

AN ALLEGED WORCESTER CHARTER OF THE REIGN OF EDGAR¹

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THE revival of English monasticism which is usually called the tenth-century reformation has been extensively studied but mainly in the liturgical and narrative sources. There exists also a number of charters purporting to come from the early days of some of the greatest houses of black monks and to shed light on the original constitution of these houses in the reign of Edgar and his immediate successors. They are a rich source of information for the "outer life" of the new monasteries and the impact their revival made on contemporary institutions and society—that is if they can be trusted. In fact, few if any of them can be completely authentic in their present form and consequently they have been largely ignored by historians. But some of them do probably contain authentic materials and report credible traditions and a minute investigation of each would undoubtedly be rewarding. The most amenable of these charters—it is not entirely accurate to call them foundation charters—is the Oswaldslow charter, C.S.1135², a charter which purports to have been granted by King Edgar to the church of Worcester in 964 and which can be shown to deserve a little more credit than it has usually received. Since the evidence on which a partial rehabilitation of C.S.1135 rests casts light on more than an episode in Worcester history and the fabricated passages in

¹ I have to thank Professor C. R. Cheney and Dr. E. Stone for their valuable criticism and advice.

² The manuscript tradition of C.S.1135 depends on one manuscript B.M. Harley MS. 7513. This is a single sheet of parchment written in a post-Conquest hand of possible early twelfth-century date. The charter is now slightly defective but the illegible portions can be restored with the aid of Edward II's confirmation on the Charter Roll for 6 Edward II, no. 25. I have quoted throughout from the manuscript. The most convenient modern editions are Birch, *C[artularium] S[axonicum]* (London, 1885-99), no. 1135; Kemble, *C[odex] D[iplomaticus]* (London 1839-48), vi. 237 (Kemble's earlier text, no. 514, is corrupt); Thorpe, *Diplomatarium* (London, 1865), p. 211. All these are editions of Harley 7513.

the charter have something in common both in motive and manner with those of other alleged charters of the period, it seems worth while to discuss the authenticity of C.S.1135 in some detail.

The charter is an elaborate affair which claims to have been granted at Christmas, 964, by King Edgar to St. Oswald and the monks of Worcester. Its disposition is long, complicated and most unusual: it purports to endorse the expulsion of the "lascivious clerks" from the church of Worcester and their replacement by monks, it then goes on to enact the great liberty of Oswaldslow for the bishop and the new community. The right of the monks, as distinct from the bishop, to a share in the liberty is emphasized and the appointment of Wynsige, the prior of Worcester, on Edgar's authority, is noted. The charter cannot be authentic in its surviving shape but it is not easy to reject all of it out of hand either.¹ This is because, as Maitland pointed out, the charter is "unlike ordinary forger's work" and any tampering "seems to have favoured, not the church of Worcester as against the king, but the monks as against the bishop". Certainly the passages which emphasize the special rights of the monks are mostly suspicious and the two most important of them are flagrantly false.

The first is intended to secure the right of the prior and monks of Worcester to their share of the profits accruing from Oswaldslow. It claims that Wynsige had been installed by Oswald with royal authority as prior of Worcester and that he and his successors were to enjoy rights of sake and soke, toll and team and infangenetheof in their share of the Oswaldslow liberty. This cannot be genuine because the formula conveying judicial privileges is anachronistic for 964 and is probably out of place in an authentic diploma of any period.² It is moreover impossible to suppose that Wynsige could have been prior of Worcester in 964. Wynsige was certainly the first prior but a

¹ The best modern opinion is represented by F. E. Harmer, *Anglo-Saxon Writs* (Manchester, 1952), p. 267: ". . . a twelfth century copy of an alleged charter of King Edgar for Worcester, which may be founded on authentic material".

² *Writs*, p. 37: "The evidence suggests that grants of sake and soke were notified by writ to the appropriate authorities, and that they are not matters that find a place in a landbook." See *ibid.* p. 77.

date between 969 and 977, perhaps 972, for his appointment is most probable. We know that Wynsige had been a clerk with a benefice at Worcester whom St. Oswald had converted to monasticism¹ and sent to the recently founded abbey of Ramsey for his monastic education.² Dr. Armitage Robinson, however, showed that we cannot credibly date the foundation of Ramsey before 968 or 969.³ Secondly Wynsige witnesses no Worcester charters 964-9 but after the series resumes in 977 he witnesses most of them in a position of honour. This seems to put his return to Worcester between 969 and 977; since St. Oswald became archbishop of York as well as bishop of Worcester in 972, it is reasonable to conjecture that, feeling the need for some assistance in ruling his cathedral community now that he had the additional responsibility of the northern province, he brought Wynsige back from Ramsey and made him prior. It is obvious that Wynsige could not have been prior in 964 and this section of C.S.1135 is therefore false.

A later section falls with it. This confirms the monks' right to their hundred—which the rest of the charter had swallowed up into the triple hundred of Oswaldslow—and protects the monks' "private rights" by giving them power to appeal to the king and the archbishop against those who unjustly burden or oppress them. The context shows that only the bishop can be meant. It is difficult to imagine any such right of appeal in a genuine charter of Edgar. I have not noticed any like privilege in any other tenth century document and the silence of the Edgarian concordance of monastic observance, the *Regularis Concordia*, on such appeals, taken together with its strongly authoritarian tone, precludes any possibility of this right of appeal being genuine. In any case it seems to cover only the monks' share of Oswaldslow and their share of the dubious judicial privileges which were the subject of the earlier fabricated passage. Thus in a charter containing such flagrantly forged passages, any portion of it

¹ Hemming, *Chartularium*, ed. T. Hearne (Oxford, 1723), ii. 530.

² *Vita Oswaldi, H[istorians] of the C[hurch] of Y[ork]*, ed. J. Raine, Rolls Series (London, 1879), i. 435.

³ *St. Oswald and the Church of Worcester*, British Academy Supplemental Papers, v (London, 1919), 37.

which claims anything for, or confers anything on the monks, is *ipso facto* suspicious.

It might seem that one could go further and suppose that the whole charter was fabricated for the sake of the sections already discussed but as soon as the main body of the charter is examined doubts arise. Most of the charter is concerned with the expulsion of the clerks from Worcester, the transfer of the cathedral endowment to a community of monks and the creation of the liberty of Oswaldslow for the benefit of the church of Worcester. There is every reason to believe that the story which C.S.1135 tells about the expulsion of the clerks is substantially true.¹ The nature of the liberty of Oswaldslow moreover makes it improbable that forgery would have been of much use in getting and keeping the privileges involved.² It is difficult to believe that such an elaborate charter would have been compiled for the sake of the comparatively minor sections which furnish the obvious motive for forgery: the ratio of what is true to what is false seems to me too great to make it likely that C.S.1135 was wholly fabricated. It is in any case impossible that it could have been done at one time. Arguments will be offered for dating the principal forged passages shortly after the Conquest when it can be shown that quite a different account of the coming of the monks to Worcester was circulating, and when the account of the nature of Oswaldslow and the place name forms of the estates in question would have been archaic. I do not think we can explain C.S.1135 without supposing a genuine tenth-century document of some kind lies behind it. If this is conceded then there is *prima facie* case for thinking that a genuine royal charter was granted to the church of Worcester and that whatever is in it for the benefit of the bishop and the church taken together is likely to be genuine and that whatever is in it for the benefit of the monks in particular is almost certain to be false. We can, moreover, test this hypothesis by examining the outer framework of the charter as we have it, the initial and concluding protocols, since if we are really dealing with an authentic charter which has been interpolated but not

¹ I hope to establish this in a forthcoming study of St. Oswald and the tenth-century reformation.

² I hope to discuss these privileges in a study of the liberty of Oswaldslow, 964-1087.

composed by a forger, then it is just the formal parts which ought to be genuine. If, on the other hand, we find that any of the protocol is false the hypothesis of total fabrication will become much more attractive.

At first sight the more formal parts of C.S.1135 do not seem very probable for an Edgarian document, that is to say they do not closely resemble the normal landbook of the reign. But we must be cautious in applying diplomatic criteria to documents of the type of C.S.1135. It is now generally agreed that a royal writing-office or chancery existed in England from the reign of Æthelstan onwards and that royal diplomas were normally chancery productions until about the third quarter of the tenth century.¹ Herr Drögereit thinks, on palaeographical grounds, that these diplomas went out of the chancery after 963² and Dr. Harmer has produced important evidence which explains why this was so.³ C.S.1135 is dated 964; it is not a normal landbook being concerned with much more important and rarer privileges;⁴ the fact that it departs somewhat from normal landbook forms is no evidence of forgery then. It is plainly not a chancery production, but that is not suspicious, and the class of document to which it belongs, the quasi-foundation charters of the newly-founded or revived houses of the Edgarian reformation, for the most part do not pretend to follow the conventions of the landbook very closely. In such cases some variation from the usual—since the charters are locally, not centrally, produced—some access of dignified pomp—since the occasions were very special—might be reasonably expected. We must, therefore, in the case of all documents of this class, and C.S.1135 in particular, distinguish between an inflation of style and formula which is reasonably contemporary with the alleged date of the charter, and gross anachronism.

C.S.1135 begins with an elaborate grace preceding a royal title.

¹ *Writs*, pp. 38-9.

² *Archiv für Urkundenforschung*, xiii (1935), 402.

³ *Op. cit.* 39.

⁴ Dr. Whitelock, *English Historical Documents* (London, 1955), p. 537 writes "there seems a possibility that more elaborate charters than those in 'common form' were sometimes drawn up for important houses".

Altitonantis dei largiflua clementia qui est rex regum et dominus dominantium ego Eadgarus Anglorum basileus omniumque regum insularum oceani que Brytanniam circumjacent cunctarumque nationum que infra eam includuntur imperator et dominus. . . .

No other Edgarian charter begins quite like this but there is no sign of anachronism.¹ Diplomas of later kings tend to begin with a lengthy, prosy, vathic *arenga*, whilst charters of the second and third quarters of the tenth century frequently begin, like C.S.1135, with an elaborate grace or brief *arenga* followed by a royal title. A charter of 963, C.S.1116, from Wells, begins :

Annunte altithroni moderatoris imperio totius Albionis triviatim potitus regimine non immemor ob hoc mihi recidiva fore concessa ut his strenue aeterna lucrarer. Qua propter ego Eadgar totius Brittanie basileus. . . .

The royal title in C.S.1135, although unique, is respectable enough :

ego Eadgarus Anglorum basileus omniumque regum insularum oceani que Brytanniam circumjacent cunctarumque nationum que infra eam includuntur imperator et dominus.

This could be considered an elegant variation on a formula common in Edgar's charters and probably of chancery origin :

. . . ego Eadgar basileus Anglorum cunctarumque gentium in circuitu persistentium gubernator et rector. . . .²

Another interesting parallel is the opening of the *Regularis Concordia*, which, although not strictly in diploma form since it is in the third person, closely resembles a diploma and its royal title is reproduced in a suspicious Winchester charter, C.S.1158. The *Concordia* begins :

Gloriosus etenim Eadgar, Christi opitulante gratia Anglorum ceterarumque gentium intra ambitum Britannicae insulae degentium rex egregius. . . .³

The only doubts one can cast on C.S.1135's title is the description

¹ C.S.357 an authentic ninth century Worcester charter also begins with an elaborate grace preceding a royal title : "Gubernante altithrono tonanti cunctaque mundi monarchia moderanti qui est et qui erat et qui venturus est cujus melliflua gratia adridenti ego Coenwulf rex . . ."

² C.S.1079, an Abingdon charter which is accepted by Stenton, *Latin Charters of the Anglo-Saxon Period* (Oxford, 1955), p. 71. There are also other variants of this style, e.g. C.S.1176, a contemporary copy.

³ Ed. Dom. Thomas Symons (London, 1953), 1.

of Edgar as *basileus Anglorum*¹ and the substitution of *imperator et dominus* for the more common *gubernator* (or *rex*) *et rector*. The first is hardly a doubt at all but Herr Drögereit, speaking of the designation of the realm in titles of the period, says :

Die allgemein gebräuchliche und offizielle Bezeichnung ist *Brittania*.²

This is quite untrue. Stevenson pointed out many years ago :

The later kings usually described themselves as kings of Albion or Brittania . . . or as having acquired the empire of the whole of Albion.³

Some variant of *rex* or *basileus Anglorum* is also common under Edgar.⁴ A more serious objection is a second argument of Herr Drögereit—that all tenth-century charters which employ an imperial style, including C.S.1135, are false.⁵ His argument will be most familiar to English readers in Mr. Loyn's generous summary.⁶ He writes :

Drögereit carries further for a small group of charters the close analysis of format, content and style turned to such good account in his earlier work. . . . He divides the charters in which imperial titles appear into two major groups, those containing the term *basileus* and those containing *imperator* or *imperialis*. Of the former he asserts and gives convincing demonstration that *basileus* was well known in Anglo-Saxon England as a simple equivalent of *rex*.

. . . There remains a body of seventeen charters in which *imperator* or *imperialis* appear in one form or another. Drögereit excels himself in minute analysis of this *corpus*, causing the props to fall one by one until our tenth-century "empire"

¹ Herr Drögereit, *Zeitschrift für Rechtsgeschichte* (Savigny-Stiftung, Germanistische Abteilung), lxxxii (1952), 69, considers C.S.1135 scarcely worth discussion: "Es sei nur auf den dauernden Gebrauch von 'Anglia' hingewiesen, der im 10.Jh. völlig unmöglich ist." But C.S.1135 always uses *Anglorum* for royal titles, *Anglia* occurs four times, twice in the more improbable parts of the preamble and twice in the body of the charter in passages which are not otherwise suspicious. It is difficult to be quite so confident as Dr. Drögereit that this proves very much. In the first place the earliest surviving text is a copy made in the twelfth century and we cannot be sure *Anglia* may not have been an innocent innovation of the transcriber. In any case there is plenty of evidence for the use of the vernacular *Engla land* in the tenth century : it occurs in the O. E. Bede in the translation of iv, c. 24 ; in the various versions of the Chronicle *passim* ; in a letter of Dunstan, *Crawford Charters*, vii. We cannot therefore discount the possibility that *Anglia* may represent a possible contemporary usage. *Brittania* and *Albion* were certainly used.

² *Archiv*, p. 398.

³ *Asser*. (Oxford, 1904), p. 148, n. 1.

⁴ C.f. C.S. 1079, 1176.

⁵ *Zeitschrift für Rechtsgeschichte*, pp. 58-71.

⁶ *History*, xl (1955), 111-15.

can no longer be sustained. . . . What is more, the arc of forgery swings significantly around Worcester for many of the charters, with Peterborough and Glastonbury emerging not unscathed. . . .¹

I am here concerned with the admissibility of imperial titles in authentic charters and not with the problem of the Anglo-Saxon Empire and I do not think Herr Drögereit's case against the "imperial" charters is quite as strong as Mr. Loyn thinks. Stevenson, who knew tenth-century charters better than any scholar before or since, was not prepared to dismiss these imperial titles² and with good reason. In the first place Herr Drögereit has not distinguished between chancery and locally produced charters, and he has failed to note that some of these charters are plainly not centrally produced and are, into the bargain, more than ordinary royal grants and thus afford occasions when a specially inflated title might be thought appropriate. Moreover he also assumes that a charter which can be doubted on a single and sometimes very minute, particular is necessarily false in all.³ Further Dr. Koebner has pointed out it is not possible that :

. . . the imperial style was an invention of the falsifiers. On the contrary—as the kings of their own time, the successors of the Conqueror, had no such style they must have reason to assume that the expressions used by them . . . appear genuinely "Anglo-Saxon".⁴

But we cannot take the problem of titles in isolation ; we must

¹ Op. cit. p. 111.

² *Asser*, p. 148, n. 1.

³ Some of Dr. Drögereit's particulars are very minute indeed. The formula *quamdiu fides catholica in gente Anglorum perseverat* is condemned as evidence of forgery in all its variations, p. 56, n. 87. But it occurs in a contemporary copy, C.S.406, see Stenton, *E.H.R.*, xxxiii (1918), 445, n. 57 and in a ninth-century charter, C.S.454, which Professor Stenton has pointed out could not have been fabricated after 877, *Latin Charters*, p. 54, n. i. A variant of this formula is used to condemn C.S.1135, p. 69, n. 45. Another formula is also condemned by Herr Drögereit *pro remedio animae meae*, it occurs in very early authentic charters, for example, C.S.36, Stenton, *Latin Charters*, p. 34 and *E.H.R.*, xxxiii (1918), 434 ; C.S.45 which Stenton considers is the earliest extant contemporary copy of a diploma, *E.H.R.*, xxxiii (1918), 434. Herr Drögereit will not allow that *pediseucus* could be a genuine Anglo-Saxon title on the somewhat odd ground that it is not found in Du Cange, pp. 56 and 65. But the authenticity of *pediseucus* is hardly in doubt. See D. Whitelock, *English Historical Documents*, p. 489, n. 6. It occurs in C.S.496 the important eighth-century charter which is the most important piece of evidence for the nature of folkland. Herr Drögereit seems to have worked under considerable handicaps ; he did not use Kemble, p. 27, n. 7 and volume 1 of Birch was not available to him, p. 55, n. 86.

⁴ *Scripta Hierosolymitana*, ii (1955), 126, n. 7.

study them with the designation of the realm in tenth-century charters.

The century saw a remarkable growth in the power of the West-Saxon monarchy. When King Alfred made law, although he was legislating for more than Wessex, he only called himself king of the West Saxons. King Edgar, seventy years later, was described by his encomiast as :

Ruler of the English,
Friend of the West Saxons,
And protector of the Mercians.

Foreign kings, we are told, submitted to him,¹ and we know that several kings did Edgar some kind of homage, perhaps at Chester. The royal titles and designation of the realm in royal charters attempt to express this increasing hegemony. The title *rex et rector totius hujus Britannie insulae* becomes very common and it is the latin equivalent of *cyning 7 brytenwealda ealles ðyses Iglandes* as a comparison of C.S.705 and *Charters*, xxv² shows. It is difficult to deny that *brytenwealda* is a more than royal title.³ In this context, like *rector hujus Britannie insulae*, it seems intended to draw attention to the widespread character of the king's realm. It is obvious from the various attempts made to characterize this realm as Britannia, Albion, all this island of Britain, the peoples dwelling within ambit of Britain and the rest of the peoples around and so on, that there was simply no agreed and universally accepted way of describing this fluctuating authority. Consequently it seems natural enough that a traditional vernacular word like *brytenwealda*, or classical words like *imperator* and its derivatives, should be pressed into service.⁴ Certainly reputable

¹ *Chronicle* D.E.975.

² I have argued for the authenticity of the greater part of these texts, *Journal of Ecclesiastical History*, vi (1955), 154, n. 4.

³ See the late C. Erdmann's important discussion of this title, *Forschungen zur politischen Ideenwelt des Frühmittelalters* (Berlin, 1951), pp. 3-7.

⁴ Especially when it is remembered that continental sources referring to the contemporary Empire also stress what has been called the "hegemonic conception of the Empire". See E. Stengel, "Kaisertitel und Souveränitätsidee", *Deutsches Archiv*, iii (1939). This conception is expressed in titles like *imperator plurimum nationum*, see R. Folz, *Le Souvenir et la Légende de Charlemagne* (Paris, 1950), pp. 42 ff. Another English royal title from the tenth century which is probably relevant is *totius Anglorum gentis primicerius*, or some variant. This

charters from a number of religious houses use the year of the current ruler's *imperium* as one means of dating the grants they record.¹ I do not wish to deny that imperial styles are inflated styles but to assert that they are tenth-century inflations, nor would I argue that they express any "constitutional" fact, although they certainly express political facts; in a perfectly literal sense king Edgar, and not he alone amongst tenth-century rulers of England, was a king of kings. Consequently it seems to me that the use of *imperator* in C.S.1135 is not evidence of fabrication. Thus it hardly seems possible to dismiss the initial protocol of C.S.1135 on diplomatic grounds and we may now turn to the anathema, dating-clause and witness-list.

The witness-list contains only one improbable name *Æthelwold dux*. He signs as late as 962 but he could not have signed a charter dated December 964 since he was the first husband of queen *Ælfthryth*, who was married to Edgar by 964, as an title seems to have been borrowed from the byzantine chancery, R. S. Lopez, *Byzantion*, xviii (1948), 162. *Primicerius* is normally used in Anglo-Saxon charters to claim some kind of territorial hegemony: it is certainly a genuine tenth-century title since it occurs in three contemporary charters, C.S.880, 903 and 1229. Herr Drögereit is, then, mistaken in dismissing the *primicerius* charters *en bloc*, p. 68, n. 43. It is perhaps worth noting that nine of the "imperial" charters condemned by Herr Drögereit have not also been condemned by other scholars—at least to my knowledge. They are C.S.746, 876, 882, 883, 884, 909, 911, 937 and 1259. C.S.909 was moreover accepted by Plummer, *Two Anglo-Saxon Chronicles* ii (Oxford, 1899), 154 and Dr. Robertson, *Anglo-Saxon Charters* (Cambridge, 1930), no. xxx takes no exception to it on linguistic grounds. Dr. Darlington, *V. C. H. Wilts.*, ii, 96 treats C.S.1259 with respect. There are of course "imperial" charters for the period 975-1066 which are not discussed by Herr Drögereit.

¹ C.S.780 is admitted by Herr Drögereit as a contemporary copy, *Archiv*, p. 372, n. i—it is also accepted by Stevenson, *E.H.R.* (1914), p. 689, n. 3. Two other charters using an imperial year are taken as authentic by Herr Drögereit, C.S.776 and 781, *op. cit.* pp. 379-82 and 372-7. Even more serious for Herr Drögereit's case is a tenth-century reference to King Edgar's imperial power in a non-chancery source, which he has overlooked. The *Vita Oswaldi* speaking of Edgar's coronation says, *H.C.Y.* i. 436, great men have come: "a solis ortu et occasu, ab Aquilone et mari exiit edictum imperatoris ut ad eum confluerunt." It is probable that *imperium*, and the related words never carried the same weight of meaning in England as in the Empire proper. Some charters seem to use *imperium* as synonymous with *regnum*, see C.S.335 and 341, both contemporary copies from the reign of Coenwulf of Mercia and see C.S.91: "ad regis secularis imperium". Folz's, *op. cit.* p. 40 comments on ninth-century Frankish usage should be noted: "Aussi les sources latines emploient—elles souvent regnum et

Abingdon charter shows.¹ Ælfthryth herself attests C.S.1135 as queen. Æthelwold's inclusion may be a sign of forgery but it is also easily explicable as a scribal error of possibly ancient origin. Æthelwold signs C.S.1135 between Ælfheah and Æthelwine, a position which in other contemporary charters is sometimes occupied by ealdorman Æthelstan,² who does not attest C.S.1135, unless Æthelwold is a mistake for Æthelstan. This mistake is more probable in that Æthelwold normally signed immediately after Æthelstan in charters which they both witnessed.³ It would in any case be ridiculous to reject a witness-list on the basis of one error when personal names containing the element *Æthel* were so common. Amongst the witnesses is the shadowy figure Æthelmund *minister*, who attests only three other charters,⁴ one in 966 and two in 969; two of these are Worcester charters, grants by King Edgar to his thegn Ælfwold which so closely resembles one another in form as to suggest that, since neither is suspicious, they were probably given at the same *witenagemot*. The witness-list of C.S.1135 was not taken from either of these charters however; although the majority of witnesses is common to all three charters, Queen Ælfthryth attests C.S.1135 only, the order of the witnesses varies considerably and the formulas of attestation of the principle witnesses differ markedly between

imperium comme synonymes." Erdmann, *Forschungen*, p. 8 has an interesting suggestion of the origins of the Anglo-Saxon *imperium* as a literary gloss on the familiar classical theme of empire as bounded by the ocean and Britain in particular as "another world". He cites some passages suggesting that the theme was familiar in Anglo-Saxon England. An interesting continental parallel is found in the Annals of Fulda, ed. F. Kurze, *M.G.H. SS in usum scholarum* (Hannover, 1891), p. 86. Speaking of Charlemagne the annalist says: "ablato regis nomine se imperatorem et augustum omnium regum cis mare consistentium appellare praecepit." If the English Channel retained this classical significance in the eighth, ninth and tenth centuries then a good deal of apparent contradiction can be explained, for instance Alcuin's readiness to speak of an "imperial kingdom" in both an English and a Frankish context, see *Epistolae*, *M.G.H. Ep.* iv (Berlin, 1895), nos. 129 and 121 *inter alia*. Indeed Folz believes, *op. cit.* p. 43, that the Frankish imperial title was adopted partly under Anglo-Saxon influence. An interesting passage from a letter of Boniface of 747 may be cited here, ed. Tangl, p. 169: "laicus homo vel imperator vel rex . . ." Boniface is almost certainly referring to Æthelbald of Mercia, see *ep.* 73 and the gloss to *ep.* 78, p. 171.

¹ C.S.1143.

² C.S.1124, 1125.

³ C.S.1047, 1051, 1052, 1055, 1056, 1066, 1071 for instance.

⁴ C.S.1179, 1229 and 1234. (C.S.1179 is a forged charter.)

C.S.1135 and the other two Worcester charters. I have found no other Worcester charter whose witness-list could have served as a model for C.S.1135. It is difficult to believe that a post-Conquest forger would have added Queen Ælfthryth to the list in view of her legendary reputation. The phrase *cum consensu principum et archuntorum meorum* in Edgar's attestation is unusual but not without precedent. C.S.338 has *omnibus archontis Merciorum*, providing a precedent for the declension of *archon* is C.S.1135 as well as its use and C.S.430 has *coram suis archontis*.¹ *Archons* appear in C.S.926 (a contemporary copy), C.S.964 and C.S.986 which are Eadwig charters from Abingdon cartularies. I should not like to assert or deny the authenticity of C.S.964 but it would be hazardous to deny the authenticity of C.S.986.² Thus the witness-list of C.S.1135 has nothing seriously objectionable in it.

The really difficult section of the protocol is the anathema and dating-clause, which stand or fall together. The anathemas of Edgar's charters show considerable variety but the anathema of C.S.1135 is quite exceptional. It uses the formula *cum Dathan et Abiron et cum Iuda traditore domini et Iuliano apostata aecclesiarum dei oppressore et persecutore* which is unique in English diplomatic. Judas commonly serves as a bad example but Dathan and Abiron I have found only in the Crowland forgery, C.S.1178 and a dubious Worcester charter, C.S.462, which does not seem to be related to C.S.1135 in any way. Julian the apostate is, I believe, found only in C.S.1135. None of this is evidence of fabrication however. Dathan and Abiron, with or without Judas, are common in the anathemas of Frankish charters, especially those of the abbey of Cluny³ and since the dating clause of C.S.1135 also shows marked Frankish influence it is fair to suppose that we must look to Francia for an explanation of this anathema. St. Oswald had come to England and the see of Worcester from the abbey of Fleury which contained some

¹ See Levison, *England and the Continent* (Oxford, 1946), p. 254, n. 4.

² See Stenton, *Early History of Abingdon* (Oxford, 1913), p. 41.

³ *Recueil des Chartes de l'Abbaye de Cluny*, ii (Paris, 1880), nos. 913, 918, 939, 1008, 1009 *inter alia*. Of the few tenth-century Fleury charters which have survived, see *Rec. des Chartes de l'Abbaye de st. Benoit-sur-Loire* (Paris, 1907), i, 152 and a ninth-century charter, p. 77.

dubious bones attributed to St. Benedict and a community reformed after Cluny's example. Since there is some reason to associate parts of C.S.1135 with St. Oswald¹ it is not unreasonable to suppose that Oswald had looked at Frankish charters at Fleury and that this explains the Frankish influence in C.S.1135. But although Frankish influence will explain Dathan and Abiron it will not explain Julian the apostate. But his inclusion is not difficult to explain. C.S.1135 records an exceptional act of royal power, the creation of a liberty wide enough to change the political geography of south-west England and to reduce the power of the local great persons other than the bishop of Worcester. The maintenance of the liberty was utterly dependent on continuous royal support and we may suppose that Julian the apostate was put in as a hint to Edgar's successors.²

Frankish influence is also found in the dating clause and it is probable that the anathema, and perhaps the whole protocol of C.S.1135, stands or falls with the dating clause which reads :

Facta sunt hec dominicae nativitatis DCCCCLXIII indictione VIII regni vero Eadgari Anglorum regis VI in urbe que ab incolis Cleaweceastre nominatur in natale domini festivitate sanctorum innocentum feria iii.

¹ C.S.1135, or the transaction it records, is very closely connected in date and purpose with Oswald's *indiculum* to King Edgar, C.S.1136 v. *supra* p. 57, n. 2. The *indiculum* is authentic beyond dispute and was written by Oswald himself "hanc epistolam componere studui". It contains slight verbal parallels with C.S.1135: "virum magnificum Brihtnothum comitem"; "archiductor" (otherwise unknown); C.S.1135—"providi etiam cautelae studio ut . . .", C.S.1136—"hanc epistolam ob cautelae causam componere studio". C.S.1135 also recalls other Oswald charters: its grace begins "Altitonantis dei largiflua clementia . . ." which recalls the bishop's title in three Oswald charters of 963, 966 and 967, "Ego Oswald largiflua Dei clementia antistes", C.S.1111, 1182, 1208 and see *Hemming*, i, 121. No royal charter has quite this formula. These parallels are too slight to put much weight on; if, however, C.S.1135 were wholly forged we should expect the forger to have made much greater use of C.S.1136, especially in the parallel sections describing the *querela* which resulted in the foundation of Oswaldslow. If the author of both charter and *indiculum* were the same person we could explain the narrow parallels as mere tricks of memory.

² Such a flight of fancy was quite likely in Oswald's circle. The author of the first *Vita Oswaldi* was probably abbot Byrhtferth of Ramsey, see S. G. Crawford, *Speculum Religionis, Essays to . . .* C. G. Montefiore and D. V. J. Fisher, *Cambridge Historical Journal*, x (1952). In speaking of Edgar's monastic policy he compares "the most pious king": "non ut ille Chaldaicus insaniens . . . aut Decius infelix martyrizans . . . sed . . . exemplum gloriosi imperatoris secutus Constantini . . ." *H.C.Y.* i. 427.

Place dates, although rare in Edgar's charters, are not unknown. Two Ely charters, of which the dating clauses at least have some claim to be authentic,¹ have place dates, C.S.1265 and 1266. C.S.1219, although no more than C.S.1135 an ordinary landbook, tells a story which is substantially true and has a place date. But again it seems likely that we owe this dating clause with its place date, year of grace, regnal year and indiction, to common Frankish example. C.S.1135, is, however, highly peculiar in providing such an elaborate identification of the day of the week. Holy Innocents' day, 964, indiction 8 would normally be taken as meaning 28.xii.963 modern reckoning, with the indiction a year out. But *feria IIII* shows that the year is 964 not 963, since 28 December fell on a Wednesday in 964. In any case it can be shown that C.S.1135 cannot be earlier than Easter 964 (or later than 966),² in so far as it is a genuine charter. Either we must suppose that the drafter of the Oswaldslow charter made a mistake in the calendar year³ or face the fact that this dating clause was calculated by someone who thought that the year began with the Annunciation. If this is so, then C.S.1135 is the earliest evidence of Annunciation dating in charters by nearly a century; but we must face this possibility. I shall try to show below that the forged passages were elaborated in the pontificate of St.

¹ *Charters*, p. 345.

² See p. 57, n. 1.

³ Professor C. R. Cheney has drawn my attention to the possibility of a third alternative—that the drafter of the charter was computing the year from 1 January. He points out that the occasions when Englishmen of the tenth century had to decide whether 28 December lay in year *x* or in year *x plus 1* must have been very few. 1 January, besides beginning the old Roman civil year, began the solar year of ecclesiastical computists. *Kal. Jan.* begins every calendar of the year's days for liturgical purposes. The traditional importance of the day was preserved by popular custom. For evidence see *Decretum*, 2, 26, 7, 13-16 (and see Friedburg's notes). Jocelin of Brakelonde reports the practice of giving new year's presents on the feast of the Circumcision. Further, 1 January was the eighth day of Christmas and the days intervening between 25 December and 1 January, falling in the Octave, might be regarded as a whole. Gervase of Canterbury (ed. Stubbs, i. 88) records the usage of calculating the new year from the feast of the Circumcision in his own day. It will thus be plain that we cannot dismiss the possibility that this dating clause follows the usage of the liturgical calendars and employs neither an Annunciation nor a Christmas reckoning. It is very difficult to decide the reckoning followed in C.S.1135 once this alternative is allowed; it still seems to me more probable that an Annunciation reckoning was used for reasons set out *infra*.

Wulfstan (1062-95), probably soon after the Conquest, and that by the end of Wulfstan's pontificate the accepted date for the events narrated in C.S.1135 was 969 and that this date 969 was important for the case which C.S.1135 was fabricated to defend; this date, 969, itself depended on a forged charter for its authority. Thus if this dating clause were forged we should expect the year chosen to be 969 and that the forger would still use a Christmas reckoning since the Annunciation reckoning was not widespread in England until the reign of Henry II. Again if the dating clause were forged we should have to explain the year 964 by supposing that the forger knew that in that year King Edgar began a policy of expelling clerks from English monasteries and replacing them by monks. If he knew this he must also have known that this was done at Easter and at Winchester and we must then explain why this charter was given at Christmas and at Gloucester. The hypothesis of forgery is, then, difficult to sustain. On the other hand the difficulties in the way of taking this as a genuine and very early example of Annunciation reckoning are not insuperable. The date at which we can point to a certain use of this method of dating is far from absolute, because both English and Frankish charters rarely disclose which system of reckoning is in use. I have found only three pre-Conquest English diplomas later than 964 in which it is possible to detect the beginning of the year, K.C.D.622, 824 and 825. All three begin the year at Christmas but all are false. K.C.D.622 has an impossible witness-list and the other two are notorious forgeries.¹ On the other hand an Annunciation reckoning is used in the D. text of the Chronicle, which has Worcester connections and probably a Worcester provenance, as early as 1009.² Again it is not possible to detect

¹ *Writs*, pp. 289 ff.

² R. L. Poole, *E.H.R.*, vol. xvi. The fact that the earliest certain evidence of the use of Annunciation dating should occur in a Worcester document is of importance here. Unfortunately there is not at present agreement amongst scholars as to the provenance of the D text of the Chronicle. The D text must have some connection with Worcester, see Atkins, *E.H.R.*, vol. lv (1940), and there is also a certain amount of information concerning events in the north of England. It is fairly obvious that this should be explained by the connection between the see of Worcester and the archdiocese of York from 972 until 1062 but it is not agreed whether the chronicle is a Worcester source containing some northern information or vice versa. Recently Dr. Whitelock, *Peterborough*

the method of reckoning the year in use in the earlier entries. Dr. Lane Poole also pointed out years ago the connection between the origins of Annunciation reckoning, the cult of St. Mary and the abbey of Fleury.¹ He pointed specifically to the rededication of Worcester cathedral to St. Mary by Oswald under Fleury influence as an instance of the spiritual climate from which the new reckoning came. There is, moreover, every reason to suppose that the rededication of Worcester cathedral was part of the transaction recorded in the charter.² I feel, therefore, that we ought not to reject this dating clause as forged and that it is very possible that it is a genuine and early example of Annunciation reckoning. But if this be allowed then we must also suppose that it can only have come from a genuine Oswaldslow charter. The peculiarities of the dating clause (and the anathema) tie up too closely with the nature of the disposition of the charter to allow us to suppose that they were lifted from another, genuine, lost, Worcester charter of 964.

The dating clause is followed by a vernacular curse directed against those who would restore the clerks which goes on to introduce the witnesses, still in the vernacular. A second anathema and the use of the vernacular in this context is so unusual, both in authentic and fabricated charters, as to make it

Chronicle (Copenhagen, 1954), p. 28, and Dr. Douglas, *E.H.R.*, vol. lxxviii (1953), have suggested that the D text should be assigned to the northern province on the strength of the annal for 1051. This annal gives an account of the crisis of that year between Edward the Confessor and the Godwines, laying stress on the part played by earls Leofric and Siward. Edward, at Gloucester, sends for help to the two earls and they come to his assistance, summoning out their *fyrd*. We are told: "man bead þa folce ƿider ut ofer ealne ƿisne norðende, on Siwardes eorldome, and on Leofrices", *An Anglo-Saxon Chronicle*, ed. E. Classen and F. E. Harmer, p. 76. Mr. Garmonsway, *The Anglo-Saxon Chronicle*, p. 175, translates this passage: "and the people over all these northern parts were called out thither in Siward's earldom, in Leofric's." Dr. Douglas and Dr. Whitelock think that the reference to "these northern parts" is indicative of a northern origin. It seems to me clear that "these northern parts" include Mercia; a man for whom Mercia is north country is what I should call a southerner. The rest of the annal makes it clear that "north" in this context starts at Gloucester. It is indeed just the sort of geographical orientation we might expect a Worcester chronicler to make. See, however, Stenton, *Anglo-Saxon England*, pp. 680-1.

¹ *Studies in Chronology and History*, (Oxford, 1934), pp. 13-20.

² See p. 57, n. 1.

impossible to say whether this clause is genuine or not.¹ This concludes the discussion of the protocol. It seems to me to come reasonably well out of diplomatic criticism. This impression is strengthened by any study of forged Worcester charters, which suggests very strongly that C.S.1135 is far from "ordinary forger's work". It is not possible here to examine each and every Worcester forgery to prove what is at best a negative—although a study of forgers' techniques made *scriptorium* by *scriptorium* would be most useful to the student of charters—but I should like to draw attention by way of example to a forged charter alleged to have been given by King Edgar to the monks of Worcester in 972, C.S.1284. The purpose of the charter is to secure the right of the community at Worcester to elect one of their number as "abbot". The fact that the abbot is also bishop does not appear in the charter which in any case is obviously a crude copy of a Pershore charter, C.S.1282. A large part of C.S.1284 is derived word for word from the highly suspicious Pershore charter. The unintelligent copyist has even reproduced the dedication formula as it stands in C.S.1282 although this is quite inappropriate for Worcester. The only original part of the charter is the intrusion of the grant of land and a saltworks into what should have been a straightforward anathema. Although C.S.1284 purports to be granted in 972 its formal parts seem to be much later than the equivalent sections of C.S.1135. C.S.1284 begins with an *arenga* of considerable length before moving to a royal title and grace nearer to what is usual in Edgarian charters. In the witness-lists, C.S.1135 accords only four of its witnesses sentences of attestation; C.S.1284 has thirteen; C.S.1135 is witnessed only by six abbots

¹ This vernacular passage is defective in Harley MS. 7513 and consequently in all the editions of the charter so far printed. It can however be fully restored from a comparison of Harley MS. 7513 and the fourteenth century confirmation on the Charter Roll, 6 Edward II, 25. It reads: "Dis syndon þa gewitenesse þe þær æt wæron 7 þis mid þam cining getrymdon 7 þense curs allinge gefestnodon oppon allum ðam þe þis undoð oððe ge waniað oððe gewemmað oððe of þære munekan anwalde eft on clerican hand getyrnað." (These are the witnesses who were present and confirmed this with the King and laid this curse altogether on all those who undo this or weaken it or defile it or turn it from the possession of the monks into the hands of the clerks again.) I am indebted to my colleague Dr. I. L. Gordon for some assistance with the transcription of this passage.

(which is right for its time) but C.S.1284 rises to thirteen. If C.S.1284 represents the standard of forgery at Worcester—and the obviously forged passages of C.S.1135 are hardly less crude—then it is difficult to believe that the protocol of C.S.1135 is forged.

It seems, then, reasonable to believe that there was an authentic Oswaldslow charter of which the greater part of the protocol and the disposition survive in C.S.1135. It is, of course, impossible to go through a document such as C.S.1135 and draw precise lines between the true and the false. In a home-made charter such as C.S.1135 it is particularly difficult to apply diplomatic criteria to the disposition when the transaction is so unusual and the body of the charter is best discussed on purely historical grounds, which I have attempted elsewhere. There remains, however, a lengthy narrative preamble which raises obvious problems of authenticity and which is of some interest from the point of view of charter criticism.

These narrative preambles are more usually associated with charters of Æthelred¹ but it seems likely they are to be explained as innovations consequent upon the withdrawal of diplomas from the royal chancery to local *scriptoria*. It is worth noting that the *Regularis Concordia* has just such a narrative preamble—as well as other reputed Edgarian quasi-foundation charters. The *Concordia* is not strictly speaking a diploma although it is very close in form. This is hardly surprising since the *Concordia* was almost certainly drafted by Æthelwold,² and Herr Drögereit has suggested³ that Æthelwold drafted some of Edgar's diplomas. In any case C.S.1135 is a document closer in many ways to the *Concordia* than to an ordinary landbook. We cannot reject C.S.1135's preamble out of hand then. In this preamble Edgar is made to give thanks to God who has exalted his power above that of his predecessors. King Æthelstan in particular had conquered all the inhabitants of Britain⁴ but to Edgar had been reserved an even greater success :

¹ Stenton *Latin Charters*, p. 74.

² *Downside Review*, lxxiv (1956), 175.

³ *Archiv*, p. 429.

⁴ Æthelstan is called "monarchus totius Brittaniae" in C.S.660 and is alleged to rule "regnum totius Albionis" in C.S.665. The latter charter is not completely authentic in its present form.

Divine favour has permitted me to reduce all the kingdoms of the islands of the ocean as far as Norway, with their most fierce kings beneath the sway of the English (*cum Anglorum imperio*) and to subject the greatest part of Ireland with her chief town of Dublin to the kingdom of the English.

It is generally accepted that shortly after Edgar's coronation an uncertain number of Welsh and "Scottish" kings did him homage, probably at Chester, and it is difficult not to connect this homage with evidence of Edgar's aggressive use of his sea-fyrd—C.S.1135 is largely concerned with the provision of this sea-fyrd. The Ely charter, C.S.1266, which even if it cannot be assigned to 970, the year it claims to have been composed, seems to be no later than the time of abbot Ælfric¹ also refers to Edgar's superiority over the island kings. It would be possible to give a guarded credence to this part of the preamble if it were not for the :

maximamque partem Hibernie cum sua nobilissima civitate Dublinia Anglorum regno subiugare. . . .

This is the only evidence we have that Edgar undertook any action against the Norse kingdom of Dublin, but the scanty sources hardly permit us to lay much weight on the argument from silence and in view of the troubles King Edmund had with the men of this kingdom it would not be surprising if his son carried the war to their home base. It will, however, be suggested later that the bulk of the fabrication was done in the time of St. Wulfstan and it cannot be without significance that there were connections between Worcester and the kingdom of Dublin in Wulfstan's day.² The see of Dublin was founded about 1028 and its first bishop was consecrated by the archbishop of Canterbury. Its second bishop was a Worcester monk called Patrick, a pupil of Wulfstan, who continued to acknowledge the subjection of his see to Canterbury. In 1096 there was a reaction and it seems likely that a community of monks possibly introduced by Bishop Patrick with assistance from Worcester—this is Father Gwynn's opinion—was dispersed. Father Gwynn has also argued that when the see of Dublin was founded, the king of Dublin turned to Canterbury for political as well as

¹ A. McIntosh, "Wulfstan's Prose", *Proceedings of the British Academy*, xxxv (1949), 128, n. 8.

² *The Writings of Bishop Patrick, Scriptores Latini Hiberniae*, ed. A. Gwynn (Dublin, 1955), Introduction, *passim*.

religious reasons. The Norse kingdom of Dublin was by this time in decline and, as Father Gwynn points out,¹ Cnut was its natural ally and protector against the native Irish. Thus the subjection of Dublin to Canterbury and the Worcester interest in Dublin involved secular as well as ecclesiastical politics. It is, then, highly suspicious to find a reference to the political subjection of Dublin in a charter interpolated at a time when the ecclesiastical subjection was a burning issue and both charter and see had Worcester connections.

The next part of the preamble is taken up with what Edgar has done for God in return and what he proposes to do next. It is very improbable that it can be authentic. It claims that Edgar "has constituted" forty-seven monasteries with monks and nuns and that if his life is sufficiently long he proposed to increase the number to fifty. We know that Edgar began his policy of restoring monasticism in England at Easter 946 and it is obviously fantastic to suppose that he could have established so many communities in nine months. Further, we can probably identify the source of this odd figure of forty-seven monasteries said to have been established by Edgar. In one place the first life of St. Oswald, which was certainly known at Worcester,² says that Edgar decreed that more than forty monasteries were to be established,³ and in another that seven monasteries were established in Mercia under Oswald's supervision.⁴ The *Vita* is certainly not dependent on C.S.1135 and there is no other indication that the fabricator of C.S.1135 borrowed from the *Vita* but we cannot assume that they are independent sources. A Worcester monk was likely to know something about Oswald and his doings and stories based on the first *Life* were bound to circulate. We cannot then dismiss the possibility that figures given in the *Vita Oswaldi* formed the basis of such a tradition and eventually got into the preamble of C.S.1135. The further passage in which Edgar proposes to increase the number to fifty is also not difficult to explain. The first part of the disposition—which seems to me authentic—in effect founds another monastery at Worcester and it is possible that the fabricator, having made

¹ *Repertorium Novum*, i (1955), 5

³ *H.C.Y.* i. 426.

² See *infra*, p. 79, n. 2.

⁴ *Op. cit.* p. 439.

Edgar establish forty-seven monasteries already, found room for one more by mentioning Edgar's intention of increasing the number to fifty.¹ The motive for this elaborate fabrication seems to lie in the mention of the part played by the three great monks-bishops of Edgar's reign, Dunstan, Æthelwold and Oswald. It is "per meos fideles fautores Dunstanum . . . Æthelwoldum . . . ac Oswaldum . . ." that the charter makes Edgar claim he accomplished all this and it was only with their strenuous co-operation that the forty-seven monasteries were established. Such prominence for the authority of the three monastic saints is not usual in tenth-century sources. It is conspicuously absent from the *Concordia*. Especially suspicious is the strength of the reference to the part of the three bishops in C.S.1135, *per meos fideles fautores*. The nearest parallel is the forged Ramsey charter, C.S.1310, but even here Edgar is made do no more than heed the prayers of Dunstan and Oswald. So it is entirely improbable that C.S.1135 can be believed here. But it is likely that such stress on the part of the three great bishops was intended to strengthen the false claim made in a later part of the charter that the monks of Worcester had a right of appeal to the king against their own bishop. It is not surprising that they felt the need for something more than royal authority to back this privilege.

There remains the problem of the date of the fabrication of the forged passages of C.S.1135 and the circumstances which it was designed to meet. We may begin by pointing to certain internal features of the forged passages. Wynsige and his

¹ The second *Life* of Oswald is by Eadmer. It is based on the first with some additional material; Eadmer tells that the combined efforts of Dunstan, Æthelwold and Oswald established forty-eight monasteries in England. *H.C.Y.* ii. 22. It looks as though this figure may be most easily explained by supposing that Eadmer had seen C.S.1135 and arrived at the curious figure of forty-eight by adding one more, that is Worcester, to C.S.1135's forty-seven. In his account of the Easter synod of 964, Eadmer says that "canons" were compelled to choose between living chastely and losing their benefices; the only source I have noticed which gives a similar account of the choice put before the clerks is C.S.1135. The synod, according to Eadmer, was presided over by Dunstan, not Edgar; Dunstan is called Edgar's *fidelis fautor*, as in C.S.1135, whose emphasis on the rôle of the bishops may have suggested to Eadmer the shifting of the main part from Edgar to Dunstan.

successors seem to be given the title of *prepositus*.¹ This word was already old-fashioned by the second quarter of the twelfth century² and Hemming, who compiled his section of the cartulary which bears his name before 1100, uses *prior* or *decanus* to describe this office. An important inquest held at Worcester into the rights of the monks in 1092 speaks of "priors".³ In another suspicious passage the prior and monks got the right to appeal to the king and the "archbishop" against their own bishop. Obviously this passage must date from a time before the papal curia was the normal goal of appeals of this kind; equally obviously this passage could not have been inserted whilst the bishop of Worcester was commonly also archbishop of York. It might be argued that since it is obvious that the archbishop meant is Canterbury, this enables us to date the passage after 1072 since the subjection of Worcester to Canterbury and its complete independence of York was established shortly after 1072.⁴ It is, however, just possible that the passage might have been added in or after 1062 when archbishop Ealdred resigned the see of Worcester to St. Wulfstan. Before the Norman Conquest there is no evidence that the archbishops of York denied the primatial dignity of Canterbury over the whole of the English church and, so long as the bishop of Worcester was not also archbishop of York, this passage is not ambiguous. There were earlier occasions when York and Worcester were separated but it will be remembered that a suspicious reference to the Norse kingdom of Dublin in the narrative preamble also seemed to point to the pontificate of St. Wulfstan.

The main motive for the interpolations is obvious. The monks wished to secure their share of the profits of the liberty of Oswaldslow against either royal *ministri* or their own bishop and to have a right of appeal if their claims were questioned. A writ of Edward the Confessor,⁵ which Dr. Harmer accepts as authentic, confers some of these judicial privileges on Ælfstan (the prior) and the monks of Worcester. The writ can be dated 1062.

¹ "omnesque post eum sui successores qui eidem congregationi prepositi fuerint."

² *Vita Wulfstani*, ed. R. R. Darlington, Camden Series, xl (London, 1928), 11: "prepositus ut tunc, prior ut nunc, dicitur."

³ *Hemming*, ii. 530. ⁴ *Vita Wulfstani*, xxviii-xxxiii. ⁵ *Writs*, p. 116.

Another writ, of William I this time,¹ is addressed to Urse d'Abetot, the sheriff of Worcester and Bishop Wulfstan. It must be dated before 1080² and it reads :

omnes suas consuetudines seu dignitates que ad ipsum prioratum pertinent in terris, ecclesiis, decimis seu ceteris possessionibus tam ecclesiasticis quam secularibus . . . et nolo, ut aliquis se intromittat de rebus monachorum nisi per priorem ecclesie.

It does not seem probable that the writ was aimed against the sheriff only ; the defence of the monks' ecclesiastical rights as well as their secular rights rather points to the bishop, and the writ was certainly quoted in a dispute between the convent and St. Wulfstan in 1092. It is difficult to believe that C.S.1135 can be altogether independent of these two royal writs, either or both of which could be the answer to an appeal justified by one forged passage of the charter to defend rights claimed in another.

C.S.1135 would serve the monks in another way. Since it claims, probably rightly, that the cathedral was converted to monasticism in 964 and Wynsige appointed *prepositus*, by royal authority, immediately—which is certainly false—it follows that C.S.1135 could be cited to prove that Oswald had never exercised direct authority over the monks of Worcester. Dr. Darlington has already pointed to a passage in the *Vita Wulfstan* which suggests that in disciplinary matters at least, when Wulfstan was promoted from prior to bishop of Worcester :

he seems to have superseded the prior as head of the convent.³

It does not seem probable that the monks accepted this state of affairs without protest ; at any rate C.S.1135 is not the only Worcester forgery designed to prove that Oswald never exercised authority over the monks. Florence of Worcester, *sub anno* 969,⁴ records the expulsion of the clerks and he goes on to say :

Unde S. Oswaldus, sui voti compos effectus, clericos Wigorniensis ecclesie monachilem habitum suscipere renuentes de monasterio expulit ; consentientes

¹ *Hemming*, ii. 522 : *Registrum . . . Wigorn.*, ed. Hale, Camden Series, xci, 25b.

² Ælfstan prior was succeeded by Thomas before 1080, *Antiquaries Journal*, xx. 36. The text of the writ shows that Ælfstan was still prior when the writ was drafted.

³ *Vita Wulfstani*, xxxviii.

⁴ *Chronicon ex chronicis*, ed. B. Thorpe (London, 1848), i. 141.

vero hoc anno, ipso teste, monachizavit, eisque Ramesiensem coenobitam Wynsinum, magnae religionis virum, loco decani praefecit.

Florence is claiming, like C.S.1135, that Wynsige was appointed in the same year that Worcester was converted and he seems to expect his claim to be disputed since he mentions his authority, St. Oswald himself. But unlike C.S.1135, all this is assigned to the year 969. The late Dr. Armitage Robinson argued very cogently¹ that Florence's authority was an Oswald charter C.S.1243 which is dated 969 and which is not suspicious except that instead of the usual witness-list it has a vernacular sentence claiming that the grant was made with the witness of Wynsige and "all the monks at Worcester". Since Wynsige could not have been at Worcester in 969 and since Oswald's charters normally have a diploma-style witness-list—the manner of referring to the witnesses in C.S.1243 suggests that eleventh-century notificatory *laen*-charters provided the model—it is difficult not to conclude that C.S.1243 has been adapted with intent to deceive. Thus we have clear proof that the date of Wynsige's appointment was disputed at Worcester and was a motive for forgery. Florence of Worcester, who was writing in the time of St. Wulfstan,² moreover, cited the forged Oswald charter to prove the same point that C.S.1135 proves under a different date. The monks were not disputing over a point of antiquarian detail; what mattered was the corollary that Oswald had never exercised direct authority over the monks of Worcester and that the prior had stood between monks and bishop from the earliest days of the community's history. We may now cite another piece of evidence relevant to these disputes and forgeries. A charter of Bishop Wulfstan was given in a great diocesan synod held in Worcester cathedral in 1092.³ It had to do with a :
questio inter 2 presbyteros, Ælnothum scilicet, presbyterum sanctae Helenae, et Alam, presbyterum sancti Albani, de parochiis et consuetudinibus ecclesiarum suarum.

Wulfstan tells us that the dispute is of long standing :

clamor filiorum ecclesiae, monachorum videlicet, quod ipsi damna paterentur suorum reddituum, quos juste habere debuissent, de sua ecclesia, sanctae Helenae scilicet, propter tam diuturnam presbyterorum discordiam.

¹ *St. Oswald*, p. 33.

² R. R. Darlington, *The Anglo-Norman Historians*, 14.

³ *Hemming*, 11. 527.

He appears to be more than a judge ; in some way he is a party to the suit since he says that being full of years and very infirm he wishes to correct and emend “ *res ecclesiasticas nostrae curae commissas* ”. We can only infer the nature of the dispute from the result. The issue was referred to what looks like a committee of arbitration consisting of the prior, the archdeacon and other ecclesiastics ; conclusions were established which can in part be related to extant ancient—and some not so ancient—documents.¹ The upshot of these deliberations, accepted by Wulfstan and rehearsed in the charter, was that all the monks’ churches and priests were exempt from the authority of the archdeacon, and instead subjected to the prior as dean ; in other words the bishop gave up his ordinary jurisdiction over the monks’ churches. The status of St. Helen’s church seems to have been the test case on which the rest depended and this was so because it had been held originally by Wynsige before he became either monk or prior of Worcester. On his conversion, with his fellow converts, he lost his rights *in proprios usos* and the church became part of the convent’s corporate property. We can now see that the monks were anxious to deny that Oswald had ever controlled this corporate property and eager to say that Wynsige, immediately he had given up his personal right to St. Helen’s church, received it back under his jurisdiction as prior. The document shows that the date of Wynsige’s appointment was discussed and that agreement was reached. The false date 969 for the conversion of Worcester was accepted—this suggests that C.S.1243, the source of the false date, was produced and probably fabricated for the occasion—but the synod in 1092 refused to allow that Wynsige was made prior immediately after the establishment of the monastery since we are told that he was made prior “ three years after his conversion ”, that is, 972. Thus, although Wulfstan was prepared to allow what some bishops would not allow, the exemption of his monks’ churches from ordinary jurisdiction, he did not admit that his predecessors never exercised direct authority over the monks. If we compare all this with the longer drawn out and

¹ The writ of William I was certainly produced, since the “ *nullus archidiaconus, de monachorum ecclesiis, seu clericis se intromittat, nisi per priorem ecclesiae* ” of the composition seems to be modelled on the “ *nolo, ut aliquis se intromittat de rebus monachorum, nisi per priorem ecclesiae* ” of the writ.

better documented litigation of the monks of Durham with their bishop,¹ it will be apparent how close a connection exists between the denial of the bishop's ordinary jurisdiction and the denial of his abbatial authority in a monastic cathedral. Putting all this together it seems as though dispute about the extent of the bishop's authority over the monks and their rights had been endemic at Worcester since 1062 and that various fabricated documents, including C.S.1135, have something to do with these quarrels.

It only remains to fix C.S.1135's part in this litigation. It must have been touched up well before 1092 and cannot have been used on that occasion. Had it been prepared after 1092 its date would have been altered to 969, in line with the now accepted Worcester tradition, and since it implicitly contradicts that tradition, it is improbable that it can have been cited in 1092. It is not difficult to see why the monks wished to alter the date of the conversion of Worcester from 964 to 969. Their prime aim was to establish the election of Wynsige concurrently with the conversion of the community, but knowledge of the Ramsey traditions and the *Vita Oswaldi*² at Worcester made it incredible to claim Wynsige as prior in 964, since the monks knew he had been a monk at Ramsey³ and that Ramsey was not founded until 968 or 969. Thus C.S.1135 was useless in 1092 because even in its touched-up state it was too truthful. Further, the almost complete absence of reference in C.S.1135 to the monks'

¹ F. Barlow, *Durham Jurisdictional Peculiars*, (Oxford, 1950), pp. 12 ff. and G. V. Scamell, *Hugh de Puiset* (Cambridge, 1956), ch. iv. *passim*.

² The only surviving manuscript of the *Vita Oswaldi* comes from Worcester. Florence of Worcester certainly knew the *Vita*. Cf. *Flor. Wig.*, i. 140: "Hic namque regem, cujus eximius erat consiliarius, ad hoc maxime provocavit, ut clericos a monasteriis expelleret, et monachos sanctimonialesque in eis collocari juberet." This refers to Æthelwold and is derived from *H.C.Y.* i. 427: "Iste enim vero ipsum regem ad hoc maxime provocavit, ut clericos a monasteriis expulit, et ut nostris ordinibus contulit, quia ejus erat eximius consiliarius." A curious passage in the *Ramsey Chronicle*, ed. Macray, 41, emphasizes Oswald's original abbatial authority at Worcester and says: "In cujus argumentum veritatis schedae quaedam in ecclesia nostra hodieque continentur." It sounds as though the Ramsey archives had been searched for evidence of the original position at Worcester. We do not know much about the date of the miscellaneous Ramsey chronicle, see *Writs*, p. 245, n. 1.

³ *Flor. Wig.* i. 141; *H.C.Y.* i. 435.

ecclesiastical claims,¹ to any exemption from archidiaconal authority, all suggest that C.S.1135 had its present shape in the earlier rather than the later part of Wulfstan's pontificate.

No one who has looked at many tenth century charters can suppose that all this is a purely Worcester phenomenon. The Worcester documents are, however, comparatively straightforward. These disputes seem to have been of much shorter duration and much less bitter than was the case elsewhere; indeed the disputes seem to have been largely settled by Wulfstan's death. Consequently the litigation was simpler and the requirements of the evidence likewise. The longer such litigation went on, the more complicated canon-law became and the more unsuitable pre-Conquest documents were found as title-deeds. Quite apart from the local interest and bearing of each suit and set of documents, these fabricated or interpolated documents reflect attempts to adapt titles to privileges from the age of *eigenkirchen* to meet the needs of an age of canon-lawyers. It is therefore possible that a study of these dubious charters in the light of post-Conquest ecclesiastical litigation and the growth of ordinary jurisdiction, in fact and in the lawbooks, may help in recovering a good deal of authentic tenth-century material from the corruption of the forger.

¹ The only such reference is what seems likely to be a forged gloss on the expulsion of the clerks and the transfer of the Worcester endowment to monks: "sive ecclesiastica sive secularia tam mobilia quam immobilia." This sounds like an Anglo-Norman writ formula.