

# Wills and Will-Making in Anglo-Saxon England

LINDA TOLLERTON

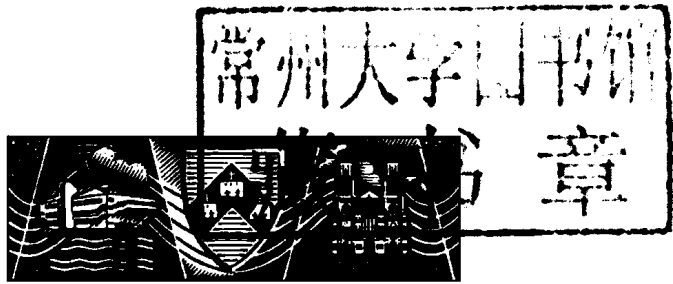
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# Wills and Will-Making in Anglo-Saxon England

Linda Tollerton



THE UNIVERSITY *of York*

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Finally, my greatest debt is to my parents, for their unfailing love and encouragement. My fascination with the past grew out of our family expeditions on Gliderways coaches to the ancient sites and monuments of the West Midlands. My mother taught me to imagine history, and my father was keen to help me explore it. Neither of them could have envisaged this book emerging from those childhood excursions, and it is my regret that they did not live to see its publication.

## ABBREVIATIONS

### *Editions of Vernacular Wills*

- Æthelgifu*      *The Will of Æthelgifu*, ed. and transl. D. Whitelock, with contributions by N. Ker and Lord Rennell (Oxford, 1968).
- Charters (R)*    *Anglo-Saxon Charters*, ed. and transl. A. J. Robertson (Cambridge, 1939).
- ECEE*            *The Early Charters of Eastern England*, ed. C. R. Hart (Leicester, 1966).
- N&S*            *The Crawford Collection of Early Documents and Charters*, ed. and transl. A. S. Napier and W. H. Stevenson (Oxford, 1895).
- SEHD (H)*     *Select English Historical Documents of the Ninth and Tenth Centuries*, ed. and transl. F. E. Harmer (Cambridge, 1914).
- Wills (W)*      *Anglo-Saxon Wills*, ed. and transl. D. Whitelock (Cambridge, 1930).

### *British Academy Charter Volumes*

- Abingdon*      *Charters of Abingdon Abbey, Parts 1 and 2*, ed. S. E. Kelly, British Academy Anglo-Saxon Charter Series, vols. 7 and 8 (Oxford, 2000).
- Bath and Wells* *Charters of Bath and Wells*, ed. S. E. Kelly, British Academy Anglo-Saxon Charter Series, vol. 13 (Oxford, 2007).
- Burton*          *Charters of Burton Abbey*, ed. P. Sawyer, British Academy Anglo-Saxon Charter Series, vol. 2 (Oxford, 1979).
- Bury*            *Charters of Bury St Edmunds Abbey, with St Benet at Holme*, ed. K. A. Lowe and S. Foot, British Academy Anglo-Saxon Charter Series (forthcoming).
- Christ Church* *Charters of Christ Church, Canterbury*, ed. N. Brooks and S. E. Kelly, British Academy Anglo-Saxon Charter Series, vol. 18 (Oxford, forthcoming).
- Malmesbury*   *Charters of Malmesbury Abbey*, ed. S. E. Kelly, British Academy Anglo-Saxon Charter Series, vol. 11 (Oxford, 2005).
- New Minster*   *Charters of the New Minster, Winchester*, ed. S. Miller, British Academy Anglo-Saxon Charter Series, vol. 9 (Oxford, 2001).
- Peterborough*   *Charters of Peterborough Abbey*, ed. S. E. Kelly, British Academy Anglo-Saxon Charter Series, vol. 14 (Oxford, 2009).

## Abbreviations

<i>Rochester</i>	<i>Charters of Rochester</i> , ed. A. Campbell, British Academy Anglo-Saxon Charter Series, vol. 1 (Oxford, 1973).
<i>Selsey</i>	<i>Charters of Selsey</i> , ed. S. E. Kelly, British Academy Anglo-Saxon Charter Series, vol. 6 (Oxford, 1998).
<i>Shaftesbury</i>	<i>Charters of Shaftesbury Abbey</i> , ed. S. E. Kelly, British Academy Anglo-Saxon Charter Series, vol. 5 (Oxford, 1996).
<i>Sherborne</i>	<i>Charters of Sherborne</i> , ed. M. A. O'Donovan, British Academy Anglo-Saxon Charter Series, vol. 3 (Oxford, 1988).
<i>St Albans</i>	<i>Charters of St Albans</i> , ed. J. Crick, British Academy Anglo-Saxon Charter Series, vol. 12 (Oxford, 2007).
<i>St Augustine's</i>	<i>Charters of St Augustine's Abbey, Canterbury and Minster-in-Thanet</i> , ed. S. E. Kelly, British Academy Anglo-Saxon Charter Series, vol. 4 (Oxford, 1995).
<i>St Paul's</i>	<i>Charters of St Paul's, London</i> , ed. S. E. Kelly, British Academy Anglo-Saxon Charter Series, vol. 10 (Oxford, 2004).
Keynes, <i>Facsimiles</i>	<i>Facsimiles of Anglo-Saxon Charters</i> , ed. S. Keynes, British Academy Anglo-Saxon Charter Series, Supplementary vol. I (Oxford, 1991).

## General Abbreviations

ANS	<i>Anglo-Norman Studies</i> .
ASC	<i>Anglo-Saxon Chronicle</i> (see Note on the References).
ASC C	<i>The Anglo-Saxon Chronicle, a Collaborative Edition, vol. 5: MS C, a Semi-Diplomatic Edition with Introduction and Indices</i> , ed. K. O'Brien O'Keeffe (Cambridge, 2001).
ASC D	<i>The Anglo-Saxon Chronicle, a Collaborative Edition, vol. 6: MS D, a Semi-Diplomatic Edition with Introduction and Indices</i> , ed. G. P. Cubbin (Cambridge, 1996).
ASC E	<i>The Anglo-Saxon Chronicle, a Collaborative Edition, vol. 7: MS E, a Semi-Diplomatic Edition with Introduction and Indices</i> , ed. S. Irvine (Cambridge, 2004).
ASC F	<i>The Anglo-Saxon Chronicle, a Collaborative Edition, vol. 8: MS F, a Semi-Diplomatic Edition with Introduction and Indices</i> , ed. P. S. Baker (Cambridge, 2000).
ASE	<i>Anglo-Saxon England</i> .
Asser	<i>Asser's Life of King Alfred</i> , ed. W. H. Stevenson (Oxford, 1904).
B&T	<i>An Anglo-Saxon Dictionary</i> , ed. J. Bosworth and T. Northcote Toller, 2 vols. (Oxford, 1898), with supplementary vol. by A. Campbell (Oxford, 1921).
BAR	British Archaeological Reports.
Birch	<i>Cartularium Saxonicum: a Collection of Charters Relating to</i>

## Abbreviations

	<i>Anglo-Saxon History</i> , ed. W. de Gray Birch, 3 vols. (London, 1885–1893).
Blackwell	<i>The Blackwell Encyclopaedia of Anglo-Saxon England</i> , ed.
Encyclopaedia	M. Lapidge, J. Blair, S. Keynes and D. Scragg (Oxford, 1999).
C&S	<i>Councils and Synods with other Documents relating to the English Church, I: AD 871–1204</i> , ed. D. Whitelock, M. Brett and C. N. L. Brooke, 2 vols. (Oxford, 1981), I (Part 1).
CR	<i>Chronicon Abbatiae Ramesiensis</i> , ed. W. D. Macray (London, 1886), Rolls Series 83; reference by chapter number.
CUL	Cambridge University Library.
<i>The Danelaw</i>	Hart, C. R., <i>The Danelaw</i> (London, 1992).
DB	Domesday Book, cited in translation from the Alecto Historical Edition, ed. A. Williams and G. H. Martin (first published London, 1992, issued by Penguin books, 2002).
DOEC	<i>Dictionary of Old English Corpus</i> , ed. A. DiPaolo Healey and others, Toronto University Centre for Medieval Studies (electronic resource, in progress).
EETS	Early English Text Society.
EHD I	<i>English Historical Documents, I: c. 500–1042</i> , ed. and transl. D. Whitelock, 2nd edn (London, 1979).
EHR	<i>English Historical Review</i> .
EME	<i>Early Medieval Europe</i> .
Keynes, <i>Atlas</i>	<i>An Atlas of Attestations in Anglo-Saxon Charters c. 670–1066</i> , ed. S. Keynes (Cambridge, 2002).
Keynes and Lapidge	<i>Alfred the Great: Asser's Life of King Alfred and Other Contemporary Sources</i> , ed. and transl. S. Keynes and M. Lapidge (London, 1983).
<i>Laws</i> , ed.	<i>The Laws of the Earliest English Kings</i> , ed. and transl.
Attenborough	F. L. Attenborough (Cambridge, 1922).
<i>Laws</i> , ed.	<i>The Laws of the Kings of England from Edmund to</i>
Robertson	<i>Henry I, Part 1, Edmund to Canute</i> , ed. and transl.
	A. J. Robertson (Cambridge, 1925).
LE	<i>Liber Eliensis</i> , ed. E. O. Blake, Camden Society, 3rd series 92 (London, 1962); reference by book number (in Roman) and chapter number (in Arabic).
Lib	<i>Libellus quorundam insignium operum beati Æthelwoldi episcopi</i> (followed by chapter number). An edition is forthcoming; S. Keynes and A. Kennedy, <i>Anglo-Saxon Ely: Records of Ely Abbey and its Benefactors in the Tenth and Eleventh Centuries</i> .
MGH	Monumenta Germaniae Historica.
P&M	F. Pollock and F. W. Maitland, <i>The History of English Law Before the Time of Edward I</i> , 2 vols., 2nd edn (Cambridge, 1911).

## Abbreviations

S	<i>Anglo-Saxon Charters: an Annotated List and Bibliography</i> , ed. P. H. Sawyer (London, 1968). An updated version is available at: <a href="http://www.trin.cam.ac.uk/chartwww/">www.trin.cam.ac.uk/chartwww/</a> >
TRE	<i>Tempore Regis Eadwardi</i> (indicating the tenurial position during the reign of King Edward the Confessor).
TRHS	<i>Transactions of the Royal Historical Society</i> .
Writs	<i>Anglo-Saxon Writs</i> , ed. and transl. F. E. Harmer, 2nd edn (Manchester, 1989).

### Counties

Beds.	Bedfordshire
Berks.	Berkshire
Bucks.	Buckinghamshire
Cambs.	Cambridgeshire
Dors.	Dorset
Ex	Essex
Glos.	Gloucestershire
Hants.	Hampshire
Herts.	Hertfordshire
Hfds.	Herefordshire
Hunts.	Huntingdonshire
Kt	Kent
Leics.	Leicestershire
Lincs.	Lincolnshire
Mx	Middlesex
Nfk	Norfolk
Northants.	Northamptonshire
Notts.	Nottinghamshire
Oxon.	Oxfordshire
Sfk	Suffolk
Shrops.	Shropshire
Som.	Somerset
Staffs.	Staffordshire
Sy	Surrey
Wilts.	Wiltshire
Worcs.	Worcestershire
Yorks.	Yorkshire



## NOTE ON THE REFERENCES

All charters are identified in the apparatus by the number allocated in Sawyer's *Handlist* (S).<sup>1</sup> In addition, wills edited by Napier and Stevenson, Harmer, Whitelock, Robertson and Hart are identified by the abbreviation given in the List of Abbreviations above, followed where relevant by the number of the document within the edition. Wills which have already appeared in British Academy charter volumes are further identified by archive (see the List of Abbreviations) and number within the volume. In general, texts and translations follow the currently available British Academy editions;<sup>2</sup> otherwise, they follow the individual editions cited in the List of Abbreviations and in footnotes.<sup>3</sup>

The *Anglo-Saxon Chronicle* is cited according to the adjusted dating as printed by Whitelock in *EHD* I, and subsequently as *The Anglo-Saxon Chronicle: a Revised Translation*, ed. D. Whitelock with D. C. Douglas and S. I. Tucker (London, 1961). Where reference to a particular version is necessary, or the original text quoted, the relevant volume in *The Anglo-Saxon Chronicle, a Collaborative Edition* (general editors D. Dumville and S. Keynes) is cited as given in the List of Abbreviations.

Domesday Book is cited in translation from the Alecto Historical Edition, ed. A. Williams and G. H. Martin (first published London, 1992, issued by Penguin books, 2002); Great Domesday is abbreviated as I, and Little Domesday as II, followed by the folio number.

Anglo-Saxon laws are cited by code and clause from the editions by Attenborough and Robertson given in the List of Abbreviations.

<sup>1</sup> See the List of Abbreviations above. W39 (*Peterborough* 27), which is post-Conquest, is not included by Sawyer: see D. A. E. Pelteret, *Catalogue of English Post-Conquest Vernacular Documents* (Woodbridge, 1990), no. 68.

<sup>2</sup> Currently both texts and translations of vernacular wills may be found in volumes 8 (*Abingdon*); 10 (*St Paul's*); 12 (*St Albans*); 13 (*Bath*); 14 (*Peterborough*); they will be included in the forthcoming vol. 18 (*Christ Church*). Vol. 9 (*New Minster*) prints texts with detailed summaries. Vol. 2 (*Burton*) includes a translation of the will of Wulfric Spott (S1536/W17, *Burton* 29) in the Introduction (pp. xv–xix). Volumes 1 (*Rochester*) and 4 (*St Augustine's*) print texts only.

<sup>3</sup> I have generally followed individual editorial practice in quoting Old English texts, although I have silently omitted emendation signs and have replaced Old English *wynn* with the letter *w*.

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## INTRODUCTION

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

The first, published in 1963, is the important and wide-ranging survey by Sheehan.<sup>2</sup> He considers the Anglo-Saxon will from the point of view of the legal historian, placing it in the context of the Roman testament, the Germanic tradition of inheritance and the developments of the twelfth and thirteenth centuries. He examines the relationship between the Anglo-Saxon will and the two forms of *post obitum* disposition defined primarily by German legal historians: the *post obit* gift (a gift to take effect after the donor's death) and the *verba novissima* (deathbed gift).<sup>3</sup> However, the strength of his survey is that it recognises the individuality of the insular will, focusing on its transitional nature between the Roman testament and the canonical will of the post-Conquest period.

The second detailed study of the corpus, carried out by Lowe, was designed to evaluate the reliability of the transmission of texts by examining scribal techniques.<sup>4</sup> This study has been crucial in establishing the overall corpus and examining its integrity. The majority of the wills survive only in later copies, mainly in cartularies of the twelfth to fourteenth centuries, with very few surviving as contemporary or near-contemporary manuscripts. Even fewer survive in both forms, but where they do, Lowe has compared the versions in order to identify the problems experienced by the later copyists as they sought to create a working text, and the strategies they adopted to overcome them.<sup>5</sup> Where vernacular wills also survive in Latin versions,

<sup>1</sup> F. Pollock and F. W. Maitland, *The History of English Law Before the Time of Edward I*, 2 vols., 2nd edn (Cambridge, 1911), II, 314–23 (p. 321).

<sup>2</sup> M. M. Sheehan, *The Will in Medieval England* (Toronto, 1963).

<sup>3</sup> For discussion of these terms see Sheehan, *The Will*, pp. 24–38.

<sup>4</sup> K. A. Lowe, 'The Anglo-Saxon Vernacular Will: Studies in Texts and their Transmission' (unpublished doctoral thesis, University of Cambridge, 1990).

<sup>5</sup> K. A. Lowe, "'As fre as thowt'?: some medieval copies and translations of Old English wills', *English Manuscript Studies 1100–1700* 4 (1993), 1–23; K. A. Lowe, 'Two thirteenth-century cartularies from Bury St Edmunds: a study in textual transmission', *Neuphilologische Mitteilungen* 93 (1992), 293–301.

Lowe's comparison of the texts reveals modifications often made by scribes who were inclined to omit details irrelevant to their purpose.<sup>6</sup> Lowe's work on the corpus has also enabled her to identify key characteristics of the vernacular will, and to explore its competence as an instrument of bequest.<sup>7</sup>

What has so far been lacking is a detailed study of the vernacular will as a social document. This is the more surprising given the availability of scholarly editions and translations. Nineteenth-century editors included wills in their voluminous editions of Anglo-Saxon charters, which were complemented by the facsimile volumes of contemporary single-sheet manuscripts.<sup>8</sup> However, the social significance of the wills was increasingly recognised as they began to be published with a detailed critical apparatus among editions of vernacular documents. The first such edition was that of Napier and Stevenson who, in 1895, published two vernacular wills from the Crawford collection of Anglo-Saxon charters, with notes primarily focused on the identification of places and people and the clarification of Old English vocabulary.<sup>9</sup> This was followed in 1914 by Harmer's selection of vernacular documents ranging from the early-ninth to the mid-tenth centuries, which included a number of important wills, not least that of King Alfred.<sup>10</sup> Here the commentary is extended to include discussion of dialect, with wide cross-referencing to supporting historical material.

A milestone was reached with the publication, sixteen years later, of the edition and translation of thirty-nine vernacular wills by Whitelock, which established beyond question that these documents constitute a genre worthy of study in their own right.<sup>11</sup> Her commentary on the wills and detailed indexing not only gave access to a valuable historical source, but revealed the complexity of the kindred and tenurial relationships in tenth- and eleventh-century England. Hazeltine's preface to Whitelock's edition considers the legal status of the Anglo-Saxon will, stressing the oral nature of the dispositive act (with its roots in Germanic tradition) which was itself binding, and

<sup>6</sup> K. A. Lowe, 'Latin versions of Old English wills', *Legal History* 20.1 (1999), 1–24.

<sup>7</sup> K. A. Lowe, 'The nature and effect of the vernacular will', *Legal History* 19.1 (1998), 23–61.

<sup>8</sup> *Cartularium Saxonicum: a Collection of Charters Relating to Anglo-Saxon History*, ed. W. De Gray Birch, 3 vols. (London, 1885–93); *Codex Diplomaticus Aevi Saxonici*, ed. J. Kemble, 6 vols. (London, 1839–48); *Diplomatarium Anglicum Aevi Saxonici: a Collection of English Charters from the Reign of King Æthelstan of Kent AD 605, to that of William the Conqueror*, ed. B. Thorpe (London, 1865); *Facsimiles of Ancient Charters in the British Museum*, ed. E. A. Bond, 4 vols. (London, 1873–78); *Facsimiles of Anglo-Saxon Manuscripts*, ed. W. B. Sanders, Ordnance Survey, 3 vols. (Southampton, 1878–84).

<sup>9</sup> *The Crawford Collection of Early Documents and Charters*, ed. A. S. Napier and W. H. Stevenson (Oxford, 1895) [N&S].

<sup>10</sup> *Select English Historical Documents of the Ninth and Tenth Centuries*, ed. F. E. Harmer (Cambridge, 1914) [SEHD].

<sup>11</sup> *Anglo-Saxon Wills*, ed. D. Whitelock (Cambridge, 1930) [Wills].

for which the document was merely an evidentiary record.<sup>12</sup> Seen from the viewpoint of the modern will, which itself has dispositive power, the Anglo-Saxon will presents problems of definition for legal historians, as illustrated by the title of Hazeltine's preface: 'Comments on the writings *known as Anglo-Saxon wills*' (my italics).

Whitelock's collection was supplemented by the wide-ranging edition of vernacular charters published by Robertson in 1939, which added a further sixteen wills to the canon.<sup>13</sup> A small number of documents has been published in individual editions in recent years,<sup>14</sup> and the ongoing British Academy charter series places the wills in the context of individual archives, providing collated texts with updated commentary.<sup>15</sup> However, earlier collections are likely to remain the bed-rock of the scholarship of wills until an edition of the full corpus appears, and I am greatly indebted to their erudition.

As legal historians, Sheehan and Hazeltine wrestled with the legal concept of *post obitum* disposition in relation to Anglo-Saxon wills, but the texts have proved a valuable source for a range of historical studies. A considerable number of such studies feature in the apparatus of this book, but a few will be highlighted here, representing important themes in recent research.

One area in which wills have been used as evidence is the study of land transmission, particularly in relation to the strategy of aristocratic families. The work of Wareham, in particular, has demonstrated that inheritance strategies could be used as a means of consolidating kinship bonds and establishing alliances; a bequest of land to the church, for example, was linked to commemorative rituals which played an important role in family identity, cementing the social relationship between church and laity.<sup>16</sup> A study by Williams of the family of Ealdorman Ælfhere of Mercia has drawn on the will

<sup>12</sup> H. D. Hazeltine, 'Comments on the writings known as Anglo-Saxon wills', in *Wills*, pp. vii–xl (pp. viii–ix).

<sup>13</sup> *Anglo-Saxon Charters*, ed. A. J. Robertson (Cambridge, 1939) [*Charters*].

<sup>14</sup> 'A new edition of the will of Wulfgyth', ed. K. A. Lowe, *Notes and Queries* n.s., 36 (1989), 295–8; *The Will of Æthelgifu*, ed. D. Whitelock, with contributions by N. Ker and Lord Rennell, The Roxburghe Club (Oxford, 1968) [*Æthelgifu*]; 'The will of Eadwine of Caddington', in S. Keynes, 'A lost cartulary of St Albans Abbey', *ASE* 22 (1993), 253–79 (pp. 275–9); 'The will of Wulf', ed. S. Keynes, *Old English Newsletter* 26.3 (1993), 16–21; S1608 (the will of Oswulf and Leofrun) is edited by C. R. Hart, *The Early Charters of Eastern England* (Leicester, 1966), no. 133 (pp. 86–9) [*ECEE*].

<sup>15</sup> For the currently available volumes in the British Academy series which include wills see p. xiv, n. 2.

<sup>16</sup> A. Wareham, 'The Aristocracy of East Anglia c. 930–1154: a Study of Family, Land and Government' (unpublished doctoral thesis, University of Birmingham, 1992); A. Wareham, 'Saint Oswald's family and kin', in *St Oswald of Worcester: Life and Influence*, ed. N. Brooks and C. Cubitt (Leicester, 1996), pp. 46–53; A. Wareham, 'The transformation of kinship and family in late Anglo-Saxon England', *EME* 10.3 (2002), 375–94; A. Wareham, *Lords and Communities in Early Medieval East Anglia* (Woodbridge, 2005).

of his brother Ælfheah in order to reconstruct the land-base on which their power rested, and an analysis of the ninth-century wills of King Alfred and Ealdorman Alfred by Wormald has identified the importance of the bequest of land in 'the politics of aristocratic family property', drawing attention to the likelihood that similar strategies – however difficult to identify – may be assumed in other wills.<sup>17</sup> Wormald's important unpublished work on land tenure and inheritance practice as it relates to wills is summarised in Appendix 5.

A second area of study which has drawn on vernacular wills is the examination of the position of women in Anglo-Saxon society. Stafford gives a succinct account of the ideology of 'a golden Age for women pre 1066' as viewed through the eyes of scholars of the nineteenth and early twentieth centuries, who saw women's wills as evidence for their independence and autonomy in land-holding in pre-Conquest England.<sup>18</sup> However, she shows that, in fact, such apparent independence can be illusory: women emerge into the documentary record as widows, and their bequests were often influenced by fathers or husbands. Women were significant in family strategy as 'conduits of land', and could be subject to royal interest or predation.<sup>19</sup> Stafford has also suggested that the need to specify and protect widows' dower from such royal interference was one factor prompting will-making in the tenth and eleventh centuries.<sup>20</sup> In identifying the majority of female donors as widows, Crick has argued that their wills should be seen in two contexts: that of family strategy for the transmission of land across generations, and that of women's responsibility for family commemoration, which is a significant feature of a number of wills.<sup>21</sup> She has also explored the tension that existed in the relationship of a widow with the property of the conjugal unit and the way in which this is reflected in will-making, emphasising the need to see both men's and women's wills in the context of family strategy.<sup>22</sup> In a further study of the bequest of movable wealth, Crick has questioned the

<sup>17</sup> A. Williams, 'Princeps Merciorum gentis: the family, career and connections of Ælfheah, ealdorman of the Mercians', *ASE* 10 (1981), 143–72; P. Wormald, 'On þa wæpnedhealfe: kingship and royal property from Æthelwulf to Edward the Elder', in *Edward the Elder*, ed. N. J. Higham and D. Hill (London, 2001), pp. 264–279 (p. 277).

<sup>18</sup> P. Stafford, 'Women and the Norman Conquest', *TRHS* 6th s., 4 (1994), 221–49 (p. 223).

<sup>19</sup> Stafford, 'Women and the Norman Conquest', p. 232.

<sup>20</sup> P. Stafford, 'Women in Domesday', *Reading Medieval Studies* 15 (1989), 74–94 (p. 88).

<sup>21</sup> J. Crick, 'Women, posthumous benefaction and family strategy in pre-Conquest England', *Journal of British Studies* 38 (1999), 399–422.

<sup>22</sup> J. Crick, 'Men women and widows: widowhood in pre-Conquest England', in *Widowhood in Medieval and Early Modern Europe*, ed. S. Cavallo and L. Warner (Harlow, 1999), pp. 24–36 (pp. 31–2), and 'Women, posthumous benefaction', p. 418.

stereotypical association of men and women with particular types of material goods, perceiving that 'men and women bequeath in unexpected ways'.<sup>23</sup>

Because a number of wills refer to movable wealth, sometimes specifying individual items in detail, they have also provided a useful source for art historians and archaeologists. Items such as jewellery, swords and furnishings may be paralleled in manuscript illustrations or extant objects, and descriptions of clothing bequeathed by women have been used to complement other evidence in the reconstruction of contemporary costume.<sup>24</sup> Such bequests have contributed to the profile of a society with considerable disposable wealth.<sup>25</sup>

A final example of an area of research in which wills, as vernacular documents, have been used as evidence is the debate concerning the degree to which Anglo-Saxon lay society was a literate culture. Kelly, in particular, has argued that documentation played an important role in secular life, and that use of the vernacular may imply a degree of literacy – or at least, a recognition among the laity of the value of documentation.<sup>26</sup> This is supported by Lowe's study of the chirograph, which examines evidence for the production of multiple copies of documents, including vernacular wills, some indicating that one copy was held by the lay donor.<sup>27</sup> Keynes has placed wills in the context of royal administration, alongside law codes, writs and the recording of legal proceedings, as evidence for the use of the vernacular for written communication between the government and the localities.<sup>28</sup>

The purpose of this book is to redress the balance by placing vernacular wills centre-stage and drawing on the contemporary context in order to elucidate their social role. Two factors are identified as significant in stimulating written will-making by a wealthy elite in the ninth, tenth and eleventh centuries: one was the complexity of issues relating to the transmission of land held by royal charter (*bocland*), and the other was the influence of the Church. The wills themselves, composed for a contemporary audience rather than for

<sup>23</sup> J. Crick, 'Women, wills and moveable wealth in pre-Conquest England', in *Gender and Material Culture from Prehistory to the Present*, ed. M. Donald and L. Hurcombe (London, 2000), pp. 17–37 (p. 28).

<sup>24</sup> C. R. Dodwell, *Anglo-Saxon Art: a New Perspective* (New York, 1982); G. R. Owen-Crocker, *Dress in Anglo-Saxon England*, revised edn (Manchester, 2004); D. A. Hinton, *Gold and Gilt, Pots and Pins: Possessions and People in Medieval Britain* (Oxford, 2005).

<sup>25</sup> R. Fleming, 'The new wealth, the new rich and the new political style in late Anglo-Saxon England', *ANS* 23 (2000), 1–32.

<sup>26</sup> S. E. Kelly, 'Anglo-Saxon lay society and the written word', in *The Uses of Literacy in Early Medieval Europe*, ed. R. McKitterick (Cambridge, 1990), pp. 36–62.

<sup>27</sup> K. A. Lowe, 'Lay literacy in Anglo-Saxon England and the development of the chirograph', in *Anglo-Saxon Manuscripts and their Heritage*, ed. P. Pulsiano and E. M. Traherne (Aldershot, 1992), pp. 161–204. For the chirograph see Chap. 1, pp. 31–3 below.

<sup>28</sup> S. Keynes, 'Royal government and the written word in late Anglo-Saxon England', in *Uses of Literacy*, ed. McKitterick, pp. 226–57.



a distant posterity, are often frustratingly vague and allusive; however, by establishing patterns of bequeathing, and by drawing on other resources, it is possible to shed light on the factors which influenced the men and women who, in anticipation of their own death, sought to make appropriate provision for the disposal of their property.

Chapter 1 addresses the nature of the evidence, establishing the corpus on which the research has been based, and taking into account the integrity of texts and the factors which are likely to have influenced their transmission within the archives of religious houses. The uneven distribution of wills, both chronologically across the ninth to eleventh centuries and geographically, is placed in the context of the religious and social climate which stimulated their production, and the circumstances which caused them to be preserved. The characteristics of form, structure and language of the wills are described, and their relationship with other forms of contemporary documentation, both Latin and vernacular, is considered. In addition, supplementary evidence for wills and will-making during this period is surveyed and evaluated, drawing on a range of Latin and vernacular sources. The chapter concludes with a discussion of the contemporary status of the Anglo-Saxon will, and its relationship with the modern legal instrument.

Anglo-Saxon wills generally lack notarial information, and are silent on the process by which they were produced. Chapter 2 collates evidence from a range of sources, including other vernacular documents and Latin chronicles, in order to reconstruct the likely sequence of events, from the oral declaration by an individual, through the documentation of the dispositions to the confirmation of the will on the donor's death. The Church is a ubiquitous presence, and it is in the archives of religious houses that these wills have been preserved. Since the records of land transactions from this period can be deficient, it is often difficult to establish whether the dispositions of a given will were completed; individual examples demonstrate both the effectiveness of the written will, and the potential problems which might undermine it.

Chapters 3 and 4 are concerned with the bequest of land, which is a feature of all Anglo-Saxon wills. Chapter 3 deals with the way in which such bequests were embedded in, and often prompted by, the important religious, cultural and political developments of the time, and were part of a strategy of land management which was crucial to the affirmation of aristocratic identity. Such influences are most evident in the wills of those in the very highest echelons of Anglo-Saxon society – royalty, ealdormen and bishops – who appear elsewhere in the historical record and for whose will-making contextual evidence is more likely to be available. Nevertheless, the wills of thegns may also give some hint of the circumstances in which they were made. The wills of the Bury archive, for example, are embedded in the contemporary local network, reflecting the complex tenurial patterns of tenth- and eleventh-century East Anglia, in which the bequest of land played a part. On a grander scale, the impact of the catastrophic events of 1066 upon the wills of donors