.558. (S.1414).

<sup>22</sup> N. Brooks, *The Early History of the Church of Canterbury* (Leicester 2, 1984) p.141.

assumption here seems to be that while such a child would doubtless derive some benefit from the customary inheritance system, it was also entitled to receive the property of which its parents had possessed the right to dispose.

Given the assumption that most of the property needs of sons are being met by the customary inheritance system, the appearance of any son in the documents must provoke some discussion. Sons do not appear in Anglo-Saxon wills very often. Æthelwold, son of Ealdorman Alfred, is the only son to appear in a ninth century will with the exception of the sons of King Alfred. King Alfred's sons occupy a place in society which makes their position more difficult to analyze. Æthelwold's status as a son is clear, but as a donee, his status is somewhat obscure. Whatever property Æthelwold received from the will, it cannot be interpreted as constituting the whole of Æthelwold's possessions. Interpretations of Ealdorman Alfred's will have tended to see it as being, at least in terms of material benefits, dismissive of the son. Certainly, Ealdorman Alfred's donation of all his possessions to his potential male heir is dismissive of all his donees, but his son, Æthelwold is not being singled out by that donation. There are many possible reasons behind that donation, and it is difficult to determine the actual extent of it. The will raises complex issues and offers a good opportunity for analysis of Anglo-Saxon inheritance, but it must be read as part of the wider context of inheritance. It has been, unfortunately, singled out and studied in isolation for too long. The fact that both bookland and folkland appear in the document should not be interpreted as meaning that Æthelwold was removed from the customary inheritance system.

Alhthryth, the daughter of Ealdorman Alfred, is a major donee in his will and is involved in a beneficial arrangement in Ealdorman Alfred's other will (S. 1202).



It would be simplistic to maintain on this basis that she is the primary donee of all his possessions. She is well provided for as befits the daughter of an ealdorman, but given Alfred's status, it is difficult to believe that the property listed in these wills comprises all his possessions. Ealdorman Alfred strives to protect his wife and daughter and appears to be supplementing the property they would receive through the customary inheritance system. In doing this, it is doubtful that he is choosing to leave his son destitute. The only way such a belief can be maintained is through the assumption that wills provide a comprehensive listing of a donor's possessions.

Unsurprisingly, the wills of the tenth century exhibit many of the same preoccupations observed in those of the ninth century. Like the donors in the ninth century wills, tenth century donors deal with the absence of children, and the problems in property descent which that absence creates, through the use of conditional donations. A number of tenth century wills refer only to the donor's wife and contain no provision for any offspring. Such donations may indicate that the couple was childless, or that their children had been provided for through a means other than the extant will. Tenth century wills contain a more varied array of familial relationships and commonly encompass the relationships of brother, sister, nephew and niece. Less commonly, other relationships hitherto absent from the wills also begin to appear. Some wills, however, forgo any mention of family relationships.

Brihtric and Ælfswith eschew any reference to their family in their will. Ecclesiastical donees predominate in their will though a donation is made by them to the king and to the queen. The latter receives the donation in order that: *to forespræce. þ se cwyde standan moste.*<sup>23</sup>

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<sup>23</sup> Whitelock-Wills, No. XI, pp.26-9;p.26, ll. 21-2. (s.1511).

Both of these donors make donations to St. Andrew's for the benefit of the souls of their ancestors, but no specific relationships between those ancestors and themselves are established in the will.

Wulfgifu made a straightforward donation to St. Benedict at Ramsey in her will which was, according to the linking passage which precedes her donation, to be used to provide clothing for the monks.<sup>24</sup> The property donated, that is the vill of Brancaster in Norfolk, is referred to as a *regiam villam* in the linking passage which also identifies her as *præfati Aldermanni legitima uxor*.<sup>25</sup> The will, itself, gives no indication that she was married or had any family relations at all.

The will of Ordnoth and his wife makes it clear that the old church, likely the Old Minster, at Winchester was the primary donee. The role of the Old Minster was that of undertaker: *on tha gerethnesse is thæt land geseld to tham mynstre þ man unc gefecce. æt uncrum ændedege mid thes mynstres crafte 7 unc swylce legerstowe forescewian swylc unc for gode thearflice sy. 7 for weorulde gerysenlic*.<sup>26</sup> The only other donees to appear in this will were friends, but as the following passage indicates, it is difficult to establish the amount of property they received: *he 7 is wif cwædan on heora gewitnesse þ is æhta gangan on his freonda hand ofer his deg se thel the he cwethe 7 se other dæl into thære stowe thær hi restath*.<sup>27</sup>

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<sup>24</sup> *Chronicon Abbatiae Rameseiensis*, Rolls Series Vol. 83, edited by W.D. Macray (London, 1886) No. 31, p.57. (S.1810).

<sup>25</sup> Ibid., No. 30, pp.56-7; p.57. (S.1810). Although this passage refers to an 'aforesaid ealdorman', there is no reference to any ealdorman in this entry. C. Hart identifies her as the third wife of Ealdorman Æthelwine in *Early Charters of Eastern England* (Leicester, 1966) No. 122, p.80.

<sup>26</sup> Whitelock-Wills, No. V, pp.16-19; p.18, ll. 2-5. (S.1524).

<sup>27</sup> Ibid., p.18, ll. 7-9. (S.1524).

Three wills which illustrate the role of the wife as the caretaker for her husband's donation are that of Æthelgeard, that of the thegn Wulfgar, and that of the thegn Alfred. The will of Æthelgeard is the epitome of this type of donation, and as it is quite brief, it is worth citing in its entirety.

Ic Æthelgeard an thæs landes æt Stottanwelle ofer mine dæge minra wifan hera dæge and thonne on niwan mynster on Wintanceaster uncer begea sawle tharfa thæm to brocon and næfre utan seallan.<sup>28</sup>

The major donee of this will is Æthelgeard's wife, but her role as caretaker is carefully controlled. No indication is given of any family claims, or family connections, to this property.

In the will of thegn Wulfgar, Æffe, who was, according to the contemporary endorsement, the wife of Wulfgar, is the major donee. Her role is set out in the following terms:

Ic Wulfgar an thæs landes æt Collingaburnan ofer minne dæg Æffan hiere dæg 7 heo tilige uncer begea sawla thearfe gemænelice thæron...7 ofer hiere dæg to Wintecceastre tham niwan hierede...7 ic an thæs landes æt Ingepenne ofer minne dæg Æffan to brucenne 7 to bewitanne...thonne ofer hiere dæg into Cynetanbyrig.<sup>29</sup>

She is definitely cast in the role of a controlled caretaker. The new community, likely the New Minster, at Winchester has the role of undertaker, though this role is far less explicit than it was in the will of Ordnoth and his wife. The role of that community is described with reference to Wulfgar's *gemynddæg*. The only relationship between donor and donee that is established in the will is Wulfgar's reference to a *geongum magum*, but he does refer to both his father and grandfather in the context of his donation of the estate at Inkpen in

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<sup>28</sup>Whitelock-Wills, No. VI, pp.18-19.(s.1496).

<sup>29</sup>Robertson-Charters, No. XXVI, pp.52-3;p.52, ll. 1-3 and ll. 5-6 and ll. 7-9 and l. 12.(s.1533).



Berkshire to the holy foundation at Kintbury in Berkshire.

Thegn Alfred donates to his wife the estate at North Stoneham in Hampshire in terms reminiscent of Æthelgeard's donation.<sup>30</sup> Alfred's wife is to have the estate until her death, at which time, it is to go to the New Minster at Winchester for the benefit of both their souls. Her power as caretaker is completely circumscribed and the fate of the property predetermined. Like the other wills, there is no indication of any family connections in this will.

The will of Æthelric (S. 1501) makes reference to a larger number of donees than has been encountered in the above, and ultimately, the majority of the donees of his will are ecclesiastical. Æthelric provides his wife Leofwyn *ealles thæs the ic læfe hire dægig*.<sup>31</sup> Her role is that of caretaker to the property which is named in his will, though the very general references to all his property may have given her more property and more control than is apparent in this record. Bishop Ælfstan seems to be the most important ecclesiastical donee as he is charged with the role of guardian: *Nu bidde ic thone bisceop Ælfstan. ꝥ he amundige mine lafe 7 tha thingc the ic hyre læfe. 7... ꝥ he gefultumige ꝥ ælc thara thinga stande the ic gecweden hæbbe*.<sup>32</sup> That this was not an idle request can be seen in the subsequent legal dispute surrounding Æthelric's will which is recorded in King Æthelred's notice that the will be allowed to stand.<sup>33</sup>

The document recording King Æthelred's judgement on Æthelric's will seems to imply that the claims of female landowners to property may have been less well-respected

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<sup>30</sup>Robertson-Charters, No. XXVII, pp.54-5.(S.1509).

<sup>31</sup>Whitelock-Wills, No. XVI (1), pp.42-3;p.42, l. 10.(S.1501).

<sup>32</sup>Ibid., p.42, ll. 21-4.(S.1501).

<sup>33</sup>Whitelock-Wills, No. XVI (2), pp.44-7.(S.939).

than has hitherto been considered to be the case. In that document, it is strongly implied that Leofwyn received as *hire morgengyfe* the estate at Bocking in Essex. In Æthelric's will, he donates that property to the community at Christchurch in Canterbury after his wife's death. Unless this donation was made with Leofwyn's unacknowledged permission, it would appear to indicate that the husband retained a controlling interest in the *morgengifu*. As that gift has been traditionally regarded as perhaps the most unassailable grant of property a woman could receive, a property over which she was perceived as having tremendous control, Æthelric's apparent donation of this property suggests either a usurpation of his wife's rights, or that the traditional view of this gift needs some revision.

Prior to analyzing the parent-child relationships which appear in the tenth century wills, it is useful to examine other relationships which make their first appearance during this period. Insofar as relationships are established in the wills, it is important to note that the property often seems to be moving within a single family group. Brothers, sisters and their respective offspring are considered suitable donees as are, on occasion, their spouses or even a donor's parents. These donees appear in the wills of donors who were known to have children, so it is unlikely that they represented merely alternative donees for the childless. The appearance of a parent-child relationship and of these other relationships were not exclusive. There are a number of wills which cite the other relationships, but the examples below provide a glimpse of these kinds of relationships in the wills.

Siflæd provides for her brothers to *wayne gong to wude* in one of her two wills.<sup>34</sup> The ealdorman, Æthelwold,

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<sup>34</sup>Whitelock-Wills, No. XXXVIII, pp.94-5;p.94, ll. 3-4. (S.1525).

makes provision for both his brothers and their sons.<sup>35</sup> Sisters are frequent donees and figure prominently in the wills of Æthelflæd and of Æthelgifu.<sup>36</sup> The offspring of these sisters are not forgotten nor, in the case of Æthelflæd, is her sister's husband. The paternal aunt of Leofwine appears in his will as a donee along with her son.<sup>37</sup> King Eadred makes a donation in his will to his mother.<sup>38</sup> Ecclesiastical donees appear in large numbers in wills of this period, though the relationship between these donees and the donors is seldom established in any detail.

Daughters figure as major donees in two wills of this period: that of Ælfgar and of Wynflæd.<sup>39</sup> As Ælfgar's will is examined in some detail in chapter six, it is necessary to make only a few points concerning it at this time. His will is one of only two wills where the daughter is unquestionably the major recipient in the will. Her role in that will is that of the heavily circumscribed caretaker. Ælfgar uses a number of conditionals in order to determine the descent of property. His interest seems to lie in ensuring the support of his daughters' potential children, and if they fail to reproduce, in ensuring that the property goes to the church.

The arrangements in Wynflæd's will differ substantially from those in Ælfgar's. Wynflæd's daughter Æthelflæd receives a similarly large donation, but her possession of that property is far less circumscribed. The relationship between mother and daughter is

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<sup>35</sup> SEHD, No. XX, p.33.(s.1504).

<sup>36</sup> Æthelflæd: Whitelock-Wills, No. XIV, pp.34-7.(s.1494).  
 Æthelgifu: Æthelgifu-Whitelock.(s.1497).

<sup>37</sup> Crawford Collection, No. IX, p.22.(s.1522).

<sup>38</sup> SEHD, No. XXI, pp.34-5.(s.1515).

<sup>39</sup> Ælfgar: Whitelock-Wills, No. II, pp.6-9.(s.1483).  
 Wynflæd: Whitelock-Wills, No. III, pp.10-15.(s.1539).



complicated by Wynflæd's connections with the female community at Shaftesbury. It appears that Æthelflæd does not need any form of guardian, and this argues in favour of the ability of female landholders to defend their own possessions. There is a strong possibility, however, that Wynflæd's connections with Shaftesbury nunnery meant that that community would undertake the role of protector. Æthelflæd's position might even be interpreted as being, to some extent, analogous to that of Werhard the *presbiter*. She could be a caretaker donee for property intended ultimately for Shaftesbury nunnery.

The relationship between Wynflæd and Æthelflæd is further complicated by Wynflæd's donation of an unnamed homestead to her daughter on the condition: *gif his hyre se cing an swa swa Eadweard cing ær his Byrhtwynne hyre meder geuthe*.<sup>40</sup> The position of the king as regards the success or failure of this donation is reminiscent of Ealdorman Alfred's donation of folkland to his son, Æthelwold. The fact that the influence of the king in this will is limited to deciding the fate of one homestead suggests that Wynflæd has royal connections rather than that kings interfered with inheritance as a matter of course. Such connections mean that Wynflæd is not a typical donor and that her power over property, and by implication, her daughter's power over property, was less likely to be challenged. Wynflæd's will contains a large number of manumissions, and the provision for charity and charitable acts found in many tenth century wills would seem to indicate that such acts were not easily accomplished within the customary inheritance system.

Another donee who appears in Wynflæd's will is Eadgifu who is identified as the daughter of Wynflæd's son. The reference to this donee is remarkable, because Wynflæd's son does not figure in the will. Complicated

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<sup>40</sup> Whitelock-Wills, No. III, pp.10-15;p.14, ll. 29-30. (S.1534).

arrangements are made involving the two male donees in the will, Eadmær and Eadwold, but the nature of their relationship with Wynflæd is obscure. That obscurity is especially frustrating as both of them share the personal-name element *Ead-* which is also the first element of Wynflæd's granddaughter's name. Neither of these male donees receives much property in the will, so if either of them was Wynflæd's son, his property needs would have been only slightly met through this will. It may have some significance that that donation to a son is obscurely recorded while the needs of that son's daughter are reported clearly.

While sons appear as donees in a small number of wills from this period, they are the major donees in only one will, and that is the will of Wulfwaru. Before examining the exception, it is useful to consider examples of wills which illustrate the rule. In the wills of Ealdorman Ælfheah, Ealdorman Æthelmær, Ælfhelm and Æthelwold, their sons receive comparatively little property.

Ealdorman Ælfheah's will encompasses donations to the king, the king's wife, the æthelings, the ealdorman's brother, the ealdorman's kinsman, and the ealdorman's nephews as well as some type of agreement between the ealdorman and his wife, Ælfswith. She is to receive from her husband *ealra thara othæra landa thæ ic læfæ*.<sup>41</sup> Ealdorman Ælfheah's son, Ælfweard, receives only the estate of Batcombe in Somerset at the death of Ælfswith.<sup>42</sup> This donation contained the conditional that, if Ælfswith

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<sup>41</sup>Whitelock-Wills, No. IX; pp.22-5;p.22, l. 31. (S 1405).

<sup>42</sup>There is some ambiguity in Ealdorman Ælfheah's will with regard to one Godwine who may be the ealdorman's brother's son or Ealdorman Ælfheah's own son. The ambiguity arises because Godwine is identified simply as *Godwinæ his suna* (p.22, ll. 26-7). As the preceding sentence dealt with Ælfhere, the brother of Ealdorman Ælfheah, the context suggests that Godwine was Ælfhere's son. From the will, it is not possible to be certain of Godwine's parentage.

survived Ælfweard, that estate would go first to Ealdorman Ælfheah's brothers for their lives and then to Glastonbury. Such a provision may be interpreted as an indication that Ælfweard was in poor health and that he was, therefore, a risky choice as donee. Regardless of his state of health, Ælfweard did not gain much property through this will.

In the will of the Ealdorman Æthelmær, each of his two sons receives an estate and part of the three hundred mancuses of gold which were to be divided among all his children.<sup>43</sup> The ealdorman's wife has what appears to be a carefully controlled caretaker role in the will, but there is a reference to an agreement between them regarding land and movables. The agreement does not outline her role at all, so it is impossible to determine her full role. There are a large number of ecclesiastical donees, but only the New Minster at Winchester receives an estate. It is likely significant that it was there that the donor was to be buried.

Ælfhelm's son, Ælfgar, receives only two estates in his father's will, though he is allowed to donate these estates to whomsoever he wishes.<sup>44</sup> It is Ælfhelm's wife, and to a lesser extent his daughter, who received the bulk of his property. He does make provision for his three brothers and for his servants and companions. The latter recipients were likely outside the boundaries of the customary inheritance system and to that extent his donation echoes Wynflæd's manumissions. Ælfhelm emphasizes his loyalty both to his present lord, and to that lord's father, and expresses a real concern that his donations be permitted to stand unaltered. Such concern may reflect a personal situation or may well indicate that customary inheritance was generally being subjected to pressure from the claims of lordship.

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<sup>43</sup>Whitelock-Wills, No. X, pp.24-7. (s.1498).

<sup>44</sup>Whitelock-Wills, No. XIII, pp.30-5. (s.1487)



Æthelwold provides his son with the following in his will: *anre hide landes æt Uptune and anre lecge*.<sup>45</sup> It is difficult to establish the value of the scabbard, but it does appear that Æthelwold's son receives little. Æthelwold's wife receives land as a caretaker, as the ultimate donee is the New Minster at Winchester. The donor supplies the king with a substantial heriot and gives ecclesiastical donees, and his wife, a fair quantity of gold, so it seems implausible that the small donation to his son reflects his own lack of wealth.

The will of Wulfwaru is remarkable not only because her sons are the major donees but also because of her even-handed distribution of property within the family.<sup>46</sup> She divides her property between her eldest son, Wulfmær, her second and younger son, Ælfwine, her eldest daughter, Gode, and her youngest daughter, Ælfwaru. The division is not equitable between the genders, but the size of donations within each gender are comparable. Wulfwaru's sons receive more than her daughters, but each son seems to get about the same quantity of land and movables. As the dimensions of the estates are not recorded, it is not possible to be certain that the portion each son received was equal, or that one son was not being favoured over the other. The similarity in the quantity of movables given to each son does suggest that care was being taken to ensure each was provided with a donation of uniform size. This kind of division would be in contrast with the 'all or nothing' pattern of donations observed in

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<sup>45</sup>Whitelock-Wills, No. XII, pp.30-1;p.30, l. 13.(s.1505). Dorothy Whitelock translated *lecge* as 'scabbard' but was unsure of the exact meaning of this word. In the *Liber Monasterii de Hyda*, Rolls Series Vol. 45, edited by E. Edwards (London, 1866) the translations of this will into English and Latin render that word as meaning 'bed' (see p.237). D. Whitelock tentatively identifies the donated estate as Upton Scudamore in Wiltshire.

<sup>46</sup>Whitelock-Wills, No. XXI, pp.62-5.(s.1538).

other records. The donations to her daughters appear to be equitable.

It is exceptional to find the sons of a donor as the major donees of a will. Given the postulated relationship between wills and the customary inheritance system, it appears that Wulfwaru chose to use her will to enhance the position of her sons as donees. Unfortunately, little information has been found concerning either the donor, or her donees, so it has proved impossible to determine why she did this. It may be that she was attempting to install Wulfmær as a guardian for his sister, Ælfwaru, as they were to share the principal residence, but this is speculative. The only other donees of significance in her will were St. Peter's monastery at Bath and Abbot Ælfhere.

The will of Ærnketel and his wife, Wulfrun, provides no indication that they possessed a son.<sup>47</sup> Their will records a straightforward donation to St. Benedict's at Ramsey and is primarily concerned with their burial arrangements. The community at Ramsey has the explicit role of undertaker. The reason for the inclusion of this will in a discussion of sons as donees can be found in the linking passage which follows immediately after their will: *His patre et matre natus est bonæ indolis puer Æthelstanus, quartus postea Ramesensis ecclesiæ abbas.*<sup>48</sup> Not only did they have a son but one who achieved prominence in the Church. While it is impossible to establish the motivations behind their donation to Ramsey beyond those which they expressed, it may well be significant that their donation was to the same institution wherein their son resided. Such a donation provides a useful caveat that perhaps not all apparently

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<sup>47</sup> *Chronicon Abbatix Ramesiensis*, Rolls Series Vol. 83, edited by W.D. Macray (London, 1886) No. 38, pp.66-7. (s.1493).

<sup>48</sup> *Ibid.*, p.67. (s.1493).

charitable donations to ecclesiastical foundations were wholly devoid of family interests.

The tenth century ecclesiastical donors differ considerably from each other in their choice of type of donee. Theodred, Bishop of London, concentrates his donations on ecclesiastical donees with only a small provision for the sons of his own sister and for a kinsman.<sup>49</sup> In contrast, Ælfsige, Bishop of Winchester, provides extensively for lay donees including his sister, a kinsman and a kinswoman.<sup>50</sup> His donations to the laity usually cast the donees in the role of controlled caretaker, as the property often goes to the church at their death. Both donors indicate through their wills that family connections and obligations continued to be felt by those of high ecclesiastical status.

The special circumstances which surrounded the creation of wills in the tenth century bear some resemblance to those of the ninth century. In both centuries, there is a need to accommodate the absence of suitable heirs and to protect certain donees. However, tenth century wills do exhibit distinctly less interest in providing solely for the children of donors than do those of the ninth century. There is greater variation in the selection of donees, and those outside the parent-child relationship, such as brothers, sisters, and their respective offspring, are introduced as suitable recipients for donations. Donations to the Church revolve explicitly around funerary arrangements, both for burial and for commemoration. Wives and daughters still figure in the wills, as do, on occasion, sons, but increasingly, it is the other relationships which are being encountered in the wills.

The position of the wife as caretaker is often heavily circumscribed, and this may well represent an

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<sup>49</sup>Whitelock-Wills, No. I, pp.1-5. (s.1526).

<sup>50</sup>Whitelock-Wills, No. IV, pp.16-17.(s.1491).



attempt to ensure the woman's safety in her widowhood. It seems likely that those who would not hesitate to take property from a widow might be less inclined to do so, if they were aware that a major ecclesiastical community had an interest in her holdings. Wives are a common donee in the wills which suggests that their share in the property under the terms of the customary inheritance system was beginning to be considered inadequate to their needs--especially at higher social levels.

Daughters, like wives, were given varying degrees of power over the donations they received. The two examples cited where daughters were the major donees indicated the two ends of the spectrum of this control. Ealdorman Ælfgar's daughter was left with little control over the property her father donated to her, while Wynflæd's daughter seems to have been free to hold and donate as she chose. As a general observation from the admittedly small amount of evidence available, it appears that the more property a woman held, the more likely she was to find that her power over that property was curtailed.

Both the infrequency with which sons appear as donees, and the desultory donations they receive, suggest that wills are not the primary source for meeting their property needs. While it can be argued that wills were being produced mainly by those who lack sons, this suggestion does not explain why sons receive a meagre donation when they are present.

Ecclesiastics, servants, slaves and friends begin to make their presence felt in greater numbers in the wills from the tenth century. Such donees would have been outside the customary inheritance system, and their appearance suggests that the obligations of Christianity and of lordship were becoming recognized and acknowledged. Certainly, the usefulness of this type of document in rewarding these donees seems to have been realized. The will appears to have been gaining

increasing currency as a means for the payment of heriot and of burial fees.

Eleventh century donors appear to have been pre-occupied with much the same considerations as those of the ninth and tenth centuries. The need to determine the descent of property in the apparent absence of suitable heirs and the need to protect certain donees seem to have persisted as the stimulus for the creation of wills. The new obligations which arose from lordship and Christianity were being met more frequently through wills.

In common with tenth century wills, relationships that were external to a donor's own family often appear in these wills. Brother, sister, niece, nephew, mother, father, stepdaughter, servant, lord, partner, and of course, the ubiquitous kin, all appear as donees during this period. Ecclesiastics also figure as donees though as usual such donations are often linked to burial or commemoration. Although much of the analysis in this chapter has been focused on the internal family relationships of husband, wife, daughter and son, it should be recalled that a considerable number of donations were made to those outside the family unit.

Joint donations appear as a significant minority of wills in this period. The will of Thurkil and Æthelgyth is a typical example of this type of donation and is worth citing in full.

[Th]urkil and Athelgit vnnen Wigorham into seynt Eadmunde so ful and so forth so wit it owen. after vnker bother day and tho men halffre theowe 7 lisingar. Se the this benime. god him benime heuene riche.<sup>51</sup>

Joint donors, Wulfgeat and his wife, and Osulf and Leofrun, make their donations to Bury St. Edmunds as

(s.1529).

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<sup>51</sup>Whitelock-Wills, No. XXXVI, pp.92-3. The insertion in square brackets appears in Whitelock's edition of this will.

well.<sup>52</sup> None of these joint donations indicate that the donation is made in exchange for burial, though Osulf and Leofrun are scrupulous regarding their own commemoration services. It is possible that these joint donations to Bury St. Edmunds represent an attempt to ensure that the spiritual benefits which accrued to these donations was split evenly. The joint donation made by Ulf and Madeslin differs from the other donations in that it is more complex and distinguishes between the donations made by them acting together and those made by them individually. Their donation is remarkable in that it gives the *raison d'être* for their will: *This is seo feorewearde the Vlf 7 Madselin his gebedda worhtan with 7 with s̅ce PETER. tha hig to Ierusalem ferdon.*<sup>53</sup>

Wives figure frequently as donees in the wills of this period. The donor, Thurketel, provides for his wife, Leofwyn, in his will (S. 1527) and makes reference to an agreement between them concerning Roydon in Norfolk.<sup>54</sup> Thurketel's nephews appear as donees in the will, but there is no indication that Thurketel had any children. Thurstan, the son of Wine, also makes provision for his wife, Æthelgyth, and her role in his will (S. 1531) varies from being a carefully controlled caretaker of some estates to possessing complete control over others.<sup>55</sup> He refers to a contract they had made concerning his property in Norfolk, but unfortunately, no details are given with regard to it. Thurstan and Æthelgyth appear to have been childless, but it must be

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<sup>52</sup>Wulfgeat and wife:Robertson-Charters, No. C, pp. 186-7. (S.1470).

Osulf and Leofrun:C.R. Hart, *Early Charters of Eastern England* (Leicester, 1966) No. 133, pp.86-91.(S.1608).

<sup>53</sup>Whitelock-Wills, No. XXXIX, pp.94-7;p.94, ll. 14-15. (Not in Sawyer).

<sup>54</sup>Whitelock-Wills, No. XXIV, pp.68-9.(S.1527).

<sup>55</sup>Whitelock-Wills, No. XXXI, pp.80-5.(S.1531).



stated that the relationship between them, and Askil and Æthelswith, is unclear to such an extent that the possibility of it being a parent-child relationship cannot be dismissed.

Wives and daughters together are provided for in a number of eleventh century wills. Wulfgeat establishes his wife as the caretaker of a number of estates on the condition that: *ofer hire dæg ga þ land eft in min cynn tha thær nehste syn.*<sup>56</sup> His daughter, Wulfgifu, received two estates, one of which had been bought with her mother's gold, and she seems to have had complete control over them. Wilflæd, Wulfgeat's other daughter, received a single hide but seems to have exercised the same degree of control over her donation as Wulfgifu. Of his lord, Wulfgeat is said to have asked the following: *he bit his hlaford for godes lufan þ he beo his wifes freond 7 his dohter.*<sup>57</sup> The use of the singular of *dohter* in this context is curious. Wulfgifu's son appears as a donee in Wulfgeat's will.

In the will of Thurketel (S. 1528), the donor makes this statement with regard to his wife's holdings: *and mine wyues del euere unbesaken to gyfen and to habben ther hire leuest be.*<sup>58</sup> Unfortunately, the size of her *del* is unknown though this very general reference may indicate that a wife's share was a recognized proportion of a donor's entire possessions. Thurketel's wife's complete control of her property contrasts strongly with the control exercised by Thurketel's daughter, Ælfwyn. That daughter received a single estate at Ormesby in East Flegg Hundred in Norfolk, but her role was that of a controlled caretaker as the estate passes to St. Benedict's at Holme at her death. Thurketel provides for his nephew and his nephew's sons in his will.

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<sup>56</sup> Whitelock-Wills, No. XIX, pp.54-7; p.54, ll. 23-4. (S.1534).

<sup>57</sup> Ibid., p.54, ll. 20-1. (S.1534).

<sup>58</sup> Whitelock-Wills, No. XXV, pp.70-1; p.70, ll. 5-6. (S.1528).

In the will of Ketel, there is, in addition to a number of other agreements, a record of an agreement between Ketel and his stepdaughter, Ælfgifu, concerning the estate at Onehouse in Suffolk.<sup>39</sup> This arrangement seems to arise out of their plan to take a pilgrimage to Rome together. It appears that step-relations could play a part in inheritance, and this enhances the significance of instances in the records where the donors are husband and wife, but where children are identified as being the child of one or the other parent. The whole question of the rights and claims of children from previous marriages is fascinating, but unfortunately, is beyond the scope of this work.

The two female donors who leave property to their daughters vary considerably in their treatment of these donees. Leofgifu's will contains a welter of donations in which the donation to her daughter is merely one of many, whereas that of Leofflæd is focused on the donations to her three daughters. Other donees for whom Leofgifu makes provision in her will include her brother's son, her brother-in-law, her kinsmen, her servants, and her kinswoman. The donation to her daughter, Ælfflæd, is straightforward: *And Alflet mine douhter that lond at Hagele.*<sup>40</sup> Leogifu casts her lady in the role of guardian as she is implored: *that thu tholie that ani man mine guide awende.*<sup>41</sup> Little information is provided concerning Leofgifu's own status, but her control over her own property seems complete. She may be a widow, but this interpretation depends on whether her gift to Bury St. Edmunds for the soul of her lord is considered as being for her husband or for her actual lord.

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<sup>39</sup> Whitelock-Wills, No. XXXIV, pp.88-91;p.90, ll. 18-23. (s.1519).

<sup>40</sup> Whitelock-Wills, No. XXIX, pp.76-9;p.76, l. 22. (s.1521).

<sup>41</sup> Ibid., p.78, l. 6. (s.1521).

Leofflæd seems to identify herself as a widow in the text of her will by stating that: *vir meus ablatus est a me*.<sup>62</sup> The linking passage establishes that she was the daughter of Ealdorman Brihtnoth and the wife of Oswi. Although her status is high, and this may well explain her complete control over her property, she also appears to have enjoyed royal favour with regard to her holdings.<sup>63</sup> Her three daughters were Ælfwyn, Ælfswith and Leofwaru. Ælfwyn and Ælfswith were given Stetchworth in Cambridgeshire which they were to hold as caretakers as the ultimate donee was to be Ely. Leofwaru received Wetheringsett in Suffolk on condition that she married or remained chaste, and it appears, from the text, that she was not considered morally robust by her mother. Unlike Ælfwyn and Ælfswith, Leofwaru's control over the property seems to have been complete according to the will, but it should be noted that she did make a gift of this property to Ely later in her life.

The first appearance of a son as donee in the eleventh century occurs within the first decade and is recorded in the *Historia Ramesiensis*. Godric's will is concerned primarily with a donation to Eadnoth at St. Benedict's at Ramsey whom he describes as: *abbas ejusdem ecclesiæ Ædnothus frater meus*.<sup>64</sup> The donation to Eadnoth, Godric's son, is recorded briefly: *Concedo etiam juniori filio meo Ædnotho terram de Acleya*.<sup>65</sup> The use of the

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<sup>62</sup> L.E., c.88, pp.157-8; p.157. (s.1520).

<sup>63</sup> This favour is suggested by the following: *Tibi, domino dilectissimo, atque venerabilili domine mee regine omnibus modis gratias referò, quod circa me ancillam vestram benigne agere voluistis et mihi de substantiis meis, ex quo vir meus ablatus est a me, pro libitu disponere indulgistis* (Ibid., p.157). It may be that this is simply a formality, but it does not seem likely.

<sup>64</sup> *Chronicon Abbatiae Ramesiensis*, Rolls Series Vol. 83, edited by W.D. Macray (London, 1886) No. 63, pp.111-12; p.111. (s.1518).

<sup>65</sup> Ibid., p.111. (s.1518).



adjective *juniori* would imply the existence of an older son, but nothing is said of him.

Leofwine is the major donee in his father's, Eadwine's, will in which he acquires seven estates.<sup>66</sup> The only other donee in Eadwine's will (S. 1517) is the community at St. Albans, and it is clear that Eadwine wished to be buried there. The control of Leofwine over the property he received is complete, except in the case of Barley in Hertfordshire. Leofwine's role is clearly that of a caretaker with regard to that property as that estate is to go to St. Albans after Leofwine's death.

Æthelric's son, Esbearn, appears in his father's will (S. 1471) as one party to the agreement involving his father and Archbishop Æthelnoth.<sup>67</sup> The agreement is relatively complicated and involves the descent of two estates and a message. The only explicit donees in this will are the Archbishop and the community at Christchurch. No indication is given of any other family relationships or claims to the property, though there is a provision that appears to imply that *freonda* of Æthelric, or Esbearn, may have a first chance at getting the property when the agreement has ended. The will bears more than a little resemblance to leases, and the arrangement involving Esbearn closely resembles a lease where the second life-holder has been established. Esbearn's role is that of a caretaker for this property, as it is to go to Archbishop Eadsige, or whoever is Archbishop of Canterbury, at Esbearn's death.

It should be apparent that the position of sons in these documents was subject to variation in terms both of the quantity of property they received, and of the control they had over it. Sons are still unusual donees in wills of this period, and it should be noted that in

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<sup>66</sup> *Matthæi Parisiensis, Monachi Sancti Albani, Chronica Majora*, Vol. VI, *Additamenta*, Rolls Series Vol. 57, edited by H.R. Luard (London, 1882) No. 15, p.33. (S.1517).

<sup>67</sup> Robertson-Charters, No. CI, pp.188-91. (S.1471).

two instances these wills were preserved only in later Latin cartularies. While this does not mean that the evidence provided by the will of Godric and of Eadwine is necessarily suspect, it must be acknowledged that such sources may well have been aimed at a Norman audience. With that audience in mind, it is quite possible that the accounts preserved here may have been tailored accordingly. As these wills focus both on the Church, and on the sons of donors as donees, and since such a focus is unusual, their evidence should be viewed with some caution. Esbearn's presence in his father's will is linked solely to his part in the agreement wrought by his father and Archbishop Æthelnoth. By the terms of that agreement, his role is that of a caretaker, but he resembles more a leaseholder-in-waiting than a donee.

Wulfgyth, like the tenth century donor Wulfwaru, initially seems to have distributed her property in a relatively even-handed manner in her will. She favours her male donees, but otherwise divides her property equitably among those of the same gender. The situation with regard to her male donees is complicated by the difficulty in establishing whether she had two or three sons. This problem arises out of the similarity between two of her son's names: Ulfketel and Ælfketel. If Wulfgyth had three sons, her division of property ceases to be even, because she clearly discriminates against Ælfketel. He and Ketel are given the use of the estate at Stisted in Essex for their lifetimes only. The estate then goes to Christchurch, Canterbury, for the sustenance of the community. Ulfketel and Ketel receive three other estates over which they appear to have had complete control. If Ulfketel and Ælfketel are in fact the same person, then the property division is equitable, and there seems to be no discrimination in the size of their donations based on age. No indication is given in the will as to why Ælfketel would have received less than the

other two, but this lack of explanation for the varying size of donations is not unusual.

Wulfgyth provides her three daughters, Gode, Bote and Ealdgyth, with less property in her will than she gave to her sons. Gode and Bote each receive a single estate, or perhaps are to share two estates, depending on how her donation is interpreted: *and ic yan minen twam doytren. Gode and Bote. Sexlingham and Sumerledetune.*<sup>48</sup> These two daughters are treated as a single unit in the text, while Ealdgyth appears separately and receives two estates and a wood. The division of property is only equitable, if the two daughters are treated as a unit. Otherwise, Wulfgyth's donation appears to favour Ealdgyth, and this, taken in conjunction with the rather abrupt change in the style of naming her daughters, suggests that these children came from two different relationships.

The will of Wulfgyth illustrates some of the difficulties inherent in the interpretation of donations made to a donor's children. While it appears, initially, that her donation treats her children equitably, it becomes apparent after some analysis that equitable division is simply one possible interpretation. It is possible to argue that she favours her son, Ketel, above her other sons and her daughter, Ealdgyth, above her other daughters. While the equitable division of property among daughters accords well with other evidence which relates to donations to daughters, equitable division among sons is far less usual. I would be inclined to accept the interpretation that her donation to her sons was equitable, because this kind of division did occur in an earlier donation by the female donor Wulfwaru. This acceptance is a matter of judgement and the interpretation remains subject to debate.

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<sup>48</sup>Whitelock-Wills, No. XXXII, pp.84-7;p.84, ll. 21-3. (S.1535).



In her will, Wulfgyth also makes donations to the local church at Stisted and to monastic centres. She provides her lord with *his riyte heriet* and also a gift for the soul of her lord, Ælfwine, who may have been her husband.<sup>69</sup> As a donor, her control over her property appears to have been complete, and it is possible that she is exercising her power while she is a widow. Her sons are the major donees of her will, but unfortunately, no clues are given as to why she chose to provide for her sons through her will.

Ecclesiastical donors in this period favour, in general, other ecclesiastics and servants as donees. Ecclesiastical donees often, however, appear to have had a lay connection with the donors. Ælfric, the Bishop of East Anglia, included among his donees *Wulfwarde muneke* but goes on to describe him as *minne mæge*.<sup>70</sup> Other ecclesiastical donors are less forthright concerning their family connections with donees. Eadwine appears several times in the will of Eadsige who was a priest of King Cnut and the Lady Ælfgifu, and who became a monk.<sup>71</sup> No relationship is established between them in the will, so it is rather surprising to find that Eadwine appears as a witness of a grant by the same Eadsige, who was now Archbishop of Canterbury, as: *Eadwine thæs arce~~b~~brothor*.<sup>72</sup> Family connections appear in the wills of other ecclesiastics. Archbishop Ælfric made a donation to *his sweostrun 7 heora beornun*, while Ælfwold, the Bishop of

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<sup>69</sup> Ibid., p.84, l. 10 and l. 15. (s.1535).

<sup>70</sup> Whitelock-Wills, No. XXVI, pp.70-3; p.72, ll. 8-9. (s.1489).

<sup>71</sup> Robertson-Charters, No. LXXXVI, pp.170-3. (s.1465).

<sup>72</sup> Robertson-Charters, No. CVIII, pp.204-5; p.204, ll. 10-11. (s.1400).

Crediton, made donations to his kinsman, his brother-in-law and his sister.<sup>73</sup>

A number of general conclusions can be reached, based on the analysis undertaken above, concerning the operation of wills in Anglo-Saxon society and the operation of the customary inheritance system. It appears that, at first, wills were employed in order to supplement the material wealth of those outside the customary inheritance system or of those who were considered at risk within that system. The Church was the first to benefit from the donor's new ability to make donations to those donees who lay outside the customary inheritance system, but in time, the obligations of lordship, another kind of relationship outside of the customary inheritance system, came to be met through wills. The risk that donees might suffer the loss of property or that a donor's wishes would be ignored or overruled seems to have provided much of the impetus behind the creation of wills. It is likely that no will was ever created when the matters of inheritance could be resolved safely within the customary inheritance system. Wills provided the best means of ensuring the successful realization of a donor's wishes, and although other tasks accrued to wills, this function was retained throughout the period.

Female donees seem to have been perceived as being particularly vulnerable both as wives and as mothers. When the female donee appears as a wife without any children, her role as donee is usually that of a circumscribed caretaker. At her death, the property usually goes into the possession of the Church. The husband as donor selected the wife as donee and the Church as the ultimate donee. It is a reasonable

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<sup>73</sup>Archbishop Ælfric:Whitelock-Wills, No. XVIII, pp. 52-5;p.52, l. 28. (s.1488).

Bishop Ælfwold:Crawford Collection, No. X, pp.23-4;p.23. (s.1492).

assumption that donations made in this way enhanced the widow's security. If she were threatened with the forcible loss of the property, the Church would likely come to her aid, if only to protect its own interests. It meant, however, that the female donee had no power over this property.

Female donees, who were not only wives but were also mothers of a donor's children, occupy the role of caretaker as well, but often they possess a far greater degree of autonomy over their property. The wife is the caretaker on behalf of her own, and the donor's children, and she acts as a bridge between the donor and their offspring in the transfer of property. The female donee may have had use of the property prior to its descent to a specific child, or she may have had the power to determine which child received which estates. When the female donees have these powers and responsibilities, male donors implore other males to act as guardians or protectors to assist their wives and children against unspecified, but obviously real, threats to their possession of property.

The role of female donors tends to reflect their position as donees. In some wills, female donors are expressly fulfilling conditions set out by their dead husbands or fathers; in others, they exercise power in an uninhibited manner which seems exactly equivalent to that of male donors. In the latter cases, these women often seem likely to have been widows. In joint donations, wives and husbands appear to act as equals in terms of their power over their possessions, but it is likely significant that such donations are made only to the Church for burial or commemoration services.

From the analysis of the part played by interpersonal relationships in creating the special circumstances which necessitated the composition of a will, our attention must now focus on the possible part played by property in creating those circumstances.



There are two ways in which the nature of the property which appeared in a will could have necessitated the creation of a will. First, the property in a will may represent the total holdings of a donor. This means that all the property, regardless of how it was held or acquired, that belonged to a donor is to be found, and disposed of, in the will. Secondly, the property in the will is only that property which the donor holds through some kind of unusual circumstances. For example, the property in a will may represent a donor's acquired property, inherited property or property whose possession had, perhaps, been disputed. The present study focuses on the first point, the question of comprehensiveness, while the second point is explored in chapter six.

It may at first appear simple to answer the question as to whether the whole extent of a donor's possessions are mentioned in a will. Part of the difficulty in answering this question lies in the method used in the past to study the property mentioned in wills. That method was neat but more than a little circular. To establish that a donor possessed a property, the will was examined to determine which properties were held at the time of its composition, and then a search was carried out to find charters relating to those properties in which the grantee in the charter was related to the donor. The result was tidy, but the limitations of this method are glaring.

Charters which grant property to an individual of the same name as the donor, and that are approximately contemporary with that donor, tend to be considered as relating to a person different from the donor, if the property to which they refer does not appear in the will. The problems of the identification of individuals in Anglo-Saxon history are well known and cannot be minimized. They have been largely overlooked, however, when the wills have been studied in order to join a donor with a place. In fairness, this has often been the

result of the rather primitive state of charter collections. However, the legacy of this approach has been the general acceptance of the largely untested assumption that wills list all the possessions of a donor.

The heterogeneous nature of Anglo-Saxon wills makes it possible to maintain that all the possessions of a donor may be distributed, though perhaps not by name, in the will. For example, King Eadred makes the following donation in his will: *Thænne an ic minre meder...ealra minra boclanda the ic [on] Sutheseaxum hæbbe and on Suthrigum and on Cent, and ealra thæra the hio ær hæfde.*<sup>74</sup> On the basis of that kind of general donation, it is possible to argue that he disposed of all his possessions in his will. Numerous wills make references to agreements concluded between donors and donees regarding the descent of property, and these may indicate that the fate of all a donor's possessions had been decided, if not spelled out, by the time the will was composed. Donors also provide for the distribution of the residue of their possessions which may be interpreted as constituting proof that theirs was a complete donation of all they possessed.<sup>75</sup> It should be noted, however, that such donations of residue usually relate to the residue at specific estates. On balance, it seems unlikely that Anglo-Saxon wills contain a comprehensive listing of a donor's possessions. The argument against the

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<sup>74</sup>SEHD, No. XXI, pp.34-5;p.35, l. 10 and ll. 11-13. F.E. Harmer added the preposition *on* in square brackets.(s.1515).

<sup>75</sup>Two examples of this kind of donation can be found. One appears in the will of Ordnoth and his wife, and another in the will of Wynflæd. In Ordnoth and his wife's will, they make the following donation: *7 dæle man swylcne del heora æhta swylce hy gecwedan æfter heora dege 7 gange seo ofereaca into thære stowe mid tham lande* (Whitelock-Wills, No. V, pp.16-19;p.16, l. 26 and p.18, ll. 1-2). Wynflæd makes the following donation: *thenne an hio Æthelflæde on ælcum thingum the thær unbecweden biþ* (Whitelock-Wills, No. III, pp.10-15;p.14, ll. 22-3).

comprehensiveness of wills rests on the internal evidence from wills and the external evidence from other sources. The general donations, like those above, may have represented the disposal of a donor's complete wealth, but such donations and agreements are by no means a common feature in Anglo-Saxon wills. Perhaps the strongest evidence against any claim for comprehensiveness comes from the fact that the same donor can make more than one will.

Four donors who are known to have made at least two wills are: Ealdorman Alfred, Siflæd, Thurstan and Æthelric. These wills differ significantly from the other famous example, that of King Alfred, where a number of wills were produced, in that, they do not appear to have been part of a series of wills. At the conclusion of his will, King Alfred states:

Thonne hæfde ic ær on othre wisan awriten ymbe min yrfe tha ic hæfde mare feoh 7 ma maga 7 hæfde monegum mannum tha gewritu othfæst 7 on thas ylcan gewitnesse hy wæron awritene. Thonne hæbbe ic nu forbærned tha ealdan the ic geahsian mihte. Gif hyra hwylc funden bith, ne forstent thæt naht, fortham ic wille thæt hit nu thus sy mid Godes fultume.<sup>76</sup>

This implies that the present will was only the most recent one of a series, each of which appears to supercede the last. None of the four donors who have more than one will make any statement regarding the other will or even go so far as to acknowledge its existence. Also, it is possible to establish, either through the witnesses present or through the donor's use of a title, that sometimes the two wills were composed within a short space of time. Thus, the wills do not appear to represent donations made at different stages of a donor's life. Although donations made in one will may appear in another, there is never any conflict between them. This suggests they do not simply record a change of heart on the part of the donor.

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<sup>76</sup>SEHD, No. XI, pp.15-19;p.18, ll. 30-5.(s.1507).



Ealdorman Alfred's will (S. 1202) deals with his estate at Chartham in Kent and that at Croydon in Surrey.<sup>77</sup> The community at Christchurch in Canterbury, the donee of this will, also appears in Ealdorman Alfred's other will (S. 1508), but the donation there is composed entirely of movables.<sup>78</sup> In both ninth century wills, Alfred is addressed as an ealdorman. There is a reference to his child which implies that child is a daughter in one will (S. 1202), but his wife and daughter are mentioned by name in his other will (S. 1508). This may indicate that not much time had passed between the composition of these two wills. The two estates referred to in his will (S. 1202) do not appear at all in Ealdorman Alfred's other will (S. 1508).

Like Ealdorman Alfred's wills, those of Æthelric, which date from the eleventh century, each involved entirely different estates. The estates at Wilderton and Bodsham, both in Kent, were donated in his will (S. 1502). The first estate went to Leofwine Feireage and the second to Wade for their respective lives, and ultimately, both went to St. Augustine's in Canterbury.<sup>79</sup> His other will (S. 1471) contained an agreement involving himself, his son and Archbishop Eadsige, and a number of properties, but was not related to his other will (S. 1502). In this will (S. 1471), the donees were the Archbishop and community at Christchurch in Canterbury.

The tenth century wills of Siflæd are of interest, because they appear to represent a refinement of her wishes. Both wills deal with the same property centred around Marlingford in Norfolk, but the instructions provided in one will<sup>80</sup> are far more exact than those found

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<sup>77</sup>SEHD, No. VIII, pp.11-12. (S.1202).

<sup>78</sup>SEHD, No. X, pp.13-15. (S.1508).

<sup>79</sup>B.L., MS., Cotton Julius D. ii, f. 105. (S.1502).

<sup>80</sup>Whitelock-Wills, No. XXXVIII, pp.94-5. (S.1525).

in the other.<sup>81</sup> The more detailed will provides one of the few examples where the circumstances which contributed to the creation of the will are presented: *[H]er Switeleth on this write ihu Sifled vthe hire aihte tho sche ouer se ferde.*<sup>82</sup> Time appears to have passed between the composition of the wills, but at no time does she express that one will should replace the other.

The wills of Thurstan, which date from the eleventh century, are similar to those of Siflæd in that each involves the same estates. In his earlier will (S. 1530), Thurstan outlined the arrangement by which the estate at Wimbish in Essex was to go to the community at Christchurch in Canterbury.<sup>83</sup> The later will (S. 1531) of Thurstan repeated this donation with the slight alteration that Christchurch no longer had a choice concerning how it was to pay St. Augustine's.<sup>84</sup> This later will (S. 1531) was considerably larger than his earlier one (S. 1530) but was likely composed only about two years later. It seems highly improbable that Thurstan would have suddenly acquired so many more donees, and so much more property, in such a short time. The conclusion that his first will was not a comprehensive listing of his holdings appears inescapable.

It is possible that the way in which these wills were recorded is having too great an influence on the discussion of the comprehensiveness of their contents and that selective editing by the cartulary compilers may be responsible for the differences apparent in these wills. The textual variation between the copies of each of these wills argues against their differences being solely the

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<sup>81</sup> Whitelock-Wills, No. XXXVII, pp.92-3. (s.1525).

<sup>82</sup> Whitelock-Wills, No. XXXVIII, pp.94-5; p.94, ll. 1-2. The insertion in square brackets occurs in Whitelock's edition of this will. (s.1525).

<sup>83</sup> Whitelock-Wills, No. XXX, pp.78-9. (s.1530).

<sup>84</sup> Whitelock-Wills, No. XXXI, pp.80-5; p.80, ll. 3-6. (s.1531).

result of editing and argues that they record different arrangements for different properties which belonged to the same donor. The existence of a number of wills of the same donor does not resolve the question of whether wills are a comprehensive list of the whole of a donor's property. It may be argued that a number of wills may have been considered necessary to dispose of all of a donor's possessions. Wills which by themselves account for only a portion of donor's possessions may then be regarded as the only surviving part of a larger body of wills which, had they survived, would have listed all of a donor's property.

The external evidence, which relates to the question of how comprehensive wills were in listing a donor's property, comes mainly from works which relate status in society to wealth and from charters. These works are usually based in law and create the expectation that a certain level of material wealth is to be associated with a donor's social status. The amount of property donated in wills fails repeatedly to measure up to our expectation of the appropriate amount of material wealth possessed. This consistent failure suggests that either the expectation is misguided or that the amount of property given through the will is less than the donor's total possessions.

In the work on status, which appears in the *Die Gesetze der Angelsachsen*, and which probably dates from the early eleventh century, it is clear that the acquisition of status was linked to the acquisition of material wealth. It seems likely that wealth and status were linked long before the start of the eleventh century and probably before the start of the period studied in this thesis. The property requirements for status seem reasonable as the property qualification for a thegn illustrates: *And gif ceorl getheah, thæt he hæfde V hida fullice agenes landes, ... bellan 7 burhgeat, setl 7 sundornote on cynges healle, thonne wæs he thanon forth*



*thegenrihtes wyrthe.*<sup>85</sup> Unfortunately, this work is less straightforward in other passages where, for example, a thegn might change his status if *se thegen the getheah.*<sup>86</sup>

The link between status and wealth is reinforced in the laws of Cnut which deal with the payment of heriot.<sup>87</sup> While the exactness of the payments outlined in these laws is perhaps slightly suspect, the differentiation between the various categories of thegns was likely real enough.

71.1 Kyncges theines....

71.2 Othres theines.....

71.3 And kyncges thegnes heregeata inne mid Denum...

71.4 7 gyf he to tham kyncge furthor cyththe  
hæbbe..<sup>88</sup>

None of these sources indicates anything other than a correlation between material wealth and status.

If that correlation did exist, it would be reasonable to assume that those who possessed the highest status in society were likely the richest members of that society. The evidence from the wills fails to support this assumption. Donors, whose title or whose heriot suggests they possessed very high status, simply do not donate a large amount of property through their wills. If the discrepancy between the anticipated quantity of property given by a donor of a particular status and that actually given by donors of that same status was consistent, then it would be possible to argue that our expectations were false. However, in addition to the consistent failure of donors to meet expectations regarding their material wealth, there are considerable

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<sup>85</sup>F. Liebermann, *Die Gesetze der Angelsachsen*, Erster Band (Halle, 1903) No. 2, p.456. (Not in Sawyer).

<sup>86</sup>Ibid., No. 3, p.456. (Not in Sawyer).

<sup>87</sup>*The Laws of the Kings of England from Edmund to Henry I*, edited and translated by A.J. Robertson (Cambridge, 1925). The actual law is II Canute 70 to 71.5 and is found on pp.208-211. (Not in Sawyer).

<sup>88</sup>Ibid., II Canute 71.1 to 71.4, pp.210-11. (Not in Sawyer).

variations in the size of donations made by donors of comparable status.

It must be acknowledged at this point that it is often quite difficult to establish the exact social status of donors and the relative value of the property which they donate. Comparison of donor's social status is especially difficult as the heriots they pay seldom correspond precisely with the terms set out in the laws of Cnut. For example, a sword may be offered as payment, but its value is seldom established. The relative value of property is also difficult to establish especially if the estates are identified only by name. Four estates given by one donor may have been less valuable than two estates given by another, but it is rarely possible to establish that. Donors appear whose holdings, as related in their wills, simply fail to be commensurate with their status. The contrast between donor status and the amount of property given in a will is particularly startling in the wills of donors who are known to have had royal connections either of blood or of service.

Wulfgifu, the widow of an ealdorman, disposes of only a single estate in her will, but it is difficult to accept that this represents the full extent of her holdings.<sup>89</sup> The thegn Alfred donates one estate in his will, and if it was all he possessed, he could barely, according to the compilation on status, even claim to be a thegn.<sup>90</sup> Æthelgeard is in a similar position as he possesses the status of a thegn, but the quantity of property he holds is clearly small.<sup>91</sup> The will of Godric records his donation of two estates, yet his brother was

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<sup>89</sup> *Chronicon Abbatiae Rameseiensis*, Rolls Series Vol. 83, edited by W.D. Macray (London, 1886) No. 31, p. 57. (s.1810).

<sup>90</sup> Robertson-Charters, No. XXVII, pp.54-5. (s.1509).

<sup>91</sup> Whitelock-Wills, No. VI, pp.18-19. (s.1496).

to become bishop.<sup>92</sup> Even Eadsige, later to become the Archbishop of Canterbury, seems to have held little property.<sup>93</sup> These examples represent the most extreme disparities between status and apparent wealth, but this kind of disparity does exist throughout the body of evidence. The impression given by the wills is that they simply do not list all the possessions of a donor.

In contrast to the examples above there is one will which does seem to contain the totality of the donor's possessions: that of Wulfric Spot.<sup>94</sup> His will is immense and has been exceptionally well studied, but a number of useful points can still be made regarding it. Wulfric is given no title in his will, and although his heriot is large, it is not remarkably so. Indeed, P.H. Sawyer has suggested that it would be appropriate to a thegn or minister of noble lineage.<sup>95</sup> Wulfric's will is enormous, and there are two reasons why it seems likely that his will lists his entire holdings. First, his will is essentially the foundation charter of Burton Abbey, so it is unlikely that he would hold back property and thus possibly endanger his foundation. Secondly, he would be obliged to name all the properties he was giving to the Church because the Church was outside the customary inheritance system and would need title to the property if its possession came to be challenged. Given the dimension of his donation and the fact that others could

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<sup>92</sup> *Chronicon Abbatiae Rameseiensis*, Rolls Series Vol. 83, edited by W.D. Macray (London, 1886) No. 63 pp. 111-12. (S.1518).

<sup>93</sup> Robertson-Charters, No. LXXXVI, pp. 170-3. (S.1465).

<sup>94</sup> *Charters of Burton Abbey*, Anglo-Saxon Charters II, edited by P.H. Sawyer (Oxford, 1979) No. 29, pp. 53-6 with translation and comments on pp. xv-xliii. This is only the most recent of a large number of studies of this will. See the work of C.G.O. Bridgeman and G. Wrottesley for differing interpretations concerning this will and other related documents. (S.1536).

<sup>95</sup> *Ibid.*, p. xx. (S.1536).



claim similar status, it seems likely that other wills provide a nowhere near complete listing of a donor's possessions.

The evidence derived from charters regarding the comprehensive nature of wills seems at first conclusive. It can be demonstrated that some donors received properties by charter of which they did not subsequently dispose through their wills. The absence of this property can be interpreted in a number of ways, and it should not be forgotten that not all properties were disposed of only at death. Properties held by charter could be given or sold at any point in a donor's life, or they could be lost to the grantee through any number of circumstances which might occur but leave no record. Certain grantees did receive a substantial quantity of property which does not figure in their wills throughout the tenth and eleventh centuries. The donor Ælfheah was the recipient of, at the very least, two properties which do not appear in his will.<sup>96</sup> Although it is beyond the scope of this present analysis, researchers who use the evidence from *Domesday Book* appear to suggest with some regularity that individuals identified as the donors of wills were considered *antecessors* at properties which do not figure in their wills.

If the property which appears in wills does not represent the whole of a donor's possessions, then the question remains as to whether the property that does appear was special in some way. In the next chapter, the property given in wills has been analyzed in order to determine whether the donor holds that property through some unusual circumstance.

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(s.1485).

<sup>96</sup>Whitelock-Wills, No. IX, pp.22-5.<sup>v</sup> Properties which can be linked to Ælfheah but which do not appear in his will can be found in S. 585 and S. 702.

## CHAPTER SIX: The Nature of Property in Wills – Four Studies.

The distinction between property which was acquired and property which was inherited appears in the earliest wills of the period under study. This differentiation continues throughout the Anglo-Saxon period, although it does not feature in every will. The charters which record the granting, and hence the acquisition, of property establish, by their very existence, the legality of possession. The text of these charters also often emphasizes the right of the grantee to donate the property. These two considerations give rise to the question as to why it was considered necessary, or even appropriate, to make the distinction between acquired and inherited property in the wills. If both acquired and inherited property could be donated by will, making that distinction seems pointless.

Yet, the distinction appears to be of crucial importance in the category A lost will of King Æthelred where he and Alfred arrange a system for the distribution of acquired and inherited property:

tha gecwædon wit on Westseaxena witenas gewitnesse  
thæt swa ðær uncer leng wære, thæt he geuthe oðres  
bearnum thara landa the wyt sylfe begeaton 7 thara  
land[a] the unc Athulf cingc forgeaf be Athelbolde  
lifendum butan ðam the he us thrim gebrothrum  
gecwæth.<sup>1</sup>

The Ætheling Æthelstan not only establishes that certain properties were acquired but also indicates how much he paid for them. His donation to the Old Minster at Winchester of the estate at Adderbury in Oxfordshire is a typical example of the form his gifts take: *7 ic geann in mid me. thær ic me reste. Criste. 7 s̅c̅e Petre. thæs landes æt Eadburgebyrig. the ic gebohte æt minan fæder.*

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<sup>1</sup>SEHD, No. XI, pp.15-19; p.16, ll. 19-23. The amendment in square brackets was added by F.E. Harmer. (s.1507).

*mid twam hund mancosan goldes be gewihte. 7 mid. v.  
pundan seolfres.*<sup>2</sup>

The two examples above involve, at least potentially, property associated with the maintenance of royalty and might, therefore, be interpreted as being relevant only to questions concerning the relationship between the property of the fisc, that is property reserved for royalty, and the property belonging to the individual. There are many other examples where the same distinction is made by donors who had no royal connections. Donors are careful, in certain instances, to establish, explicitly, their legal acquisition of property.

Property could be acquired in a number of ways: through grant, purchase, marriage, lease, confiscation or inheritance. In the context of wills, acquired property was most often that which donors had bought or that which had been granted to them. Acquired property is not always juxtaposed in the text with inherited property. As a result, references to this kind of property take on the aspect of a statement both of the right to possess and of the right to dispose. When these statements appear, they give the impression that the acquisition was recent, but whether this was, in fact, the case is difficult to demonstrate. It is apparent that these statements were not made only to distinguish acquired property from inherited property, and this suggests that other reasons motivated donors to make these statements. There are a number of possible reasons why a donor might wish to establish in their will that a property had been acquired.

For example, donors might have considered it useful to emphasize the lawful nature of their possession and of their right to dispose of that property, if it had been acquired only recently. Such action might have

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<sup>2</sup>Whitelock-Wills, No. XX, pp. 56-63; p. 56, ll. 15-18. (s. 1503).



forestalled others from disputing the donor's possession of that property. Statements concerning lawful acquisition may have been useful in circumstances where, perhaps, a donor's possession had undergone a legal challenge.

Some circumstance existed, beyond the mere fact that a property had been acquired, in order that a property be singled out in the will as acquired. This is obvious, as not all property which was known to be acquired by the donor is identified as such in the will. For example, in the will of Ealdorman Ælfheah, the donor distributes two estates, one at *Ællændune* in the Wiltshire area and one at Batcombe in Somerset, which he had been granted.<sup>3</sup> At no point in the text of his will are these properties identified as acquired. While this may mean simply that the acquisition was not recent, the appearance of acquired property in the body of the text simply as property, without any elaboration as to how it came into the donor's possession, would seem to imply that acquired properties were singled out for other reasons.

In the will of Æthelgifu, the donor states that she had the right to dispose of her lord's acquisitions. This seems to be the implication of her claim:

Eall se freot 7 eall seo ælmesse the her gecweden is  
hyo wile þ hit beo heore ælmessa for thon hit wæron  
hire hlafordes begeto. 7 heo bit hire cynehlaford  
him to ælmissan for his cynescipe for godes lufan 7  
for s̅ce marigan þ git ne læton nænne monnan, mid feo  
hire cwide awendan. leof hit becwæth hire hlaford  
hire to sellanne tham the hyo wolde the ne gelefde  
hire. hire hlafordes magas.<sup>4</sup>

As Æthelgifu relates in her will, her rights were challenged by her husband's kin with the result that

(s.1485).

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<sup>3</sup>Whitelock-Wills, No. IX, pp.22-5. ✓ The grant of property at *Ællændune* to Ælfheah is printed as C.S., 948 (s.585) while that of property at Batcombe appears as C.S., 749. (s.462). There is some question whether the latter can be considered a grant to Ælfheah or whether it was a grant only to his wife, Ælfswith.

<sup>4</sup>Æthelgifu-Whitelock, p.15, ll. 59-61. (s.1497).

their dispute went to law. In spite of her success in defending her claim, the dispute persisted and escalated.

Ufonan thone cwide 7 thær [4] tha of ærdo. de eadelm hire hlafordes swustur sunu hire lond hire æt standune tha sohte ic thære cing 7 gesealde hym. xx. punda tha agef he me myn lond on his unthonc.<sup>3</sup>

Few wills are as forthcoming with details regarding the lands possessed, and disposed of, by the donor as is that of Æthelgifu. Considering the proximity of Æthelgifu's statement regarding acquisitions and the story of the dispute, it is at least possible that the emphasis she puts on acquired property resulted from the failed legal attempt to deprive her of her property. This raises the possibility that those estates which are singled out as acquired were those where the donor's rights had faced a legal challenge. The statement of acquisition represents a reaffirmation of the donor's right over property which had been successfully defended. It is even possible that such statements may have been designed to deter those who had anticipated receiving the property under the customary inheritance system from mounting a legal or supra-legal challenge to the will. In a sense, the statement would represent an affirmation or reminder that the donor possessed full control over the property.

There is a striking inconsistency in the wills whereby property which can be demonstrated as having been acquired by the donor is recorded in the text without any embellishment, while other property is described as acquired. This suggests that some kind of special circumstances surrounded the acquired estates which were identified as such, but the nature of those circumstances remain largely irretrievable. Perhaps more importantly,

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(s.1497).

<sup>3</sup>Ibid., p.15, l. 63 and p.17, l. 64.<sup>v</sup> The insertion in square brackets is my own, and the number 4 represents a gap of four-letter length created by an erasure in the manuscript. Dorothy Whitelock discusses this erasure on page 14 in footnote 18.

the status of the property appears to have had little effect on the arrangements made for its disposal. In the four case studies analyzed below, it can be seen that this distinction seems to have very little practical impact on the actual descent of property.

In each of the four studies below an attempt has been made to trace the descent of property through a number of generations via the wills of individual, but related, donors. Each case study encompasses a different number of generations, and the time span covered by each varies accordingly. Three of the four studies cover a period of less than fifty years, while the fourth covers about a century. These four were selected for analysis, because they exhibited a larger degree of continuity, either in property or in personnel than is usual. Wills are the main interest of this study, so in each case the evidence from the will forms the basis for most of the discussion. Additional and ancillary material relating to the donors and donees has been used in order to gain the fullest possible picture of the sequence of descent. By examining the evidence sequentially, it has been possible to observe how wills actually fitted into inheritance and to determine whether the nature of the property formed part of the special circumstances behind the composition of the will.

The title for each case study is derived from the name of the donor whose donation begins the sequence. The four case studies presented here are: King Æthelwulf, Ealdorman Ælfgar, Wulfrun and Wulfgyth. The case study of King Æthelwulf is comprised of the following: the category B lost will of King Æthelwulf, the category B lost will of King Æthelred, the category A lost will of King Æthelred, and the will of King Alfred. The information on these wills is derived mainly from the preamble of King Alfred's will with some additions from Asser's *De Rebus Gestis Ælfredi*. The period covered by



these wills is about thirty years from the 850's to 880's.

Ealdorman Ælfgar's case study is comprised of the following: the wills of Ælfgar, Æthelflæd, and Ælfflæd, the category B lost will of Ealdorman Brihtnoth, the will of Leofflæd, the eleventh century reference to an inheritance by Lustwine and Leofwaru, the two wills of Thurstan (S. 1530 and S. 1531) and the will of Æthelgyth and Askil. The evidence for this analysis spans approximately one hundred years from 946 to 1045.

The evidence used for the case study of Wulfrun is derived from the grant by Wulfrun, the grant by Wulfgeat, and the will of Wulfric Spot. These documents relate to a period of about twenty years between 985 and 1004. A similar time span is covered in the case study of Wulfgyth, though the period covered by that study dates from the early 1040's to the Norman Conquest. Three wills comprise the resource base for the case study of Wulfgyth: that of Wulfgyth, Eadwine, and Ketel.

The case study of King Æthelwulf begins with the conditions set out by him which were to govern the inheritance of his sons. These were related in the preamble to King Alfred's will as follows: *7 ymbe thæt yrfe thæt Athulf cingc min fæder us thrim gebrothrum becwæth, Athelbolde 7 Ætherede 7 me; 7 swylc ure swylce lengest wære, thæt se fenge to eallum.*<sup>6</sup> This statement appears to represent only a partial account of King Æthelwulf's will as the description of the arrangements in Asser's *De Rebus Gestis Ælfredi* includes more detail.

After praising King Æthelwulf's foresight, Asser states that the king had a letter written outlining what was to happen to his property. The contents of that letter are summarized as follows: *in qua et regni inter filios suos, duos scilicet seniores, et propriae hereditatis inter filios et filiam et etiam propinquos,*

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<sup>6</sup>SEHD, No. XI, pp.15-19;p.16, ll. 1-3. (s.1507).

*pecuniarum, quae post se superessent, inter animam et filios et etiam nobiles suos, divisionem ordinabiliter literis mandari procuravit.*<sup>7</sup>

The division of the kingdom between King Æthelwulf's eldest sons and the disposal of his property among his sons, daughter, and kinsmen indicates that royal inheritance was not quite as straightforward as it was represented in Alfred's preamble. In the will of King Alfred, King Æthelwulf's will was presented as being concerned exclusively with his sons. The passage of Asser cited above reveals that King Æthelwulf was also concerned for his daughter and for his general kinsmen. The report of King Æthelwulf's will found in Asser accords with the evidence provided by other wills, whereas King Alfred's version of his father's will would be an almost unique example of a will that was only interested in sons. It is likely that King Alfred was making reference only to the parts of his father's will which were perceived as being directly relevant to Alfred's current difficulties regarding that inheritance.

King Æthelwulf's will, with regard to the inheritance of his sons, can be seen as providing for property descent on the basis of survival. As it appears in the preamble, the will has a 'winner takes all' aspect which does accord with other evidence regarding the division of property among sons. In this case, the 'winner' among Æthelbald, Æthelred and Alfred was to be the one son who outlived all of the others. The arrangement is simple, but its execution was far from simple.

King Æthelbald died young, and under the terms of King Æthelwulf's will, the property should have descended to Æthelred. Instead, the property was entrusted to King Æthelberht by both Æthelred and Alfred, on the

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<sup>7</sup>Asser's *Life of King Alfred*, edited by W.H. Stevenson with D. Whitelock (Oxford, 1959) c. 16, pp.14-16; p.14, ll. 7-9 and p.15, ll. 10-12. (Not in Sawyer).

understanding that they would be able to get it back at a later time. King Æthelberht is described in the preamble to King Alfred's will as *uncrum mæge*.<sup>8</sup> It is an odd description, because King Æthelberht was a son of King Æthelwulf and a brother to Æthelred and Alfred. The tension between King Æthelwulf and King Æthelbald is, of course, well-known, but it is possible that some animosity may have been maintained within the family beyond King Æthelwulf's life. The term *mæge* creates a sense of distance in the relationship which the term *brothor* does not, and it is possible that the terminology used in reference to kin members may be indicative of the quality of the relationship between members. Regardless of the state of the relationship between the brothers, it is apparent that King Æthelwulf's plans for an orderly descent of property had been set aside in favour of an arrangement created between King Æthelberht, and Æthelred and Alfred.

The arrangement is interesting, because the benefits which accrue to King Æthelberht from it seem very limited. This, at least, is the impression given from the record of that agreement as it appears in the preamble of King Alfred's will.

Ac hit gelamp thæt Æthelbold gefôr; 7 wyt Æthered,  
mid ealra Westseaxena witenas gewitnesse, uncerne dæl  
othfæstan Æthelbyrhte cingce uncrum mæge on tha  
gerædene the he hit eft gedyde unc swa gewylde swa  
hit tha wæs tha wit hit him othfæstan; 7 he tha swa  
dyde, ge thæt yrfe, ge thæt he mid uncre gemanan  
begeat, 7 thæt he sylf gestrynde.<sup>9</sup>

King Æthelberht takes on a role similar to that of the caretaker donee. As he is to return everything which he gains through this arrangement, it is difficult to determine why he would feel it necessary to add *thæt he sylf gestrynde*. One possible explanation is that he might have decided to add what he already held to what

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<sup>8</sup>SEHD, No. XI, pp.15-19;p.16, l. 6.(s.1507).

<sup>9</sup>Ibid., p.16, ll. 3-9.(s.1507).



his brothers; held in the hope that he would outlive them and succeed to everything, but that is speculative.<sup>10</sup> It seems likely that the preamble is presenting a somewhat truncated version of this agreement.

The preamble is quite brief in its coverage of how the arrangement with King Æthelberht actually operated. The use of the phrase *7 he tha swa dyde* in regard to King Æthelberht's fulfilment of the agreement may imply that he was alive when their arrangement was terminated. The will provides no further details and merely goes on to report that *Tha hit swa gelamp thæt Æthered to feng*.<sup>11</sup>

With the return of the property to Æthelred, the will of King Æthelwulf could proceed, but the sudden increase in property appears to have complicated matters. King Æthelwulf's arrangements could accommodate any amount of property, but Alfred apparently wished to take his share of the inheritance immediately.<sup>12</sup> His attempt to get his share does represent an attempt to contravene the conditions of King Æthelwulf's will. Alfred is thwarted in this regard, but he does get the following promise from King Æthelred: *7 he cwæth thæs the he on uncrum gemanan gebruce 7 gestrynde æfter his dæge he nanum menn sel ne uthe thonne me. 7 ic thæs tha wæs wel gethafa*.<sup>13</sup>

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<sup>10</sup> In *Alfred the Great: Asser's Life of King Alfred and Other Contemporary Sources*, edited by S. Keynes and M. Lapidge (Harmondsworth, 1983) p.315, the editors suggest that King Æthelberht may have known that he had no prospect of getting a male heir and that this was the reasoning behind his part in the arrangement. The evidence from the wills suggests that donors did not ever easily give up hope of producing a male heir.

<sup>11</sup> SEHD, No. XI, pp.15-19; p.16, l. 10. (S.1507).

<sup>12</sup> Ibid., p.16, ll. 10-13.<sup>v</sup> This passage describes the negotiations between King Æthelred and Alfred regarding Alfred's share. It is part of the category A lost will of King Æthelred. There is no provision in King Æthelwulf's will regarding shares of property, so this appears to be an idea that has developed among King Æthelwulf's heirs.

<sup>13</sup> Ibid., p.16, ll. 13-16. (S.1507).

Unlike King Æthelberht and King Æthelbald, King Æthelred and Alfred had children for whom they wished to make provision. They devised an arrangement which, while it retained the basic provision of King Æthelwulf's will that the survivor should receive the greatest amount of property, allowed them to ensure their children got at least some property. The arrangement is somewhat complex and is perhaps best illustrated by use of the example of how it would operate, if King Æthelred survived Alfred.

If Alfred had died before King Æthelred, the latter would succeed to all of Alfred's lands, possessions and treasures except those which Alfred had bequeathed to Alfred's own children. Alfred, therefore, would have been able to give his own children selected property which had been his own. King Æthelred was obliged to give to Alfred's children the lands which King Æthelred had himself acquired--likely those he had gained through the use of his and Alfred's joint property. Moreover, King Æthelred had to give Alfred's children any property which Æthelred had been given by King Æthelwulf when all of the three brothers, Æthelbald, Æthelred and Alfred, had been living. This did not, however, entitle them to any share of the property which had been given to all three brothers. If Alfred were to survive King Æthelred, then he was under the same obligation to King Æthelred's children.

The above arrangement retains the tenet that the survivor gets everything, in the sense that the survivor receives the bulk of property. The impact of this tenet on the non-survivor's family was lessened by this agreement. Once again, practical considerations were shaping the actual operation of King Æthelwulf's original will. His wishes appear to have been disregarded completely, when the agreement was reached between King Æthelberht, and Æthelred and Alfred. King Æthelred's arrangement with Alfred broadly respects the intent of King Æthelwulf's will but does not follow his

instructions slavishly. Flexibility in the face of circumstances seems to<sup>be</sup> the principle which operated in the fulfilment of the instructions in the wills of even the highest members of society.

Unlike the earlier lost wills of King Æthelwulf and King Æthelred, the will of King Alfred is a rich source for detail concerning his properties. As King Alfred did outlive King Æthelred, he should have provided, according to the terms of his agreement with King Æthelred, for King Æthelred's children, the lands which he had himself obtained along with those which he had received from King Æthelwulf while all three brothers had been alive. Æthelhelm and Æthelwold, both sons of King Æthelred, appear as donees in King Alfred's will. Between them they receive a total of eleven estates: eight to Æthelhelm and three to Æthelwold. The donation to them is quite small compared with that which King Alfred makes to his own sons.

Although King Alfred's will is substantial, it does not list the whole of Alfred's possessions. References to property such as *tha bocland ealle the Leofheah hylt*<sup>14</sup> and *ealle tha bocland the ic on Cent hæbbe*<sup>15</sup> make it clear that not all his property is named in the will. It is worth noting that his daughter, Æthelgifu, who receives two estates in this will, was the recipient of seven other estates, six of which were in Dorset, when she joined the nunnery at Shaftesbury.<sup>16</sup> That gift emphasizes the partial nature of this will as a record of King Alfred's resources. It is possible that King Æthelred's sons received more property than is recorded in the will.

In common with the few other royal wills, King Alfred does not discuss the matter of succession in his will. Edward, Alfred's eldest son, became king and had

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<sup>14</sup> Ibid., p.17, ll. 16-17. (s.1507).

<sup>15</sup> Ibid., p.17, l. 24. (s.1507).

<sup>16</sup> Robertson-Charters, No. XIII, pp.24-5. (s.357).



to face a revolt by King Æthelred's son, Æthelwold. Æthelhelm received the larger portion of estates and does not appear to have been involved. King Æthelred's and Alfred's agreement seems to have been honoured, but it did not prevent their children from disputing its provisions and from resorting to force.

There was clearly a limit to the authority given to the wishes of the dead, and the limit seems to have been one of practicality. King Æthelwulf's will was obeyed insofar as it was practical but was set aside when it was expedient to have King Æthelberht rule. The wills of King Æthelred satisfied his interests and those of Alfred, and it seems that King Alfred's will meant the successful conclusion of their agreement. Yet, King Æthelred's son, Æthelwold, sought to alter the terms by force after King Alfred's death, and the will of King Alfred implies that, during his lifetime, other attempts had been made to challenge the course of inheritance.<sup>17</sup> The degree of obedience to the instructions in a will was more variable in practice than the wills themselves admit.

The sequence of inheritance which begins with the will of Ealdorman Ælfgar and ends with the will of Æthelgyth and Askil covers a period from the mid-tenth century to the mid-eleventh. It encompasses a total of twelve records concerning property and among these twelve are seven wills, one category B lost will, and one reference to an inheritance. The study of this descent can be divided into two parts: the first concerns the donation by Ealdorman Ælfgar to his two daughters, Æthelflæd and Ælfflæd, and to his second daughter's husband, Ealdorman Brihtnoth; the second concerns the descent of property from Ealdorman Brihtnoth to his great grandson Thurstan. As the course of this discussion can be rather complicated, it is recommended that frequent

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<sup>17</sup> SEHD, No. XI, pp.15-19;p.16, ll. 30-1. (*s.1507*).

references be made to the proposed family tree outlined in diagram 6.1.

The length of time encompassed by this case study, along with the varied nature of the evidence involved, means that a wide variety of issues can be explored. Certainly, the limitations inherent in the evidence become quite apparent as the analysis progresses. It is also possible to examine, critically, the role of women with regard to property. Of particular interest is their acquisition of property, and the power they could wield over that property once it had been acquired. The relationship between the kin group of this study and Ely provides a rare opportunity to explore the interaction between an important ecclesiastical centre and an important lay group. Because this study relates to so many issues, it forms the centrepiece of this chapter.

Ealdorman Ælfgar left a number of estates both to his daughter, Æthelflæd, and to his unnamed younger daughter who was to share these properties with her husband, Brihtnoth.<sup>18</sup> These two daughters received the property as caretakers, in that they possessed the estates for their lifetimes only. Ælfgar established the ultimate donees of the property, and these were either an ecclesiastical centre or one of the two daughters' potential children. An example of this kind of donation would be Ælfgar's donation of his estate at Lavenham in Suffolk.

And ic an Athelflede mine douhter the lond at  
Cokefelth. and at Dittone. and that at Lauenham.  
ouer min day... ic an that lond at Lauenham mine  
douhter childe gif that god wille that heo ani  
haueth. buten Atelfled her wille him his vnnen. and  
gif heo non ne habbe? gange it into Stoke for vre  
aldre soule.<sup>19</sup>

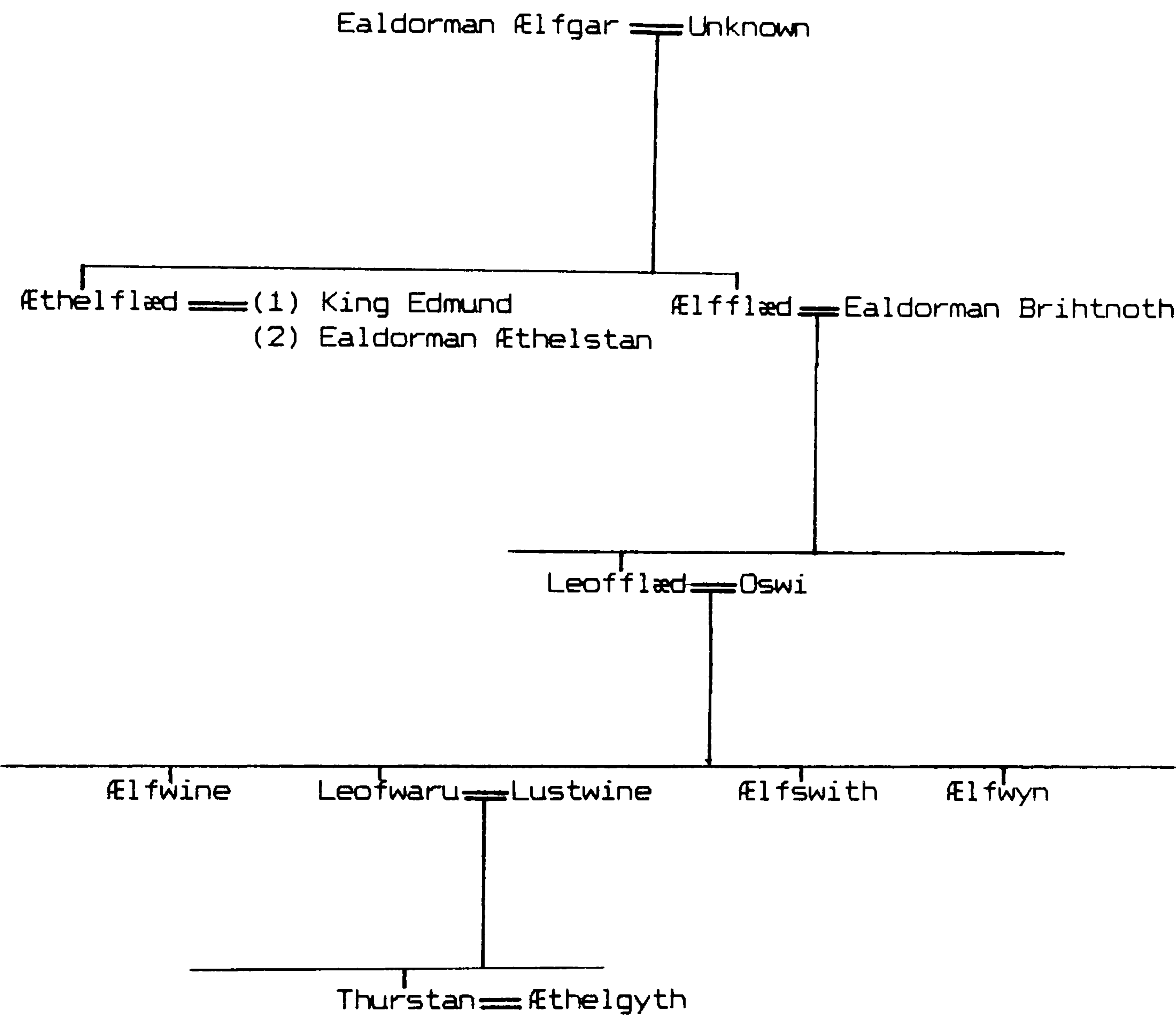
The ealdorman left a number of estates to his daughter's potential offspring, and the extent of his interest in

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<sup>18</sup> Whitelock-Wills, No. II, pp.6-9. (s.1483).

<sup>19</sup> Ibid., p.6, ll. 8-10 and ll. 16-19. (s.1483).

Diagram 6.1: Ealdorman Ælfgar Case Study - Family Tree





providing for these potential children is exceptional.

Perhaps the most striking feature of Æthelflæd's will is the large number of estates of which she disposes which she did not apparently receive from her father.<sup>20</sup> Dorothy Whitelock has suggested that much of her property had come to her through marriage, though there is not a great deal of evidence to support this contention.<sup>21</sup> Æthelflæd's two husbands, King Edmund and Ealdorman Æthelstan, could well have provided her with some of the property, but given that marriage arrangements do not usually involve vast amounts of property, marriage is unlikely to be the sole source of her wealth.

As Æthelflæd cites extensively the gifts of ancestors with reference to her own donations, it is possible that Æthelflæd's will is mentioning property that had been held by Ælfgar but was not named in Ælfgar's will. The increase in properties held may be due to a campaign of property acquisition by Æthelflæd, but there is no evidence of this in the surviving records. Indeed, some properties are known to have been possessed by Æthelflæd which do not figure in her will.<sup>22</sup> As wills provide only a partial record of a donor's possessions, it seems most plausible that these new estates were likely only new in the sense that they were but newly mentioned, and that they represent some kind of ancestral holdings.

In Æthelflæd's will, she adheres closely to the scheme of donations established by her father, but she also acts to supplement that scheme rather substantially. Æthelflæd's sister and Brihtnoth receive a life interest

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<sup>20</sup> Whitelock-Wills, No. XIV, pp.34-7. (s.1494).

<sup>21</sup> Whitelock-Wills, pp.138-9.

<sup>22</sup> Two examples of such properties are the hide at Cheveley in Cambridgeshire which Ælfflæd states Æthelflæd (s.1486) had obtained (Whitelock-Wills, No. XV, pp.38-43; p.40, ll. 10-11) and the property at Pentridge in Dorset which she received from King Edmund in C.S., 817. (s.513).

in a large number of estates that only appear in Æthelflæd's will. In addition, when she is supplementing their property, Æthelflæd often delays one of Ælfgar's donations by giving her sister a life interest in an estate which Ælfgar had wanted given to an ecclesiastical centre after Æthelflæd's death. This delay of a donation is a feature of great potential importance in understanding the effect of donations to the Church on the property resources of a kin group. The process of delaying donations has been given the name 'long-giving'.

Ælfgar's donation to the estate at Cockfield in Suffolk provides a good example of a long-gift. In his donation, Ælfgar establishes that Æthelflæd is to hold that estate for her lifetime, and after her death, it is to go to Bury St. Edmunds. The donation is straightforward: *And ic an Athelflede mine douhter the lond at Cokefelth...ouer mine day...And thanne ouer vre aldre day ic an that lond at Cokefeld into Beodricheswrthe to seynt Eadmundes stowe.*<sup>23</sup> It is only through Æthelflæd's non-compliance with Ælfgar's wishes that the donation becomes a long-gift. The following is her donation of Cockfield: *ic gean thara twegra landa æt Cohhanfeldæa 7 æt Cæorlesweorthe Bæorhtnothæ æaldormen. 7 miræ swuster hire dæg. 7 ofer hire dæg into sċæ Eadmundes stowe to Bydericeswyrthe.*<sup>24</sup> The estate reaches Bury St. Edmunds ultimately, as it is donated by Ælfflæd, but the actual donation occurs one life later than Ælfgar had intended.

Ælfflæd's will seems to imply that the long-gift was a relatively common occurrence. She frequently refers to properties *thæ minæ yldran thærto bæcwædon*, and she herself benefitted from a life interest in estates which her father had intended only for her sister and then the

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<sup>23</sup> Whitelock-Wills, No. II, pp.6-9; p.6, ll. 8-9 and l. 10 and ll. 12-13. (S.1483).

<sup>24</sup> Whitelock-Wills, No. XIV, pp.34-7; p.36, ll. 1-4. (S.1494).

Church.<sup>25</sup> Any argument which regards donations to ecclesiastical centres as impoverishing the kin and as reflecting, by implication, the action of irresponsible donors may well have to be tempered by the recognition that such donations could be delayed. Property could be retained by the members of a kin group for longer than the will implies, if agreement could be reached with the ecclesiastical donee. In each of the wills of Ælfgar, of Æthelflæd, and of Ælfflæd, the same property may be donated to the same donee, but it was obviously being retained by each donor. Property was not instantly lost to the kin, and it seems likely that they would have had time to accommodate to its loss. This method of delaying the loss of the property tends to lend increased importance to references in wills which stipulate that the donor's kin were entitled to ask to renew property agreements made with ecclesiastical institutions by the donor. Such references no longer appear as a *pro forma* offering and may well have been of considerable importance to the kin group.

Ealdorman Brihtnoth acts as the lynchpin between the two parts of this sequence of donations, as his gift to Ely of property which had belonged to Ælfflæd links these two parts. The wills of Ealdorman Ælfgar, of Æthelflæd, and of Ælfflæd do not provide much information concerning Brihtnoth other than his status as Ælfflæd's husband. The *Liber Eliensis* provides more information regarding him as well as his wife, Ælfflæd, and her sister, Æthelflæd, and it is the major source for the second part of this sequence.

In Æthelflæd's will, she donates an estate at Fen Ditton, in Cambridgeshire, to Ely.<sup>26</sup> Ælfflæd donates to Ely her estate at Rettendon in Essex, which she states

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<sup>25</sup> Whitelock-Wills, No. XV, pp.38-43; p.38, ll. 14-15. (S.1496).

<sup>26</sup> Whitelock-Wills, No. XIV, pp.34-7; p.34, l. 27 and p.36, l. 1. (S.1494).



was her *morgengifu*, her estate at Soham in Cambridgeshire, and her estate at Fen Ditton, along with one hide at Cheveley in Cambridgeshire which she indicates her sister had obtained.<sup>27</sup> From the evidence, it seems that Æthelflæd's donation of Fen Ditton was a long-gift, and that that estate had, in fact, been retained by Ælfflæd. The *Liber Eliensis* records the gifts of the two sisters to Ely, but the information in that record varies from that given in their wills.

Æthelflæd's donation, as recorded in the *Liber Eliensis*, was as follows: *Dedit autem illis Dittune et Hedham et Cheleshille, et ea in testamento suo Anglice confirmari fecit, sed sorori sue predictae Ælflede, dum viveret, villam de Dittune concessit habendam.*<sup>28</sup> Not only does Æthelflæd provide Fen Ditton but also two additional estates, Kelshall and Hadham, both in Hertfordshire. This report concerning Hadham is of interest, because in Æthelflæd's will, she donates that estate first to Ælfflæd and then to St. Paul's in London. Ælfflæd ostensibly completes her sister's donation, as she too donates this estate in her will to St. Paul's in London.<sup>29</sup> Ælfflæd's donation to Ely is recorded in the *Liber Eliensis* just as it appears in her will.

The *Liber Eliensis* preserves a detailed story concerning the events preceding the battle of Maldon. In that story, Ealdorman Brihtnoth, the husband of Ælfflæd is represented as granting the estates of Rettenden in Essex and Soham in Cambridgeshire to the monks at Ely:

Cogitans itaque apud se illos causa sui non parum  
fuisse gravatos, in crastinum causa suscipiende  
fraternitatis venit in capitulum et, gratias agens

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<sup>27</sup> Whitelock-Wills, No. XV, pp.38-43;p.40, ll. 5-11.(S.1486).

<sup>28</sup> L.E., c. 64, pp.136-7;p.137. (Not in Sanger).

<sup>29</sup> In Whitelock-Wills, p.140, Dorothy Whitelock points to the evidence from *Domesday Book* that the estate at Hadham was shared between the Bishop of London and the Abbot of Ely. In neither will is there any indication of this split nor is this suggested in the *Liber Eliensis*.

The evidence from *Domesday Book* establishes that these are two separate estates.

abbati atque conventui de tam liberali eorum caritate, ad compensandam eorum largitatem dedit eis statim hec capitalia maneria, Spaldewich, et Trumpintune, Ratendune, et Hesberie, Seham, et Acholt.<sup>30</sup>

This grant, unlike those which follow, is not conditional, but it is remarkable. Ealdorman Brihtnoth had provided the estate at Rettendon to Ælfflæd as her *morgengifu*, yet he was unilaterally resuming his control over that estate and granting it away to Ely. Unless there were two estates of the same name in that place, it would appear that Brihtnoth was ignoring his wife's legal claim to the property. Ælfflæd, herself, donates those two properties to Ely in her will, but it is difficult to establish whether she is merely acting to confirm Brihtnoth's grant or she is making her own donation. Considering the authority accorded possession of property as *morgengifu*, at least by legal historians, Brihtnoth's grant is quite unorthodox.

One of the major complications in this sequence of property descent revolves around the relationship between Ælfflæd and Brihtnoth. According to the *Liber Eliensis*, Ealdorman Brihtnoth had a daughter named Leofflæd. The actual reference identifies her as: *Leoflede mulieris, uxoris Oswi, filie Brithnothi cognomento alderman*.<sup>31</sup> Both E.O. Blake, the editor of *Liber Eliensis*, and Dorothy Whitelock, the editor of Ælfflæd's will, maintain that this daughter's mother was someone other than Ælfflæd.<sup>32</sup> If that is true, a problem arises subsequently with a grant made by Leofwaru and Lustwine, the former being a

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<sup>30</sup>L.E., c. 62, pp.133-6;p.135. (*Not in Sawyer*).

<sup>31</sup>L.E., c. 88, pp.157-8;p.157. (s.1520).

<sup>32</sup>E.O. Blake seems to accept Dorothy Whitelock's argument without any need for comment (L.E., Appendix D. p.423). This discussion concerning Ælfflæd's relationship with Leofflæd is found in Whitelock-Wills, pp.141-2, and while her conclusions are plausible, they are not to my mind wholly convincing.

daughter of Leofflæd and Oswi. In their grant, which is recorded in the *Liber Eliensis*, they give Fen Ditton in Cambridgeshire to Ely.<sup>25</sup> This appears to have been the same Fen Ditton which Æthelflæd and Ælfflæd had already given to Ely. The donation of the estate at Fen Ditton begins to look very much like a long-gift.

The argument which Dorothy Whitelock presented against identifying Ælfflæd as the mother of Leofflæd was based on two main points: first, Leofflæd and her offspring do not appear as donees in the will of Ælfflæd; secondly, under the terms of Ealdorman Ælfgar's will, Leofflæd should have inherited some of the properties which Ælfflæd donates in her will to the Church. It is useful to consider each of these points in some detail.

That Leofflæd or her children do not appear in Ælfflæd's will is basically a non-argument. It has been demonstrated in earlier chapters, that wills represent a partial listing of a donor's possessions and do not encompass the whole of a donor's kin group. There are numerous ways in which property could have been given to Leofflæd--via the customary inheritance system or by grant, for example--so this non-appearance cannot be considered as indicative of much. Certainly, it does not argue against the possibility that Ælfflæd was Leofflæd's mother.

Ealdorman Ælfgar's will includes the following provision, conditional on Brihtnoth and Ælfgar's younger daughter, Ælfflæd, producing children:

And ic an that lond at Illeye mine ginger douhter hire day. and ouer hire day. Berthnothe his day gif he leng libbe thanne heo. gif he bern habben thanne an ic hem. gif he non ne habbeth. thanne an ic it Athelfleth mine douhter. ouer here day. and after hire day. into Cristes kirke at Caunterbiri then hirde de brite. And the lond at Colne and at Tigan ic an min gingere douhter. and ouer day gif heo bern habbe. hire bern. and gif heo bern ne habbe.

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<sup>25</sup>L.E., c. 89, p.158. (*Not in Sawyer*).



bequethe it Bernothe his day. and ouer his day. into  
Stoke for vre aldre soule.<sup>34</sup>

In Ælfflæd's will, the estate at Monks Eleigh in Suffolk is given to Christchurch in Canterbury, and the estate at Colne and Tey in Essex is given to the foundation at Stoke. While this suggests that Brihtnoth and Ælfflæd had no children, that is not the only possible conclusion that can be drawn.

In the previous case study, the wishes of King Æthelwulf were set aside for reasons of expediency. Æthelred was unable to take on the responsibility that had devolved to him at the death of King Æthelbald, so he and Alfred reached an agreement with King Æthelberht. Circumstances could affect and alter donations. If Brihtnoth and Ælfflæd had children, it is quite possible for their offspring to have exchanged the properties they were to receive for others they preferred, or for them to have decided to give the property to the Church.

When Ælfflæd donated the estate at Monks Eleigh to Christchurch, she states that this estate was one of *tha land the minæ yldran becwæden*.<sup>35</sup> The estates at Colne and Tey are described as part of *tha land thæ minæ yldran thæarto bæcwædon ofær minre swystor dæg. 7 ofær minne*.<sup>36</sup> The use of the term *yldran* is curious as the donation of these estates appears to originate solely from her father's will. The reference to this as a gift of her ancestors seems to imply a lengthy giving process, and it seems possible that many of these donations may represent the continuation of long-gifts. The gift of the three estates to those ecclesiastical centres may not have deprived Ælfflæd and Brihtnoth's offspring of the use of

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<sup>34</sup> Whitelock-Wills, No. II, pp.6-9;p.6, ll. 24-9 and p.8, ll. 1-3. (s.1483).

<sup>35</sup> Whitelock-Wills, No. XV, pp.38-43;p.38, l. 20. (s.1486).

<sup>36</sup> Ibid., p.38, ll. 14-16. (s.1486).

these estates for their lifetimes, as it is possible that the gift may be a record of a long-gift.

The absence of any apparent recipients for these three estates is important but can be interpreted in a number of ways. The records are far from comprehensive and any interpretation which equates non-appearance with non-existence is subject to legitimate doubt. Dorothy Whitelock's interpretation also minimizes the evidence which favours the contention that Leofflæd was the child of Ælfflæd and Brihtnoth.

One piece of evidence in favour of Ælfflæd being the mother of Leofflæd is the appearance of the personal-name element *-flæd*. It is, at least, an interesting coincidence that Leofflæd shares the same terminal personal-name element as the sisters Æthelflæd and Ælfflæd. There is no indication as to how Brihtnoth would have contributed such an element.

The second piece of evidence which supports the above contention concerns the estate at Fen Ditton in Cambridgeshire. Both Ælfflæd's will, and the account given in the *Liber Eliensis* regarding her gifts to Ely, agree in recording that she gave this estate to Ely. Ealdorman Ælfgar had given this estate to Æthelflæd who in turn gave it to Ely, so this estate seems to have had a history of association with that kin group. After its appearance in Ælfflæd's will, the estate vanishes for a generation before re-emerging in the account of the gift of Lustwine and Leofwaru to Ely.<sup>37</sup>

While Brihtnoth may have been able to re-establish his control over Rettenden in Essex even after he had given that estate as his *morgengifu* to Ælfflæd and over Soham in Cambridgeshire, there is no indication that he ever possessed any power over the estate at Fen Ditton. Yet, somehow a descendant of his and, according to

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<sup>37</sup> L.E., I, c. 89, p.158. (*Not in Sawyer*).

Dorothy Whitelock's interpretation, his alone, had gained power over this estate. While <sup>it</sup> may have happened that the estate went to Ely and then was granted out by Ely and then was returned to Ely, it is possible, and easier, to theorize that Leofwaru simply received the property through her maternal grandmother, Ælfflæd, and was maintaining the family tradition of a long-gift of this property. Leofwaru seems to have had two sisters and a brother, and it may be significant that the first personal-name element in each of their names was *Ælf-*.<sup>38</sup> This would appear to reinforce the connection between her and the family of Ælfgar.

The final piece of evidence which argues against the contention that Leofflæd was the daughter of Brihtnoth, but not of Ælfflæd, is the complete absence in the records of even the slightest hint that Brihtnoth had been married to anyone other than Ælfflæd. Brihtnoth's reputation was such that any earlier marriage would likely receive some attention, especially if it had produced children. All the records which relate to the descent of property work effectively without the insertion of this theoretical spouse, and indeed, her existence serves only to complicate a relatively straightforward account. In consideration of this point and those discussed above, I would maintain that Leofflæd was likely the daughter of Ælfflæd and Brihtnoth and that, therefore, these two sequences of property descent are linked.

Ælfflæd's daughter, Leofflæd, married Oswi, and they had six children of whom the names of four are known: Ælfwine, Ælfwyn, Ælfswith and Leofwaru.<sup>39</sup> The *Liber Eliensis* states that the following arrangement was made by Leofflæd and Oswi concerning their son, Ælfwine: *Ex*

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<sup>38</sup> The evidence regarding Leofwaru's brother and sisters is derived from L.E.<sub>II</sub> c. 67, p.139 and L.E.<sub>II</sub> c. 88, pp.157-8. (*Not in Surger*)

<sup>39</sup> Ibid.



quibus Ælfwinum nomine Deo et sancte Ætheldrethe in monachicum optulerunt, ad vestimentum eius villam de Stevecheswrthe statuerunt et post vitam eius ecclesie perpetim adiaceret.<sup>40</sup> According to the above, Ælfwine was to receive the vill of Stetchworth in Cambridgeshire for his lifetime only, and after his death, the estate was to go to Ely. Stetchworth appears again, however, in the will of Leofflæd: *Deinde duabus filiabus meis annuo Stevechesworthe, dum vivant, tenere, Ælfwenne et Ælfwithe, et ultra dies suos in locum sanctum Ely libere dimittant.*<sup>41</sup> This gift to Ely has become spread over three lives and seems to be another example of a long-gift.

Leofflæd refers to Leofwaru as *Alie vero filie* and donates to her the hamlet of Wetheringsett in Suffolk.<sup>42</sup> Her donation is a conditional one, and she demands that Leofwaru *caste se conservet vel virum legitime accipiat, ne ipsa et progenies nostra lupanaris contagii notetur infamia.*<sup>43</sup> Leofflæd's concerns seem to have been misplaced as Leofwaru went on to marry Lustwine and to produce a son called Thurstan. It was they who made the gift of Fen Ditton to Ely which was the vital link between these two parts of this sequence of inheritance.<sup>44</sup>

The relationship between Leofwaru, Lustwine and Thurstan has been established primarily through property. In Thurstan's will (S. 1531), he identifies himself as: *ic Thurstan Wine sune.*<sup>45</sup> Dorothy Whitelock has suggested, plausibly, that *Wine* represents in this passage a mistake

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<sup>40</sup> L.E. II c. 67, p.139. (Not in Sanger)

<sup>41</sup> L.E. II c. 88, pp.157-8; p.157. (s.1520)

<sup>42</sup> Ibid. (s.1520)

<sup>43</sup> Ibid. (s.1520)

<sup>44</sup> L.E. II c. 89, p.158. (Not in Sanger)

<sup>45</sup> Whitelock-Wills, No. XXXI, pp.80-5; p.80, l. 1. (s.1531).

or an abbreviation for Lustwine.<sup>46</sup> The primary evidence for a family connection between these three individuals is Thurstan's possession, and his donation, of those properties which Leofwaru and Lustwine had given to Ely.<sup>47</sup> A further crucial property link is provided by Thurstan's donation of the estate at Wetheringsett in Suffolk to Ely. Leofflæd had given this estate to Leofwaru, but it does not figure in Leofwaru and Lustwine's gifts to Ely. Given the amount of overlap between properties held by Leofwaru and Lustwine and those subsequently held by Thurstan, the conclusion that Thurstan was their child is almost inescapable.

Thurstan's will (S. 1531) is remarkable for the almost total disregard he seems to show towards his parent's gifts to Ely. Of the ten estates they gave Ely, he possesses seven, and of these seven estates, he donates only two to Ely in his own will.<sup>48</sup> Thurstan's wife, Æthelgyth, appears to receive two of the seven estates, one at Pentlow and one at Ashdon, both in Essex. The priests and chaplains of Thurstan ultimately share his estate at Kedington in Suffolk, while Christchurch in Canterbury is to receive Wimbish in Essex. Ulfketel, with whom Thurstan appears to be in *felageschipe*, may have received Borough Green in Cambridgeshire. Thus, Thurstan disposes of five estates, originally intended to go to Ely by his parents, according to his own interests.

Like his parents, Thurstan donates to Ely the estates at Knapwell and at Weston Colville, both of which are in Cambridgeshire. He supplements this donation by giving the estate at Wetheringsett. In his donation of Knapwell and Weston Colville, Thurstan, like other donors

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<sup>46</sup> Whitelock-Wills, pp.189-90. (S.1531).  
(S.1531).

<sup>47</sup> Ibid. ✓ Dorothy Whitelock provides a detailed breakdown of all the estates involved.

<sup>48</sup> This discussion is derived from a comparison of the estates found in L.E.II c. 89, p.158 with those found in Whitelock-Wills, No. XXXI, pp.80-5. (S.1531).  
(Not in Sawyer)

in this case study, seems to be participating in the tradition of a long-gift. His decision to take back seven of his parent's ten estates and to give them to different donees represents a serious break with that tradition. It is not surprising that the *Liber Eliensis* makes no reference to the will of Thurstan. In the will of Æthelgyth, Thurstan's wife, and Askil, Ely is given the estate at Henham in Essex, but this was clearly too small to be a replacement for those estates which Ely had lost through Thurstan's actions.

This sequence of property descent reveals some of the limitations inherent in this approach to studying the operation of inheritance in Anglo-Saxon Society. The most fundamental limitation lies in the fact that all the donors, and their donations, are linked with Ely. While this link was vital in providing a sense of continuity, and in establishing firm family connections, the record exists to serve the interests of Ely, and those interests are Ely's own properties. No attempts were made to record the descent of other property or even to record the whole of donations which gave only a small part of the donor's complete property to Ely.

The first part of the sequence was more complete because the sense of continuity from one donor to the next is stronger in the wills than in the brief entries in the *Liber Eliensis*. Limitations in the evidence from wills become more apparent, when the wills are studied sequentially. Property was added to what a donor had received as a donee in an earlier will, but no explanation is provided concerning this increase in wealth. Estates appear in, and then vanish from, the records, and this activity reinforces the impression that property is changing hands much more often than the records indicate.

In the second part of the sequence, Ely acts as a hub linking, indirectly, the various spokes of donor and grantor. The overall impression is that the evidence



shows a great deal about the interaction of the kin with an ecclesiastical institution over a number of generations but reveals little concerning inheritance within that kin. The second sequence does reveal a curious pattern whereby a series of different, but related, donors make a gift of the same estate to the same ecclesiastical donee.

This study raises a number of issues regarding the operation of inheritance in Anglo-Saxon society. Perhaps one of the most important issues is the acquisition of property by female donors. Marriage is often cited as an important means to estate acquisition for female donors. While women undeniably acquired some property at marriage, the wills of Æthelflæd and Ælfflæd do not suggest that marriage was the primary source for their property.

Æthelflæd possessed a large number of estates by the time she composed her will, and the records indicate that she acquired a number of properties from her royal marriage. Some of these acquisitions were, however, specifically for her lifetime only.<sup>49</sup> The amount of these acquisitions does not seem large enough to account for her substantial possessions, and it seems feasible that both she and Ælfflæd received property from their father, and other relatives, which simply did not appear in his will.

Ælfflæd's possessions, as they appear in her will, were clearly derived from Æthelflæd and Ealdorman Ælfgar, with the exception of the group of estates which she grants to her lord. Seven of these eight estates appear only in her will, and her possession of these estates has been ascribed to her marriage to Brihtnoth. The reasoning behind this seems to be that, because these

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<sup>49</sup>The estate at Damerham in Hampshire which she received from King Edmund (S. 513) was for her lifetime only, as was the grant of land at Chelsworth in Suffolk (S. 703).

estates are mainly in Essex, they must have belonged to Brihtnoth. Another Essex estate, that at Rettenden, is explicitly cited as being her *morgengifu*, and this reference casts doubt on the argument that those other seven estates were also acquired through marriage. She received Rettenden as her *morgengifu*, but she does not state in her will that it represented only one part of her total *morgengifu*. At the very least, this should cause some concern about the validity of assigning estates, whose acquisition history is unknown, to the role of *morgengifu*. The emphasis in Ælfflæd's will on the fulfilment of 'ancestral' grants gives the impression of a continuous accumulation of property by a kin group. This would argue for a more prosaic building-up of family holdings rather than a sudden influx of property through marriage.

Ælfflæd's marriage with Brihtnoth provides an interesting example of property division within a couple. If Ælfflæd had died before Brihtnoth, Brihtnoth would have had, under the terms of Ealdorman Ælfgar's will, the use of a number of estates for his own lifetime. Brihtnoth predeceased Ælfflæd, and if Ælfflæd had had a child, as seems likely, Ælfflæd should have received property both as a widow and, under the terms of Ealdorman Ælfgar's will, as a mother. Yet, there is little evidence of any property connections between Ælfflæd and Brihtnoth. In contrast with the closeness of joint donors, Brihtnoth and Ælfflæd seem to have led, insofar as property was concerned, very separate lives.

The only overlap in property between Brihtnoth and Ælfflæd involves two estates, Rettenden in Essex which was Ælfflæd's *morgengifu* and Soham in Cambridgeshire. In her will, Ælfflæd donates these two estates to Ely, but in the *Liber Eliensis*, Brihtnoth grants both estates to Ely immediately before his departure for Maldon. As was noted above, this grant raises a question regarding the traditional historical interpretation of *morgengifu*.

Legal historians imply that when property was received as *morgengifu*, the control of the woman landholder over that property was complete. Her position as the rightful possessor was unassailable. It is represented as the equivalent of a widow's pension, a kind of provision for a wife that would guarantee her survival and comfort after her husband's death.<sup>50</sup> Brihtnoth grants his wife's *morgengifu* of Rettenden to Ely, and even if he had gone on to victory at Maldon, that estate would have belonged to Ely. This would imply that Brihtnoth retained power over that property, and in turn, this suggests that the position of the female property holder, with regard to the property that she acquired through marriage, was less secure than has previously been considered.

It is possible, however, that Ælfflæd's donation of property was being strengthened by the compiler of the *Liber Eliensis* through the addition to her donation of the authority of her late husband Brihtnoth. That the compiler was selective and prone to omit what he considered irrelevancies can be seen in his failure to mention Brihtnoth's donation to Ramsey Abbey.<sup>51</sup> While it may be that Ælfflæd's donation represents a confirmation of that grant, this still does not explain why Brihtnoth felt able to grant his wife's *morgengifu*.

Another characteristic which appears in this sequence of inheritance is the reluctance of a kin group to part with a property even after it had been given. The long-gift to an ecclesiastical donee seems to have been a relatively common experience, and it may well have been an arrangement that was understood but unrecorded.

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<sup>50</sup>F. Pollock and F.W. Maitland, *The History of English Law*, Vol. II, Second Edition (Cambridge, 1895, reprinted 1911) p.365 and pp.425-6.

<sup>51</sup>*Chronicon Abbatiae Rameseiensis*, Rolls Series Vol. 83, edited by W.D. Macray (London, 1886) No. 68, pp.116-17; p.117. (Not in Sawyer).



The ecclesiastical donee was likely provided with some kind of payment in lieu of receiving the property immediately, and unlike lay donees, the Church could well afford to wait. The spirit of the donation would be honoured in this way, while the practical difficulties caused to a kin group by that donation could be deferred. Practical considerations appear to have held sway over the plans made by the now dead donors for the future.

The evidence from this case study seems to confirm the impression that property descends even in the absence of records. The estates of Wetheringsett and at Fen Ditton seem to stay within the kin group but only appear periodically in the records. This sporadic appearance would argue against any contention that only disputed property, or recently acquired property, is featured in wills. This would suggest that the nature of the property does not provide the impetus for the creation of the will.

The records of this sequence seem to indicate that women were a channel through which inheritance could flow. From the will of Ealdorman Ælfgar, the sequence runs through Æthelflæd, Ælfflæd, Leofflæd, Leofwaru, and Thurstan to Æthelgyth and Askil. The appearance of female donors and donees is significant, but it must be recalled that there is little evidence to indicate that the bulk of an inheritance was moving through these women. Leofwaru had five siblings, but little is known about their property. The limitations imposed by the evidence make it impossible to establish the relative importance of female donors and donees, except in cases such as that of Æthelflæd and Ælfflæd where the information provided is far more complete.

The sequence of inheritance which involves Wulfrun, Wulfgeat and Wulfric covers the twenty years which mark the end of the tenth century and the start of the eleventh. This study demonstrates the difficulties involved in linking individual donors and grantors on the

basis of their property. While each of these individuals share the initial personal-name element *Wulf-*, the absence of many directly overlapping property interests, and of any narrative source which links them together, makes it difficult to establish a family relationship between the three of them. Of particular interest in this study is the somewhat different perspective it offers on the use of the term patrimony.

Dorothy Whitelock has concluded, tentatively, that the Wulfgeat, for whose benefit Wulfrun made a grant of *x. jugera cassatarum* to *Ham tune* in Staffordshire, is the same man as the donor Wulfgeat.<sup>52</sup> As she admits, the basis for this identification is slender. It relies on the proximity between the respective holdings of Wulfrun and Wulfgeat, on the fact that they both control the same estate at different times, and on the fact that Wulfgeat does make a donation to *Heantun*.

Among Wulfrun's holdings is an estate at Upper Arley in Worcestershire which King Edgar granted to a certain Wulfgeat in 963.<sup>53</sup> This property link represents the strongest and most direct evidence for a connection between these two individuals. Wulfgeat's donation to *Heantun* is part of a series of gifts he makes to religious houses and consists of *.iiii. hrythra*.<sup>54</sup> As Leominster receives a similar donation, it does not appear that Wulfgeat is favouring *Heantun* in any special way.

The evidence for a connection between Wulfrun, the benefactress of *Ham tune*, and Wulfric, the founder of

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<sup>52</sup>The information on Wulfrun's holdings is taken from her charter found in *Monasticon Anglicanum*, Vol. 6, Part III, edited by W. Dugdale, New Edition by J. Caley et al (London, 1830) Num. I, pp.1443-6;p.1444.(s.1390). Dorothy Whitelock's discussion of the evidence appears in Whitelock-Wills, pp.164-5.

<sup>53</sup>C.S., 1100.(s.720).

<sup>54</sup>Whitelock-Wills, No. XIX, pp.54-7;p.54, l. 14.(s.1534).

Burton Abbey, is much stronger than that for the connection between Wulfrun and Wulfgeat. Wulfric appears in a witness list with the following identifying tag: *Wulfric Wulfrune sunu.*<sup>55</sup> Similarly, he is referred to as *Wulfric Wulfrune sune* in the bounds in a charter of King Æthelred dated 995.<sup>56</sup> From this evidence, it would seem likely that Wulfric was the son of Wulfrun. While it is true that their property was located in similar areas of the country, it is remarkable that not a single property of the vast number which appear in Wulfric's will can be linked with Wulfrun.

The failure of their property to overlap at any point is reminiscent of the almost complete failure of Brihtnoth and Ælfflæd's holdings to overlap. The absence of any apparent property connections suggests a number of possibilities. It is possible Wulfric is the son of a different Wulfrun, or that the records of Wulfrun's possessions are simply too incomplete. It could also be that Wulfric's possessions reflect a real separation between the property belonging to the husband and that belonging to the wife. Wulfric could be disposing of his patrimony in the most precise sense of that word. While this is a fascinating possibility, it is impossible, owing to the lack of evidence, to pursue it further.<sup>57</sup>

The case study involving the wills of Wulfgyth, Eadwine (S. 1516) and Ketel covers the period from the 1040's to the Norman Conquest. This study provides an

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<sup>55</sup> Whitelock-Wills, No. XVI (2), pp.44-7; p.44, l. 29. (S.939).

<sup>56</sup> *Chronicon Monasterii de Abingdon*, Vol. I, Rolls Series Vol. 2, edited by J. Stevenson (London, 1858) pp.388-92; p.390. (S.886)

<sup>57</sup> P.H. Sawyer considers this question in some detail on p.xli and pp.xliv-xlv in *Charters of Burton Abbey*, Anglo-Saxon Charters II (Oxford, 1979). With reference to the statement regarding Wulfric's donation of his patrimony see the 'Annales Monasterii de Burton', *Annales Monastici*, Vol. I, Rolls Series Vol. 36, edited by H.R. Luard (London, 1864) p.183. (Not in Sawyer).



opportunity to examine donations within a family group. Wulfgyth and Eadwine were sister and brother, while Ketel was one of Wulfgyth's sons. This sequence of property descent is far less linear than has been hitherto encountered, and examination of the property which appears in these wills reinforces the impression that wills do not record the entirety of a donor's possessions. Numerous agreements feature in the will of Ketel which may indicate that wills were regarded as being a useful device for recording more complex property arrangements.

Both Eadwine (S. 1516) and his sister Wulfgyth appear to possess in their wills roughly comparable amounts of property. Eadwine indicates in his will that both of them had another brother named Wulfric, but no information is provided concerning any property he may have held outside of the two estates which were involved in his agreement with Eadwine.<sup>50</sup> There exists the strong possibility that Wulfgyth and Eadwine were not the only donees of their parents, but it is only their holdings which can be recovered from the evidence.

Eadwine's estates are located entirely within Norfolk though it should be noted that several place-name identifications are tentative. In contrast, Wulfgyth has property in Norfolk, Suffolk, Essex and even an estate at Ashford in Kent. It seems unlikely that this variation in the distribution of each donee's estates was simply fortuitous, and it is more likely that the distribution represents a conscious decision on the part of the donors who provided for both of them. The variation in the distribution of properties given to the donees seems to imply that male donees would be better served by having their estates within a concentrated area, whereas this consideration was less of a factor in donations to female donees.

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<sup>50</sup> Whitelock-Wills, No. XXXIII, pp.86-9; p.86, l. 27. (S.1516).

donees. Eadwine favours ecclesiastical donees, and in his will, over ten local churches receive some form of

donation. The donations are not large, but the range of churches who are donees, and their minor status, indicates the high level of Eadwine's interest. There are only three lay donees in his will: Eadwine's brother, Wulfric, a named donee called Leofric and Eadwine's nephew, Ketel. Wulfgyth provides for both her daughters and her sons.

The issue of how many sons Wulfgyth had was dealt with in some detail in chapter five.<sup>59</sup> If Wulfgyth had three sons, Ulfketel, Ketel and Ælfketel, then she appears to slightly favour Ketel over both Ulfketel and Ælfketel.<sup>60</sup> Indeed, Ketel alone receives more than all three of Wulfgyth's daughters, Gode, Bote and Ealdgyth. A problem arises with the picture of Wulfgyth's family as created by her will, because her son, Ketel, mentions in his will a certain *Godric mine brother*.<sup>61</sup>

In order to accommodate this brother, Dorothy Whitelock theorized that Godric was in fact Ketel's half-brother.<sup>62</sup> A second marriage for Wulfgyth is possible, especially when the change in style of naming her daughters is considered in conjunction with the terms used within the text when references are made to Ealdgyth. The similarity between Godric and Gode casts some doubt on the likelihood of such a marriage, and given the model of customary inheritance outlined in chapter four, it is far less complicated to accept Godric as Ketel's brother who simply does not appear in Wulfgyth's will.

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<sup>59</sup>Chapter five, pp.225-6.

<sup>60</sup>Whitelock-Wills, No. XXXII, pp.84-7. (S.1535)

<sup>61</sup>Whitelock-Wills, No. XXXIV, pp.88-91;p.90, l. 16. (S.1519).

<sup>62</sup>Whitelock-Wills, p.198.

No evidence exists concerning Eadwine's personal life, and the will reveals nothing of such a life. The agreement between Eadwine and his brother, Wulfric, which appears in the will is curious in that no provision is made for either of their offspring. The estates at Ashwell Thorpe and Great Melton, both in Norfolk, go first to whichever of them survives the other. After the death of the survivor, the estate at Ashwell Thorpe goes to their nephew, Ketel, while that at Great Melton goes to St. Benedict's at Holme. Under the terms of their agreement, Ketel is a caretaker donee as after his death the estate at Ashwell Thorpe is to go to Bury St. Edmunds. The agreement undergoes a subtle transformation in Ketel's own will where Ketel gives the conditions of the partnership as follows:

gif Eadwine min Em wille helden se felageschipe mid me 7 Wlfric min em ymbe that lond at Metheltune gif wit him ouerbiden. fon we to that londe at Thorpe into that forwarde. that vre bothere time go that lond at Metheltone for vre heldren soule. and vre awene soule into seinte Benedicte at Holm. And that lond at Thorpe into seynt Eadmundes biri.<sup>63</sup>

It is apparent from the above that Ketel managed to secure for his lifetime the role of caretaker for the estate at Great Melton. The donation of that estate has, in fact, become a long-gift.

From his will, it is apparent that Eadwine possessed a number of properties, and it seems highly probable that his brother, Wulfric, also possessed a number of properties. Their donation to their mutual nephew, Ketel, should be examined in that context. The agreement between them involves a life interest in two estates, and this amount of property was unlikely to provide an overwhelming advantage to Ketel as a member of their kin group. Ketel was, however, the only one of Wulfgyth's children who apparently benefitted from the relationship

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<sup>63</sup>Whitelock-Wills, No. XXXIV, pp.88-91;p.90, ll. 2-8. (s.1519).



with his uncle. The two estates involved were both in Norfolk, and the addition of this property likely enhanced his power there. The fact that he is involved in a partnership with these two may have a symbolic importance, but this is difficult to establish.

Ketel's will is exceptional in that it contains a large number of agreements regarding property. He refers to another arrangement he has with Eadwine and Wulfric with regard to the *tun* at East Harling in Norfolk. This agreement seems odd, because in his other agreement, he seems to imply that he is likely to outlive both his uncles. With regard to East Harling, it may be that he had arranged for the disposal of his property there in case he failed to return from his pilgrimage. This seems to be the implication of his phrase *gif ic ongein ne cume* which appears in the arrangement for payment of his heriot which precedes his discussion of the fate of East Harling.<sup>64</sup>

Ketel also enters into an agreement with his sister, Gode, and with his sister, Bote. The agreement with Gode involves an estate at Preston in Suffolk over which she appears to exercise complete control, and it should be noted that this estate does not feature in Wulfgyth's will. Bote's agreement with Ketel involves the estate at Somerleyton in Suffolk which implies that Gode and Bote had divided their mother's donation to them. Ketel's will indicates that he possessed a number of estates in Norfolk, Suffolk and Essex which did not come into his possession through Wulfgyth's will. Whether these represent acquisitions or simply property not mentioned in Wulfgyth's will, is difficult to ascertain. The estate at East Carleton in Humbleyard Hundred, Norfolk, which Ketel was to share with Ulfketel under the terms of Wulfgyth's will, does not feature at all in Ketel's will.

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<sup>64</sup> Ibid., p.88, l. 26. (s.1519).

The donee Godric receives the largest number of estates of any donee in Ketel's will. He received two Norfolk estates and an estate in Essex. None of the estates he received can be linked to Wulfgyth or to Eadwine, though they were in counties where all the donors in this sequence possessed property. Ketel's property was far less concentrated in one area than was that of Eadwine.

The sequence of inheritance of Wulfgyth, Eadwine and Ketel illustrates the difficulty involved in the interpretation of wills. This sequence is not as linear as was that of Ealdorman Ælfgar, Æthelflæd and Ælfflæd, and the absence of a will of the parents of Wulfgyth and Eadwine makes it difficult to discern acquired estates from inherited estates. Generalizations based on the evidence of the wills are difficult to make with any real surety. The wills, however, do seem to provide a very fragmentary picture of a donor's possessions.

Ketel's will appears to reveal a greater degree of confidence in records. A number of agreements are preserved in his will, and this appearance coincides with the general growth in records of agreements. Ketel's own position in the hierarchy of donees is not clear which complicates the interpretation both of his relationship with his uncles and his relationship with Godric.

While the case study approach to analyzing the evidence of wills has proved useful, the application of that approach is, owing to the nature of the records, quite limited. At its simplest, the problem is that few wills survive which actually form a sequence. As is usual in this period, the best records relate to donations made to the Church but such donations create two major problems in the study of inheritance.

The first problem with donations made to the Church is that they represent the point at which property both leaves the customary inheritance system and rejects any family claims to it. The effect of these donations is

that they disrupt any sense of continuity in the descent of property. In the case study of Ealdorman Ælfgar, this effect of donations to the Church was compensated partly by the extraordinary richness of the *Liber Eliensis* and the *Libellus Æthelwoldi Episcopi*. These sources provided continuity through setting out family connections, but even then, what they reveal concerning property descent within that family is minimal. Sources such as those found for Ely are very rare, and this means that usually records of donations made to the Church are not as useful for study as are the wills themselves.

The second problem arises out of the role of the Church as record-maker and record-keeper. While the importance of the Church in creating and storing documents cannot be overestimated, its interests were not those of a public record office. The Church preserved documents which it perceived as being of interest to itself. Selectivity, especially with regard to what portions of a document were to be recorded in a cartulary, was clearly practised, and this does create a somewhat distorted view of inheritance. If, for example, the version of Ælfflæd's donation to Ely as recorded in the *Liber Eliensis* is considered in contrast to her will, it becomes clear that the impact of selective recording on subsequent interpretations could be substantial.

The partial nature of the records creates difficulties in, and with, linking individuals to particular properties. Many assumptions have to be made regarding the stability of a group of holdings and the careers of specific estates.<sup>45</sup> Properties are often assumed to have been inherited rather than, for example, being sold within the family. Yet, the wills make it clear that sales could, and did, take place and hint that exchanges and arrangements were a common occurrence

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<sup>45</sup>The career of a property is the total history of its sale, resale, donation, grant, forfeiture, or loan.



within a family group.<sup>46</sup> Conversely, relationships that are established through the property being held may well be ascribing kinship to straightforward property transactions. It is possible that detailed regional studies of holdings may enable researchers to distinguish more precisely between kin transactions and other transactions but at present the problem is endemic to this kind of study.

Some valid observations can be made on the basis of these case studies which have an impact on the proposed model of customary inheritance in Anglo-Saxon society. Perhaps the most important phenomenon observed in these case studies is that of the long-gift to ecclesiastical donees. Long-gifts are most conspicuous in the study of property descent from Ealdorman Ælfgar. In that sequence of inheritance, property given to ecclesiastical centres by one donor was given to that same ecclesiastical centre by subsequent donors. Such donations occur without comment or explanation which may indicate that this method of giving property represents a usual practice. If it is not simply a result of the way in which the records were preserved and does reflect a real situation, it would be a method of delaying the actual physical loss of property to a particular kin group. This kind of donation would only really work to an ecclesiastical institution as it involves ultimate survival. Essentially, the donation is made by one donor and then repeated by subsequent donors. It is probable that some kind of symbolic gift exchange took place in order to reassure the ecclesiastical institution that it would be the ultimate recipient of the donation. Unlike ecclesiastical communities, kinship groups do not continue indefinitely. There would come a point where there would be no other donor who qualified to take up

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<sup>46</sup>The will of the ætheling Æthelstan sets out the exact amounts he paid to his father in order to purchase particular estates (Whitelock-Wills, No. XX, pp.56-63). (S.1503).

the sequence of the long-gift. At that point, the donation to the ecclesiastical centre would be completed.

While not all gifts to ecclesiastical institutions were long-gifts, the existence of such a means of giving property would require a reinterpretation of the traditional view of property gifts to those institutions. The argument which represents, and often castigates, donors as being indifferent to the subsequent welfare of their kin, and which sees their donations to ecclesiastical institutions as indicative of that, would need modification. The long-gift would mean that the kin group could prepare to accommodate the actual loss of that property, or that the kin members would pay to retain the use of property so long as that kin group existed. The stereotypical image of the donor locked in a struggle with the kin in order to give to the Church may have to be revised to a less confrontational image.

The study of inheritance through the use of a sequence of wills and references warns against oversimplification of inheritance in Anglo-Saxon society. The tone of the commands and instructions found in wills gives them the mystique of authority, but from the evidence, it appears that practical considerations could play a much greater role than the wills would indicate. Negotiation is not a characteristic found in the wills, but it seems to have been a characteristic in the operation of these wills. In their repeated calls for obedience, it appears that donors, too, were aware of the limits of their authority.

The case studies presented here tend to reinforce the argument which favours a degree of hierarchy within the donee group, but they are not very helpful in establishing the basis of that hierarchy. Age may have been a factor, and there does appear to be a bias in favour of male donees.

With regard to property in these wills, there is no indication that the property singled out for donation in

wills is in any particular way special. There is no evidence to support the contention that particular properties given in the wills formed a centralized core of estates that may represent a patrimony. The remarks made concerning property in the sequence of wills, and in references, seem to express little concern with the status of that property either as acquired or as inherited. This is not to say that the distinction was not important, or was not made, but rather that the distinction does not seem to have preoccupied the makers of wills. The absence of interest shown in wills regarding the status of property suggests that the impetus behind the creation of wills was not the nature of property found in them. The impetus for the creation of wills would seem, therefore, to lie in those selected as donees.



## CHAPTER SEVEN: *Conclusion.*

In the preceding six chapters, source material, including wills, has been analyzed in an attempt to begin to derive a coherent view of inheritance in Anglo-Saxon society. A picture of how inheritance operated and the role of wills in that inheritance system has begun to emerge, but it is a picture that is broadly sketched with only the occasional hint of detail. Before presenting that picture, it is useful to re-examine some of the arguments and conclusions reached in the earlier chapters.

One of the most significant discussions in this thesis concerned the re-evaluation of the traditional sources for studying inheritance. Wills had long been regarded as the only source of direct importance to the study of inheritance. The division of evidence into a binary system of wills and not-wills was crude, but useful, in sorting this material prior to its publication in critical editions. Problems arose, however, because this very basic division has persisted for sixty years past the publication of Dorothy Whitelock's work on wills.<sup>1</sup> The creation of the two broad areas of wills and additional documents and the further subdivision of those areas into categories was undertaken in order to attract into the orbit of the study of inheritance those sources which did not fit into the will and not-will divisions.

The areas of wills and additional documents and the subdivision of those areas reflect the complexity of the sources. These divisions result from the distillation from the various sources of characteristic methods used to present information regarding inheritance. Texts do refer to the descent of property and to inheritance. Situations are related in which wills are being made and where donors, like the heroes of ancient histories, are

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<sup>1</sup>Whitelock-Wills.

made to speak. These may not be wills per se, but they are important to any study of inheritance. The various categories of these areas overlap, and there is always room for discussion as to whether one document should be considered a Category A or a Category B lost will. The introduction of this new material and its division into a variety of categories provides a new perspective on inheritance and allows for a greater degree of sensitivity when dealing with these sources.

Concomitant with the increase in the amount of evidence available for study was the need to analyze this evidence in order to establish both its usefulness and its limitations. Criticism of the evidence from the various categories was undertaken, so that a relative value could be assigned to the evidence from each category. In order to argue effectively from the enlarged resource base of evidence, it was necessary to be able to state that certain sources were more likely to be accurate than others. The value of the evidence provided by some sources had to be considered as being greater than that provided by other sources. In this thesis, value was assigned on the basis of how close the evidence was to the event it recorded. The value of the record diminished, the further that record was removed from the event. The evidence was not to be studied as an undifferentiated mass, and it became possible to make an informed judgement that the statements made in one source were more likely to be accurate, and to reflect a reality current at that time, than statements made in another source.

Source material was arranged into a general hierarchy with single sheet contemporary copies being assigned the greatest value, and with twelfth and thirteenth century Latin references to inheritance being assigned the least value. This hierarchy represents only a generalization as there are individual twelfth and thirteenth century records of a high standard of

reliability. It should be noted that the value of source material should not be construed as a measure of its truthfulness. Each source provides a partisan viewpoint.

The principle behind the differing values is that regardless of the truth behind any account of events, the account was unlikely to be composed in a way that would have caused it to have been considered absurd by its contemporary audience. The further any account is removed from its contemporary milieu, whether through translation, repeated recopying, or editing, the further it leaves behind the milieu which tacitly controlled its form and content. Insertions and deletions would occur as suited the contemporary milieu of the copyist rather than the milieu of the original event.

It is remarkable that, in spite of the numerous reservations concerning this new material, and in spite of its limitations, there is general agreement among many of these sources regarding the descent of property. While it can be maintained that a certain amount of uniformity likely derived from the fact that the potential audience for much of this evidence would have been a Norman law court, this agreement among disparate sources over such a period of time must be taken seriously. Of particular importance is the fact that features and patterns of donations which are commonplace in these kinds of records are only exceptionally apparent in the wills.

Although wills are widely considered to be the primary source for the study of inheritance in Anglo-Saxon England, very little attempt has been made to examine their evidence systematically. Written wills are highly valued because of their close proximity to the event of the will-making, but as the main source of evidence for inheritance, they present a highly complex, if not chaotic, image of how inheritance operated. It is useful to examine the wills in detail for the evidence they provide concerning inheritance.



One of the most remarkable features of wills is their ability to operate on a theoretical level. The use of the conditional, the if x then y clause, provided the donors with the ability to interact with possible future developments which they could envisage. This made the will uniquely versatile. No other document could operate on this theoretical level during the period. Were it not for the fact that not all wills possess these clauses, a strong argument could be made in favour of such conditionals as providing the *raison d'être* for wills.

Theoretically, such conditional clauses allowed donors a greater degree of intrusion into the lives and activities of their donees long after a donor's death. A cursory reading of the will of Reeve Abba reveals how convoluted those conditionals could become.<sup>2</sup> In practice, the donor's wishes or instructions would be obeyed insofar as they were practicable, or politic, and could be set aside if they were considered inappropriate. Certainly, the events described in the preamble to King Alfred's will make it clear that even royal wishes could be set aside.<sup>3</sup> Conditionals reinforce impressions as to the amount of control possessed by donors over their property and as to the freedom of choice available to the donors. Their use may also indicate those whom a donor might wish to reward. In this way, conditionals contribute to the picture of inheritance, but they do not provide any coherent image of inheritance.

The evidence from the wills indicates a bias in favour of female donees, and this raises the possibility that property may have descended in a family through the women. Unfortunately, wills are about the only evidence from the period which even hint at such a possibility, and their evidence is far from overwhelming. Perhaps the most conspicuous difficulty is that, even assuming the

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<sup>2</sup>SEHD, No. II, pp.3-5. (s.1482).

<sup>3</sup>SEHD, No. XI, pp.15-19. (s.1507).

existence of such a system, the wills fail to provide enough consistency in these donations for the formulation of any guidelines that could form part of a comprehensive system of inheritance based on women. Overall, wills provide little indication for a large scale flow of property from female donors to female donees, and even less for a similar flow of property from male donors to male donees. The small total number of female donors, even after including those involved in joint donations, would appear to suggest that property was not passing through the female line very often.

The relationship between the donor and the Church as conveyed in the wills seems, at first, to be that the latter was the protector to the wishes of the former. It is likely that wishes expressed to the Church may well have had a higher than usual degree of successful fulfilment, but this would be influenced by the degree to which the Church was acting, ultimately, on its own behalf. Certainly, the Church was a relentless, and consistently renewed, opponent able to persevere in its suits almost endlessly. Attrition seems to have been a major factor in the success of any Medieval legal dispute, so the choice of the Church as a protector of the will is unsurprising. It could be relied upon to protect those who would hold property for a lifetime before passing that property on to the Church.

The perpetual nature of the Church was likely responsible for the development of the phenomenon termed the long-gift. The long-gift seems to have developed out of the conviction that the church would outlive any one family and likely arose out of a compromise between the claims of the kin to property and the wishes of a donor regarding that property. The long-gift would probably operate in the following manner. Any donor, who wished to enhance their spiritual well-being, would donate some property to an ecclesiastical centre. At the death of that donor, the ecclesiastical donee would not receive

that property. Instead, the donor's kin would retain the property, but the individual who retained the property would promise to donate that same property to that same ecclesiastical donee at their own death. Thus, the property would pass from one donor to another donor without being given to the stated donee until there was no longer any other donor who could take up the property. At that point, the ecclesiastical donee would gain possession. It seems likely that the kin member who took the property would be obliged to acknowledge that the ecclesiastical donee was ultimately to receive the property either through payment to that ecclesiastical donee or through some kind of symbolic action.

The long-gift is an entirely theoretical explanation devised to account for what appear to be persistent gifts of the same property to the same donee by a number of related donors. As the records concerning the transfer of property rarely even approach completeness, it remains a possibility that this observed phenomenon results entirely from the nature of the evidence. This kind of pattern in donations could result from the incomplete survival of the records of more prosaic land transfers. The question must arise as to the possible advantage of theorizing the existence of the long-gift.

One point of favour of the existence of the long-gift is that such a gift fits the evidence without any recourse to arguments about missing details of land transfers. A point which does weigh against the existence of the long-gift would be the apparent absence of any Old English term which describes it. However, there is a marked resemblance between this type of gift and the notion of leasing property--especially as both appear to be exclusively ecclesiastical. It is possible to argue that the long-gift represents the precursor to the more formalized and limited three-life lease.

The relationship between multiple-life leases of properties and Anglo-Saxon wills is similar to that



between early Anglo-Saxon charters and Anglo-Saxon wills, in that, the various strands of development are meshed tightly together. Characteristics of wills can be observed within the leases and vice versa, but enough differences emerge to make it impossible to classify lease documents as part of the areas of either wills or additional documents. The long-gifts which appear in the wills may have been recorded there, simply because there was no other means of recording these gifts. Eventually, the situation behind these gifts would be fully represented through the use of lease documents. A detailed study of lease documents is required, however, before their position with regard to wills can be established with any degree of confidence.

In addition to this rather specialized form of gift, wills also contain information relating to lordship. Often, the wills include donations to the donor's lord so that their will might stand, or so that their lord will act on behalf of the donor's family. Donors make donations to their followers, servants and friends though the value of these donations is often difficult to assess. The manumission of slaves is another feature of wills which relates to the penitential aspect of donations.

One final point with regard to wills is the question of their comprehensiveness. There are two aspects to this comprehensiveness: the first concerns the amount of property given in the wills; the second concerns the relationship said to exist between the donors and donees in the will. The analysis in chapter five and six demonstrated that the wills do not contain all the property that donors were known to have possessed. The partial nature of wills as a record of the donor's possessions was established, but the limited nature and number of relationships between donors and their donees also began to emerge. Both of these aspects cast serious doubts on the position of wills as central to the

understanding of inheritance in Anglo-Saxon England. When these aspects were considered in conjunction with the observations on the kind of information which wills did record, and with the information obtained from other sources which related to inheritance, it became obvious that the traditional view of the evidence provided by wills was misguided.

It was the attempt to reconcile the evidence provided by wills concerning inheritance with that provided by other sources which led to the theory of the customary inheritance system that has been put forward in this thesis. One of the most striking features of the evidence was the infrequency with which sons appeared in written wills. This contrasted with the frequent appearance of male donees in the additional documents. Through the incorporation of new material for study, it became possible to establish that, rather than representing the usual practices of inheritance, wills were highly specialized and unusual. They appear to exist in response to special circumstances. This does not mean that every transaction they record is unusual, but rather that they are a more complex source to use, if a researcher is trying to use their evidence in order to determine the usual practices of Anglo-Saxon inheritance. Indeed, when the evidence of wills is examined carefully, it provides a lot of information regarding the donor's relationship with their lord, servants and the Church but not as much concerning the donor's relationship with their kin. It should be noted, however, that this may, in part, be due to the general reticence shown in wills for explicitness regarding the relationships between the donor and the donees. The reinterpretation of the position of the wills as evidence for inheritance made it possible to develop a model for the operation of inheritance that is neither too complex nor chaotic.

The model of the customary inheritance system which was outlined in detail in chapter four was built on three

premises. The first of these premises was that property could be both possessed, and transferred, by individuals within a kin group. The second was that there existed guidelines within that society for the distribution of property among the kin group. The final premise was that while the introduction of charters had an effect on the customary inheritance system, it did not supplant it. The first two premises can be accepted but the arguments in favour of the third should be reviewed.

The third premise results from the analysis undertaken on the total holdings of donors. It has been determined that donors had received property by charter which does not appear in their wills and that they hold property for which they do not appear to have had charters. While it must be acknowledged that the surviving records are very incomplete, it does not appear possible that all land in Anglo-Saxon England was held by charter. Donors consistently fail to dispose of property in their wills in the quantities commensurate to their social status. The very existence of a term such as *bocland* indicates that land held by charter was to be distinguished from land held in other ways. The evidence overall argues for a complementary role for charters *vis à vis* the customary inheritance system.

In the actual operation of the customary inheritance system, it seems that the guidelines which controlled the distribution of property created a hierarchy among the donees. Certain donees were entitled to receive more than others. This hierarchy appears to have involved a gender bias as male donees can be observed to have received property on a very regular basis. The evidence for the selection of male donees as the recipients of preference derives mainly from additional documents. Male donees appear in references to property descent and to inheritance almost to the complete exclusion of female donees. Unfortunately, these sources rarely provide information concerning the relationships between the



donor and donees, so it is impossible to demonstrate a father-to-son pattern of donation. They do, however, establish a male-to-male pattern of donation.

The model of the customary inheritance system put forward in this thesis would operate as follows. The bulk of property would descend from parents to their own offspring. It is likely that the male parent controlled the majority of the property and that he would favour the male offspring as the major donee. There is little evidence for an established system of primogeniture, but doubtless an eldest male child would usually be in the best position to make a successful claim to the property at the death of the donor. This would represent a *de facto* system of primogeniture among the male children. Evidence seems to suggest that equal portioning of property was perhaps the custom between female donees and that a very great disparity existed between male donees, but there is not a lot of evidence relating to this. In such a system, the primary dynamic would be father-to-son donation. The implications of this model have a considerable impact on the study of inheritance.

The accommodation of the father-to-son donations within a customary inheritance system would explain why these donations only rarely appear inside wills. The position of the wills themselves switches from being the central expression of inheritance in Anglo-Saxon society to being supplemental to the customary inheritance system. In this position, the evidence they provide is far easier to interpret. The piecemeal recording of donations in the wills no longer has to form the basis for some kind of system of inheritance. Instead, these donations can be seen for what they are attempting to do. It appears that donations were made in wills to donees who were outside of the customary inheritance system, or to those whose interests were perceived as no longer being properly safeguarded by the customary inheritance system.

This interpretation accords well with the evidence provided in the wills themselves. The two most important donees who were outside of the customary inheritance system would be the Church and the donor's lord. The Church is a donee in all, but one, of the written wills, and even in the exception, an overwhelming number of the witnesses were ecclesiastics.<sup>4</sup> As it was the Church's interest in written records which likely resulted in the creation of wills, there is a strong argument in favour of greater ecclesiastical, rather than lay, interest in the production of wills. It has been argued that the ecclesiastical interest was expressed at a local level in the actual production of will documents by local ecclesiastical centres. Such production would account both for the lack of any centrally established format, and for the lack of interest in identifying the donor and donees. The donor's lord appears as an increasingly intrusive presence in the wills and this seems to parallel the increasing power and demands of lordship on individuals in Anglo-Saxon society. Donations to the Church show remarkable consistency throughout the period, but those to the lord become more frequent and systematized.

As the power of lordship increases, the wills provide more explicitly for those whose interests were once adequately safeguarded by the customary inheritance system. Certainly, male donors showed a concern for the welfare of their wives from the very start of the period studied, but their daughters, too, are being explicitly provided for. More and more, it appears that the donees under the customary inheritance system are getting supplemental donations through wills. Also, the wills could be used to safeguard the potential interests of yet-unborn children through the use of conditional donations. Even with the additional freedom, in the

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<sup>4</sup>SEHD, No. VII, pp.10-11. (s.1200).

choice of donee, provided by charters, when a donor died, the property was divided. Only through conditionals, and therefore, only through wills, could the permanent division and distribution of property be delayed.

If the model of the customary inheritance system outlined above is correct, then wills should provide the best source of evidence for the position of women in that inheritance system. It is likely that property could, and did, come into the possession of female donees through the customary inheritance system. It does seem unlikely that they were the first choice as the recipients of large quantities of property. The roles occupied by women in the wills apparently varied according to both their marital status and their status as child-bearers. Overall, they appear to occupy a weaker position in terms of their security of tenure and their power over property than male property holders. This impression is heightened by the instances where it appears that even property held as *morgengifu* could be removed from a woman's control. The appearance of women as joint donors does little to redress this impression, although it does raise some questions about the established views on how property was held in Anglo-Saxon England.

The analysis of the role of women as landholders and as donees in wills has been undertaken in order to correct a misapprehension about that role which has arisen through the misinterpretation of the evidence of wills. This misinterpretation has been most recently expressed by J.C. Holt, when he makes the following remark on Anglo-Saxon female landholders in the *Domesday Book*: 'a scattering of English ladies still with possessions of their own, the residue of an older society in which women had held property in their own right'.<sup>5</sup>

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<sup>5</sup>J.C. Holt, 'Presidential Address: Feudal Society and the Family in Early Medieval England: IV. The Heiress and the Alien.', *Transactions of the Royal Historical*



The misinterpretation predates Professor Holt by many years, and it is, perhaps, time to lay the myth of the golden age of female landholding to rest.

The evidence from Anglo-Saxon wills has long been an important component in the historical arguments concerning continuity and discontinuity after the Norman Conquest. Perhaps the most explicit use of this evidence can be found in Professor Holt's recent and substantial work on England after the Conquest. In his work, the wills occupy their traditional position as the major source of evidence for the operation of inheritance.<sup>4</sup> As such, their evidence supports strongly his arguments which emphasize the changes in custom. However, if wills are interpreted as acting in a complementary way to a system of customary inheritance, their evidence suggests a greater degree of continuity than has hitherto been considered to be the case. The evidence from Anglo-Saxon wills and the evidence relating to inheritance needs to be explored more fully before decisions can be made with certainty regarding continuity. It is hoped that the work undertaken here can provide a useful starting point for that further study.

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*Society*, Fifth Series, Vol. 35 (London, 1985) p.4.

<sup>4</sup>J.C. Holt, 'Presidential Address: Feudal Society and the Family in Early Medieval England: I. The Revolution of 1066', *Transactions of the Royal Historical Society*, Fifth Series, Vol. 32 (London, 1982) pp.193-212.

## ABBREVIATIONS USED IN APPENDICES

The same abbreviations which have appeared in the text are used in the appendices. A number of new abbreviations have been used, and these are listed below.

Adam of Domerham	T. Hearne, editor, <i>Adami de Domerham Historia de Rebus Gestis Glastoniensibus</i> , Vol. I (Oxford, 1727).
Domesday:Norfolk	P. Brown, editor, <i>Domesday Book:Norfolk</i> , Part Two (Chichester, 1984).
Domesday:Suffolk	A. Rumble, editor, <i>Domesday Book:Suffolk</i> , Part Two (Chichester, 1986).
Domesday:Worcs.	F. Thorn and C. Thorn, editors, <i>Domesday Book:Worcestershire</i> (Chichester, 1982).
EchEss.	C. Hart, <i>The Early Charters of Essex</i> , Department of English Local History, Occasional Papers No. 10, Revised Edition (Leicester, 1971).
EHD	D. Whitelock, editor, <i>English Historical Documents</i> , Vol. I, Second Edition (London, 1979).
Evesham Chron.	W.D. Macray, editor, <i>Chronicon Abbatiae de Evesham</i> , Rolls Series Vol. 29 (London, 1863).
Eynsham Cart.	H.E. Salter, editor, <i>Cartulary of the Abbey of Eynsham</i> , Vol. I, Oxford Historical Society, Vol. XLIX (Oxford, 1907).
Glastonbury Cart.	A. Watkin, editor, <i>The Great Chartulary of Glastonbury</i> , Vol. II, Somerset Record Society, Vol. LXIII (Frome, 1952).
Haddan & Stubbs, III	A.W. Haddan & W. Stubbs, editors, <i>Councils and Ecclesiastical Documents relating to Great Britain and Ireland</i> , Vol. III (Oxford, 1871).

Heming-Hearne	T. Hearne, editor, <i>Hemingi:Chartularium Ecclesiae Wigorniensis</i> , Vol. I & II (Oxford, 1723).
Hist. Abingdon	J. Stevenson, editor, <i>Chronicon Monasterii de Abingdon</i> , Vol. I, Rolls Series Vol. 2 (London, 1858).
Hist. Rams.	W.D. Macray, editor, <i>Chronicon Abbatiae Rameseiensis</i> , Rolls Series Vol. 83 (London, 1886).
Hist. S. Cuthberto	T. Arnold, editor, <i>Symeonis Monachi Opera Omnia:Historia Ecclesiae Dunhelmensis</i> , Vol. I, Rolls Series Vol. 75 (London, 1882).
Index Chartarum I	T. Hearne, editor, <i>Johannis, Confratris &amp; Monachi Glastoniensis, Chronica sive Historia de Rebus Glastoniensibus</i> , Vol. 2 (Oxford, 1726) pp.370-5.
M.A.	W. Dugdale, <i>Monasticon Anglicanum, A New Edition</i> , edited by J. Caley et al. The volume number appears in Roman capitals immediately following the abbreviation.
*	Forgery.
**	Suspected forgery.
N.S.	Not found in Sawyer.



## APPENDIX 1

## WRITTEN WILLS

## NINTH CENTURY

DONOR NAME	SAWYER NUMBER	DATE
† Æthelnoth and Gænbург	1500	805 x 832
Werhard, <i>presbiter</i>	1414	830 (for 832/3)
† Reeve Abba	1482	833 x 839
† Heregyth	1482	833 x 839
† Badanoth Beotting	1510	845 x 853
Dunn	1514	c. 855
† Cynethryth	1200	867 x 870
Ealdorman Alfred	1202	c. 871
†	1508	871 x 889
King Alfred	1507	873 x 888
Ceolwin	1513	c. 900

## TENTH CENTURY

DONOR	SAWYER NUMBER	DATE
Ordnoth & wife	1524	s.x
† Wulfgar	1533	931 x 939
Alfred	1509	932 x 939
Bishop Theodred	1526	942 x c.951
Æthelwold	1504	946 x 947
Ælfgar	1483	946 x 951
Wynflæd	1539	c. 950
Siflæd (I)	1525	s. x <sup>2</sup> -s.xi
Siflæd (II)		
King Eadred	1515	951 x 955
Bishop Ælfsige	1491	955 x 958
Æthelgeard	1496	957 x 958
† Æthelwyrd	1506	958
† Æthelric	1501	961 x 995
Æthelflæd	1494	962 x 991
Brihtric Grim	1512	964 x 980
Ælfgifu	1484	966 x 975
Ælfheah	1485	968 x 971
Æthelmær	1498	971 x 983
Brihtric and Ælfswith	1511	973 x 987
† Ælfhelm	1487	975 x 1016
Ærnketel and Wulfrun	1493	978 x 1016
Wulfwaru	1538	984 x 1016
† Æthelgifu	1497	985 x 1002
Æthelwold	1505	After 987
Wulfgifu, comitissa	1810	995 x 1001
† Leofwine	1522	998

# ELEVENTH CENTURY

DONOR NAME	SAWYER NUMBER	DATE
† Wulfgeat	1534	c. 1000
† Ælfflæd	1486	1000 x 1002
Wulfric	1536	1002 x 1004
Archbishop Ælfric	1488	1003 x 1004
Æthelflæd	1495	1004 x 1014
Godric	1518	c. 1007
† Bishop Ælfwold	1492	1008 x 1012
† Æthelstan the ætheling	1503	1015
Leofflæd	1520	1017 x 1035
Mantat	1523	1017 x 1035
Thurketel Heyng	1528	s.xi, After 1020
Wulfsige	1537	1022 x 1043
Eadsige	1465	1032
† Bishop Ælfric	1489	1035 x 1040
Leofgifu	1521	1035 x 1044
Thurketel of Palgrave	1527	s.xi, Before 1038
Stigand	1224	c. 1040
† Thurstan	1530	1042 x 1043
	1531	1043 x 1045
Ælfric Modercope	1490	1042 x 1043
Wulfgyth	1535	1042 x 1053
Æthelgyth and Askil	1531	1043 x 1045
Wulfgeat and wife	1470	1043 x 1047
Osulf and Leofrun	1608	1044 x 1052
† Æthelric	1471	c. 1045
'    Bigga	1502	1050
Thurkil and Æthelgyth	1529	s.xi med.
Eadwine	1516	s.xi med.
Ketel	1519	1052 x 1066
Brihtmær of Gracechurch	1234	1052 x 1070
Eadwine of Caddington	1517	c. 1053
Ulf and Madselin	none	1066 x 1068

† - Single Sheet Contemporary Copies,

## APPENDIX II

## ORAL DECLARATIONS

DONOR NAME

POSSIBLE DATE OF DONATION

SOURCE

Æthelric, son of Æthelmund and Ceolburh	804	Haddan & Stubbs, III, p.548.	(s.1187)
Siferth of Downham	s.x-xi med.	Libellus, c. 12	N.S.
Ogga of Mildenhall	s.x-xi med.	Libellus, c. 27	N.S.
Æthelstan, Bishop of Elmham	963 x 975	L.E. II c.65	N.S.
Mother of Eadwin, Eanneawne's son.	1016 x 1035	Robertson-Charters, No. LXXVIII	(s.1462)



## APPENDIX III

## GRANTS MADE WHILE DYING

DONOR NAME	POSSIBLE DATE OF DONATION	SOURCE
Dunne	736 x 737	Haddan and Stubbs, (s.1429) III, p.337
Leofric	s.x-xi med.	L.E.II c.10 N.S.
Byrhtsige, father of Leofsige	s.x-xi med.	L.E.II c.11 N.S.
Eanflæd	s.x-xi med.	L.E.II c.21 N.S.
Eanflæd	s.x-xi med.	L.E.II c.21 N.S.
Goding	s.x-xi med.	L.E.II c.26 N.S.
Ælfgifu	s.x-xi med.	L.E.II c.47 N.S.
Ælfgar of Milton	s.x-xi med.	L.E.II c.35 N.S.
Wulfric the reeve	s.x-xi med.	L.E.II c.32 N.S.
Orthmær and Æalthe	959 x 975	L.E.II c.7 N.S.
Eadgiva	961 x 964	L.E.II c.31 N.S.
Godwine's Wife's Father	969 x 979	Hist.Rams.,No. 53 N.S.
Bishop Oscytel	1 Nov.971	L.E.II c.22 N.S.
Berricus	Before 972 x 992	Hist.Rams.,No. 51 (s.1371)
Wulfstan of Dalham	973 x 975	L.E.II c.7 N.S.
Godwine	975 x 979	L.E.II c.69 N.S.
Ætheliva	996 x 1019	L.E.II c.59 N.S.
Eadfled	999	EHD, No.123 (s.937)
Leofwine	1005	Eynsham Cart, No.1 (s.911)
Ælfwaru	c.1007	L.E.II c.61 N.S.
Toki	1042 x 1056	Heming-Hearne, (s.1408) Vol.II, pp.396-8
Thurgunt	c.1055 x 1066	Hist.Rams.,No.107 and No.172 N.S.
Wulfwine	c.1086	Domesday:Worcs., 177a-177a,b N.S.

Category A: Extensive recitation of details of the will:

DONOR NAME	SOURCE	POSSIBLE DATE OF DONATION
Archbishop Wulfred	C.S., 402 (s.1414).	805 x 832
King Æthelred	SEHD, No. XI (s.1507).	873 x 888
Ælfric and Brihtwaru	Whitelock-Wills, No. XI (s.1511).	c. 973 x 987
Bury Bequest	Robertson-Charters N.S. Appendix No. 8	s.xi/xii

Category B: Note of Existence of Will and some details of what it contained.

DONOR NAME	SOURCE	POSSIBLE DATE OF DONATION
King Æthelwulf	SEHD, No. XI (s.1507).	896 x 858
King Æthelred	SEHD, No. XI (s.1507).	873 x 888
Siferth of Downham	Libellus, c.12 N.S.	s.x-xi med.
Eadric the Long	Libellus, c.38 N.S.	s.x-xi med.
Wulfric, thegn	Adam of Domerham, pp.75-6. (s.1743)	946 x 955
Osgod Sweyn	Hist.Rams., No. 80 N.S.	s.x
Sexi of Walton	Hist.Rams., No. 80 N.S.	s.x
Ealdorman Brihtnoth	L.E., II c.62 N.S.	991
Gode	Hist.Rams., No.55 N.S.	c. 1007
Wulfnoth	Robertson-Charters, No. LXXX (s.1464).	1020 x 1038
Ælfgifu	Robertson-Charters, No. CXIV (s.1476).	1053
Ordwig	K.964 (s.1497).	1058 x 1062
Tole	Harmer-Writs, No. 2 (s.1064)	1058 x 1066

Category C: Note of Existence of Will

DONOR NAME	SOURCE	POSSIBLE DATE OF DONATION
Ælfheah	Robertson-Charters, No. XLI (s.1459).	960 x 988

Leofgifu \*\*

K.808 (S.1029).

c. 1060



## APPENDIX V:

## REFERENCE TO PROPERTY DESCENT

DONOR NAME	SOURCE	POSSIBLE DATE OF DONATION
King Cenwulf	Haddan & Stubbs, III, (s.1436) No. I, pp.596-601	825
Wulflæd	Libellus, c.9 N.S.	s.x-xi med.
Goding	Libellus, c.37 N.S.	s.x-xi med.
Wilfric, thegn	Index Chartarum I, p.372 (s.1743)	946 x 955
Ælfric, Æscwyn's son.	Robertson-Charters, No. LIX (s.1457).	s.x <sup>2</sup>
Parents of Edward and Æthelstan.	Robertson-Charters, No. XLIV (s.1447).	950 x 968
Ecgferth	Robertson-Charters, No. XLIV (s.1447).	950 x 968
Ealdorman Beorhtnoth	Eynsham Cart., No. I, p.21 (s.911)	1005
Leofwine	Eynsham Cart., No. I, p.21 (s.911)	1005
Æthelwine	Hist. Abingdon, pp.439-42 (s.964)	1032
Ætsere *	Harmer-Writs, No. 76 (s.1120).	1042 x 1050
Æthelric and Gode *	Harmer-Writs, No. 74 (s.1118).	1042 x 1044
Ælfsige and Leva	Hist. Rams., No. 107 N.S.	1043 x 1066
Unknown (to Ulf)	Robertson-Charters, No. CV (s.1474).	1046
Leofcild **	Harmer-Writs, No. 84 (s.1128).	1052 x 1053

DONOR NAME	SOURCE	POSSIBLE DATE FOR DONATION
Cyneberht	C.S., 220 (s.1411).	757 x 775
Æthelric, son of Æthelmund	C.S., 379 (s.1433).	824
None (Donees:Beornwyn, Alfred, Walenburch)	C.S., 410 (s.277).	833
None (Donee:Lufu)	SEHD, No.IV (s.1197).	843 x 863
King Coenwulf	M.A., I, Num.XLI, p.609 N.S.	889
Eanbald	SEHD, No. XV (s.1446).	Before 903
Athulf	C.S., 603 (s.367).	903
Eastmund	SEHD, No.XV (s.1446).	c.903
None (Donee: Æthelfrith, dux)	Glastonbury Cart., (s.371) No. 1016	904
Ælfstan, Heahstan's son	Robertson-Charters, No.XLI (s.1456).	960 x 988
Father of Æthelflæd	Hist.Rams., No.28 N.S.	969 x 983
None (Donee:Ælmerus)	L.E.II c.70 N.S.	996 x 1001
Lustwine & Leofwaru	L.E.II c.89 N.S.	1017 x 1049
Parents of Godiva	L.E.II c.83 N.S.	1022 x 1029
Parents of Æfic	Evesham Chron., p.83 (s.957)	Before 1037
Wulfstan 'the Wild'	EchEss., No. 48 (s.1644)	1040 x 1042
Godwin	EchEss., No. 53 (s.1645)	1042 x 1066
Parents of Monk, of Westminster	M.A., III, Num. IX, p.139 N.S.	1044 x 1065
None (Donee: Northmann)	Heming-Hearne, Vol. I, pp.249-50 N.S.	1052 x 1062

APPENDIX VII: DOCUMENTS RELEVANT TO THE NATURE OF WILLS

NAME	SOURCE	DATE
Abbot Hean	Hist.Abington, No.XV (s.1179)	705 x 726
Mother of Ælfric	Libellus, c. 13 N.S.	s.x-xi med.
Kinsman of Æscwyn of Stonea	Libellus, c. 34 N.S.	s.x-xi med.
Eadric the Long	Libellus, c. 38 N.S.	s.x-xi med.
Abbot Thurcytel	Libellus, c. 41 N.S.	s.x-xi, med.
King Æthelstan	Hist.S.Cuthberto, §26, p.211 N.S.	June, 934
Eadulf, priest	Robertson-Charters, No. XXIX (s.1419).	947 x 955
Ælfwold or Æthelflæd	Index Chartarum I, p.373 (s.1763) Adam of Domesham, p.101	959 x 975
Eadweald	Hist.Abington, pp.270-73. (s.682)	960
Æthelstan Mannesune	Hist.Rams., No. 33 N.S.	986
Ælfhild	Hist.Rams., No. 34 & 35 (s.1808)	990 x c.1000
Ælfswyth	K.1291 (s.889).	996
Ufa	L.E. II c.66 N.S.	996 x 1001
Ulf	K.954 (s.1532).	1042 x 1066
Bishop Æthelmær	Whitelock-Wills, No. XXXV (s.1499).	1047 x 1070
King Edward**	Harmer-Writs, No.112 (s.1154).	1053 x 1066
Unnamed	Domesday:Norfolk, 219a,b N.S.	1086
Edmund the priest	Domesday:Suffolk, 431a,b N.S.	1086
Sweyn	EchEss., No. 99 N.S.	1087



APPENDIX VIII: KING ALFRED'S WILL: Lost Wills  
(SEHD, No. XI, pp.15-19) (s.1507).

Category A Lost Will: King Æthelred (p.16, ll. 16-27)

Ac hit gelamp thæt we ealle on hæthenum folce gebrocude wæron; tha spræce wyt ymbe uncre bearn, thæt hy sumre are bethorftan, sælde unc on tham brocum swa unc sælde. Tha wæron we gemote æt Swinbeorgum, tha gecwædon wit on Westseaxena witenas gewitnesse thæt swaþer uncer leng wære, thæt he geuþe oþres bearnum thara landa the wyt sylfe begeaton 7 thara land[a] the unc Athulf cingc forgeaf be Athelbolde lifiendum butan tham the he us thrim gebrothrum gecwæth. 7 thæs uncer ægþer oþrum his wedd sealde, swaþer uncer leng lifede, thæt se fenge ægþer ge to lande ge to madmum 7 to eallum his æhtum butan tham dæle the uncer gehwæther his bearnum becwæth.

Category B Lost Will: King Æthelred (p.16, ll. 10-16)

Tha hit swa gelamp thæt Æthered to feng, tha bæd ic hine beforan urum witum eallum thæt wyt thæt yrfe gedældon 7 he me ageaf minne dæl. Tha sæde he me thæt he naht eathe ne mihte todælan forþon he hæfde ful oft ær ongefangan; 7 he cwæth thæs the he on uncrum gemanan gebruce 7 gestrynde æfter his dæge he nanum menn sel ne uthe thonne me. 7 ic thæs tha wæs wel gethafa.

Category B Lost Will: King Æthelwulf (p.15, l. 28 and p.16, ll. 1-3)

7 ymbe yrfe thæt me God 7 mine yldran forgeafon 7 ymbe thæt yrfe thæt Athulf cingc min fæder us thrim gebrothrum becwæth, Athelbolde 7 Ætherede 7 me; 7 swylc ure swylce lengest wære, thæt se fenge to eallum.

### Abbreviations used in Bibliography

A.H.R.	.....	American Historical Review
Arch.Jnl.	.....	The Archaeological Journal
E.H.R	.....	English Historical Review
J.M.H.	.....	Journal of Medieval History
Trans.R.H.S.	.....	Transactions of the Royal Historical Society

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