ON THE EARLY CHARTERS OF ST. WERBURGH'S IN CHESTER.

By John Robson, M.D.

(Read 17th February, 1859.)

I have had occasion in a former paper to observe, that in illustrating the first part of our history, the material remains were in great numbers and variety, but the documentary evidence was really nothing;—and in the next period, from the subversion of the Roman power to the Norman conquest, we have very few authenticated relics in a material form, while the documentary remains are numerous and important—at least for its last two centuries; and we have a remarkable consequence from this,—that our knowledge of what may be called the domestic condition of the first four centuries of the Christian era is pretty accurate, while we are quite in the dark as to historical events and political changes; in the later period again, we have accounts of occurrences, both civil and religious, but were it not for some illuminated MSS. of the 10th and 11th centuries, we should in fact know nothing of our forefathers' dress, dwellings or mode of living.

The known documents, however, connected with our own counties, dating before the conquest, are only two or three, and the most interesting of these is the Charter of King Edgar to the Church of St. Werburgh in Chester, which offers a fair opportunity of shewing the actual value of such instruments, and the uncertainties that are often attached to their use.

This Charter is printed in Dugdale's Monasticon as taken from a very old copy in the possession of Vernon of Shakerley, in Lancashire, in 1660. It is reprinted in Kemble's Codex Diplomaticus,* who has marked it with an asterisk, thereby questioning its authenticity, but upon what grounds, or to what extent, he does not state. Mr. Ormerod says that a

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* Vol. 2, p. 351.

copy is found in the Charter-book of the Abbey in the British Museum, but not in its proper place, as if the scribe cared little about it, and hence Mr. O. supposes it might be considered spurious.

It is given by "Eadgar, King of Mercia, for the redemption of his own soul and the souls of his predecessors Eadmund and Athelstan," and grants "to the humble family who are assiduously serving God in honor of the most holy Virgin Werburgh in Leiacestria, a certain portion of seventeen townships"—or perhaps more correctly seventeen farms and tenements or estates in the townships of Hodesnid and Ceosaula and Huntingdon and Hupton and Eston and Barue. They are to possess all things pertaining to these lands, through all time, by hereditary right, and have free liberty to do therewith whatever they like. The bounds of these properties are then referred to, but this constituting a different document, is unluckily not forthcoming; he further declares the gift free from any claim either of militia-muster, bridge-building or castle-building, and any one attempting to infringe this grant or the privileges is consigned to the fiery depths of Tartarus unless he make satisfaction. It is dated 958, at the well-known place called Wentric, and appears to have been followed by a series of signatures, of which, however, the King's own name only appears—I Edgar, King of the Mercians and the rest of the nations.

Kemble supposes the Charter to have belonged to Leicester; but we are as much in the dark as to his reasons for this, as for his doubting the truth of the document altogether.

There are some points about it which, to say the least, are not common; first there is the clause giving the Community—whose title is not stated—the right of disposing of the property; then there is the absolute freedom from the *trinoda necessitas*—the militia, bridge and castle building; and then there is the title of King of the Mercians in the body of the deed altered to King of the Mercians and the rest of the nations in the signature. But these circumstances, though uncommon, hardly seem sufficient to justify the rejection of the Charter, and as no one ever heard of St. Werburgh at Leicester, and Kemble does not attempt to identify the places named with any towns in that district, I am quite willing to accept it from Dugdale's statement and its appearance in the Abbey Charter book; and if we find that these places really belonged at the Conquest to the Church

of St. Werburgh at Chester, it will go far to shew that the document is what it professes to be.

Mr. Ormerod's objections* seem rather in favor of the document being genuine. The monks, as will be seen hereafter, did not hold their lands by this Charter; and it must have been preserved accidentally from the destruction of the rest which would be effected when they got possession; there could have been no possible object in forging it afterwards.

In Domesday Book, compiled before 1086, we have a list of the estates belonging to the Church of St. Werburgh, commencing with thirteen houses in the city of Chester, one held by the Warden, the other twelve by the Canons, free from all service.

In Dudestan Hundred.
Saltone.
Cavelea, with a boat and net.
Hunditone, with a boat and net.
Boestone.
Pulford.

In Riseton Hundred.
Etingehalle.

In Wilaveston Hundred.
Wivevrene.
Crostone.
Wisdelea.
Sudtone.
Salhare.
Sotowiche.
Nestone.
Rabie.

In Roelau Hundred.
Trosford.
Inise.

In Tunendune Hundred.
Midestune.
Clistune.

In Exestan Hundred.
Odeslei.

In Atiscros Hundred.
Wepre.
Leche.

Besides these the Domesday record informs us that the Canons claimed land in Stanei, of which they had been unjustly deprived,† also of a hide at Burwardeslei.

That the four last-named places in Edgar's Charter belonged to the Church at the time of the conquest there can be no doubt. The two first are unknown, and have been probably blundered by the scribe; and though easy enough to pick out of the other names some resembling them, it is not worth while to make the attempt. It is said that Leofric, Earl of Coventry and Chester, in 1057, made large gifts to St. Werburgh, and, any way, the estates had increased from the six of Edgar's, to twenty in 1086. Seven years after this we are told Hugh d'Avranches, surnamed

* It is interpolated in a blank leaf, not referred to in the Index, and in a different hand to the rest of the MS.

† D. B. 264 a. ‡ 264 b.

the Wolf, was very ill, and sent for Anselm, the Abbot of Bec, in Normandy, to whose care he entrusted the establishment of a Benedictine Monastery, instead of the Canons who then were in possession. That there must have been other Charters in existence in 1086 is clear, and that either the Earl or the Monks destroyed them when they ousted the Canons follows as a matter of course. How Edgar's escaped we have no means of knowing—but that the Monks could attach any value to it was not to be expected—it was, in fact, a protest against their own title.

In examining the account in the Domesday Book, it is noticeable that some places were worth more than in the time of the Confessor, many were of equal value, and the whole rents are only about twenty-nine shillings less than before the conquest. The number of estates or townships is twenty-one.

It was only seven years after the completion of the survey, that Hugh Lupus ejected the Canons—and replaced them with Benedictine Monks*—but from whatever cause, it seems quite certain that he never gave the new comers the security of a Charter, and this want has evidently led the Monks to take various precautions, and to fence their rights in the best way that they could. These Charters generally begin with reflections upon the uncertainty of life, the vanity of earthly treasures, and the danger of riches; and the Monks were always quite ready to accept any quantity of these earthly superfluities, with all the responsibilities attached thereto. They generally ended with fierce denunciations against all who injured or robbed, or interfered with the rights and property of the grantees; and, as the Earl, before making a legal grant, or rather by that very act assumed the property in question, he might feel some scruples in incurring the curses so liberally showered upon wrong doers; while the Monks could not but have been quite aware that they had no claim to the estates of the Canons, and that they would incur all the dangers invoked in the previous Charters. All this they might well get over, but conscience

* The actual difference between these two bodies seems at the present day small enough, but perhaps on that very account their mutual hatred was more intense. The Canons were Priests, generally connected with a Cathedral or Mother Church, who lived together under a certain Canon or Rule, and seem to have been of many sorts. The Monks were men who had taken certain vows, and lived under a specific Regula or Rule, and hence were called Regulars; they were not necessarily Priests, and they were in greater variety than their rivals; the Monks held their property in common, the Canons had each his independent prebend.

must have been more alarmed with the danger that somebody, with the power and inclination, might at some future time serve them as they had served their predecessors;* and we may now examine the steps which they took to secure—what I fear must be considered—their ill-gotten estates.

When the Archæological Association met in Chester in 1849, a very remarkable Charter was exhibited, belonging to the Marquis of Westminster. There is a long account of it by Mr. Planché, and a transcript in the Journal of the Association,† which however is unintelligible, but we have a full translation of it in the Journal of the Chester Archæological Society, with a very interesting description of the document itself, from the pen of the late Rev. Mr. Massie. It was supposed and asserted that it contained the original Charter of the foundation of St. Werburgh, from Hugh Lupus, but this is clearly a mistake. It was no doubt one of the most important that the Monks had to shew, but it is merely a record that such and such lands had been given, not a legal Charter conveying the property. It was printed with important variations however, from a copy then in the possession of the Bishop, by Dugdale, in the Monasticon—and this copy was examined by Badelesmere, Justiciary of Chester, in the reign of Edward I., and is given in the Charter Book of the Abbey. It is frequently quoted, Mr. Massie tells us, under the title of "*Sanctorum prisea,*" the two first words, as was common at the time. It commences (I quote Mr. Massie's translation,) by stating the necessity,—"That "those things which have been done by our contemporaries in exaltation "of Holy Mother Church, should be made manifest to the present "generation through ourselves, and should be preserved for the "recognition of posterity by our writing. Let us now therefore, imitating "the example of our ancestors, relate certain works of piety which have "been done in England by Hugh, Count of Chester, in the year from the "incarnation of our Lord, 1093, the most potent King William reigning, "Anselm being chief Pontiff in the Archbishopric of Canterbury, and "Thomas being Archbishop of York."

If we now turn to the early Norman Chroniclers for their account of the matter, William of Malmesbury tells us that St. Werburgh was buried in

* It seems that Earl Richard had some such intention.

† Vol. VI.

the Monastery lately built by Hugh, Earl of Chester, in that city. He had previously ejected the few priests who were living there in dirt and poverty.* He says in another place that Hugh had long been ill, and that he was desirous to fill his new monastery with monks from Bec, of which place Anselm was abbot. Another chronicler tells that Anselm in 1093 visited England; first, to get the monasteries freed from a heavy tax which the King had imposed upon them; second, to visit Hugh, the Earl, then greviously sick; and third, to found a monastery at Chester, when he placed as first abbot, his chaplain, Richard, and changed the Secular Canons into Regulars: on his return he was made Archbishop of Canterbury. There are other authorities to the same purport in the Monasticon.

It is clear, therefore, that this document was drawn up after the revolution, if I may so call it, and when Anselm had been made Archbishop. It proceeds to say, that the Earl and his Countess had placed in the Church of St. Werburgh monks to pray for the souls of the King, his mother, Queen Matilda, &c., and "granted the former possessions free and quit "forever, and augmented them out of their own property, and rendered it "convenient for the habitation of monks, and made that Abbey subordinate "to no Abbey whatever." Then follows the list of places which they also gave, but which is merely a recital of the places already described in Domesday, as belonging to the Church. They gave of their own domain a Vicus, in the city, extending from North Gate to this Church; the site of a Mill at the City Bridge, and some other lands in Ross, Wirral, and Lendesia. Weston in Derbyshire, which after the dissolution was assigned as the residence of the new Bishop, appears to have been the special gift of the Countess.† In addition, they granted various tithes in different townships, and advowsons of Church livings. This part of the Charter concludes thus, "Moreover, they allowed to their "Barons that every one of them should give after his death, a fair part of "all his substance to the foresaid Abbey, and a hundred *solidatas (oxgangs "12 acres?)* of land; but others according to their means."‡ Witnesses, the Reverend Lord Anselm, Archbishop; Hervy, (Bishop of Bangor,) &c.

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* Ejectis inde pauculis clericis qui ibidem fædo et paupere victu vitam transigebant. Dugd. Monast. Vol. 1, p. 200.

† It was, by command of the Count Hugh, laid upon the high altar by her, in the presence of Lord Anselm, Archbishop of Canterbury, and his Barons.

‡ Moreover, they conceded to their chief Barons that each should give the said

The recommendation to the Barons was not without its effect; we have a long list of grants of lands, churches, tithes &c., each confirmed by its own witnesses; and then comes "the testimony of Archbishop Anselm," which lets us into the method of transferring, or annexing, ecclesiastical property in the eleventh century.

"It behoves every Christian to bear testimony to those things which he "has himself, being present, heard to be devoted for all futurity to the "honour of God, lest any one at any time less loving God should be able to "change them on any pretext in time to come by perversion. Wherefore, I, "Anselm, by the grace of God, add the testimony of the Archbishopric of "the Holy Church of Canterbury, that when Hugh, Earl of Chester, placed "Monks in the Church of St. Werburgh, he granted, &c.," (freedom from tolls and extra jurisdiction.) "But as regards the prebends of the Canons, "he decreed by their concession, myself and Robert the Bishop, and their "Barons being witnesses, that after the death of any of them, their prebends "should pass free without any contradiction into the proprietorship of the "Monks for their use; but if any one should offer to infringe any of these, "he should be anathema, and eternally damned with Judas the betrayer of "our Lord, and be tortured with Simon Magus and the demons in hell."

We have then a list of the grants of Earl Richard, the son of Hugh Lupus, and others, and finally a regular confirmation of all these gifts by the second Randal, Earl of Chester—with additions from himself in regular legal form—constituting a formal deed. An additional curse of a later Archbishop, on all attempting to disturb the confirmation of Anselm, in a different hand writing, concludes the document, which is of the age of King Stephen, and no doubt contemporary with the younger Randal and the genuine Charter which he gave.

In judging of the genuineness of ancient Charters, the most important evidence is to be sought in the signatures attached, and here we find some curious discrepancies. Anselm signs as Archbishop, which he confessedly was not at the period when he was in Chester and established the Monastery.

Abbey one hundred solidata of land, but others according to their pleasure and ability. They further ordained that each Baron and Knight (*miles*) should give to God and St. Werburgh at his death, his body and a third part of his substance—and this order was made not merely as concerning his Barons and Knights, but also his Burgesses and other Freemen.—*Monasticon*, 1, 201,

In his testimony he speaks of Robert the Bishop being there, and this might well be, as the Bishop of Lichfield (including Chester,) had that name—but among the witnesses to the deed is Hervy, Bishop—and he was Bishop of Bangor some years after. In the document given by Dugdale, we have Richard, son of Earl Hugh, joining in the grant, though he was not born till 1095. In fact, this has evidently been drawn up at a later period, and with reference to especial points, which the Charter of the younger Randal did not seem to be sufficiently explicit upon.*

In the Appendix to the Monasticon we have Charters from Richard dated 1119—from the first Randal, and several from his successor, but none agreeing with the newly recovered one—and having, when compared with this, very much the appearance of being fictitious. It must be remembered that they merely profess to be copies—but they exhibit a sort of forgery upon an extensive scale. There may indeed be good reason for believing that the different properties had been either given or promised to the Monks, and they were naturally anxious to establish the strongest legal barriers in defence of their lands that the case allowed. The gifts were *bonâ fide,* but the proofs were wanting—and besides these deeds, whether

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* Some of these various readings are worth notice. In Mr. Massie's translation (the Latin copy in the Journal being quite unintelligible,) we have—"The gift of Weston, "Ermentrude, the Countess, by command of Count Hugh, laid upon the high altar in "presence of Lord Anselm, archbishop of Canterbury and his Barons. On that day they "put St. Werburgh in possession of Weston by the tenth of the same Weston, and by the "church and glebe of the church of Eston, (Aston?) and by land of one carruca (one "cart of land?) which they then exhibited on the spot." This form—if form it were—of depositing a cart load of soil at the high altar is sufficiently curious, but the Monasticon has somewhat different language—"and in Lendsia land of ten oxen, after the death of "the Earl and Countess, Weston with its appurtenances in Derbyshire, and for the present, "the tithe of the Manor and the Church of Eston, and land of two oxgangs" (*duarum carucarum*). In the translation, as the last gift we find "At the festival of St. Werburgh "in summer, he allowed feiriam (a fair) in those days,"—but in the Monasticon it is much more explicit. Moreover, the Earl Hugh, at the feast of St. Werburgh in summer, gave the toll and all the rents and revenues of three days' market, (*nundinarum trium dierum,*) ordaining that all offences committed in the fair, and all pleas should be tried in the Court of St. Werburgh for the benefit of the monks. He moreover granted in honour of the Virgin that any thief or other malefactor coming to the fair should not in any way be molested, except for some offence committed in it. After this we read—"These, therefore, are the gifts given to the Abbey of St. Werburgh, all which I, Earl "Hugh, and Richard my son, and Ermentrude the Countess, &c., and to which Anselm "the Archbishop, puts not only his own seal, but the seal of God omnipotent." Another difference has been already pointed out about the Barons or Tenants.

real or pretended, miracles were in abundance, to shew the danger of meddling with the possessions of St. Werburgh. One of these occurred at Upton—which is about a mile and a half from Chester, and which, though named in Edgar's Charter, is omitted altogether in Domesday. It is with many others related in Henry Bradshaw's Life of St. Werburgh.

Twice already had hostile armies advanced to the walls of Chester, and twice had they been shamefully discomfited, when the shrine of the Virgin Saint was outraged—but "The thyrde season approached to Chester cite, "Many cruell ennemyes in the part of Wirrall." While the citizens were preparing to defend the city—having "sum artillarie," the country people brought their corn and cattle "In assurance to be, to the parke of Upton, "Saint Werburgh's lands, from all distruction, Whiche parke from Upton was "distaunt a myle space, A prebende to a Chanon of her mynistre and place."* The enemy "against all conscience and order of charity" entered the park with "myche cruelty," pulled down the "paale," and put in their horses "of a hie presumpcion."

"Werburge remembrynge theyr great wyckedness,
"Theyr malice and myschief against her possessions,
"By miracle showed her power and goodness,
"Preserving her servants from all vexation,
"And punyshing her ennemies with great affliction,
"As she hath done many seasons or this."
"When the corn shevys lay broken upon the playne,
"The horses had no power any part to take,
"For why? theyr heads all in certayne,
"Were upholden in the ayre."

So that while they were utterly unable to eat or injure anything, their masters "raged out of mynde," were smitten with palsy, leprosy and blindness; and when this was made known to the rulers and captains, they caused the sheaves to be again tied up, and prayed this holy Virgin to save them, promising to come no more there. "From that time forth "there dares no nation—Considering the power of this Virgin pure, "Approching Chester cite, to make derogacion, Denmarke, Goet, nor "Galway Scot ye may be sure—Cruell Danes nor Walshmen."

We have copied the not very complimentary account of the Canons given by William of Malmesbury. Bradshaw is more candid, or at

* It may be remarked that most of these miracles happened in the days of the old Canons.

any rate more laudatory—and after telling of the great increase in honour, possessions, freedom and riches, in the time of Earl Leofric, he says the place also increased in devotion.—"The Chanons observed vertue "and clennes, Daily augmenting by divine sufference Unto the comyng to "this lande of Normans."

Very soon after the *translation*, however, we have a tale how "A Monke "there dwelled of vertuous disposicion, Under obedience nominate Dan "Simon." He is represented "his tyme well usyng, Nowe in vertuous "study, nowe in contemplacion, Nowe in devoute prayer, nowe busily "wryttinge, Sometyme in solace and honest recreacion, Observed devoutly "his holy religion, Obedience, pacience, and wilfule povertye, Mekeness, "meditacion, with pure chastity." But this model Monk was no favourite among his "brethren repleit with envy. They layed to his charge open "wronges and injury, They punished and oppressed hym with great "affliction, Daily augmenting by subtle collusion." Dan Simon, finding all his efforts to conciliate useless, determined to depart to some other place, when Werburgh appeared to him in a vision, "brighter than Phebus "in his meridian spere," and asked why he was so sad? in his reply he tells her "Divers of my bretherne ben greved at me, Vexing me dayly "with great tribulation, Causeles on my part deserved trule, in word or in "dede gyvyng none occasion, I can not be quiet among that congregacion." The Saint, however, encourages him. "Thy sufferance shall be great joy "and pleasure, And for thy pacience thou maist be sure To have reward in "blis perpetual, At thy departure from this life mortall." She vanished, "The Monke was meke in hert and mery," observed her doctrine, and "at his departure, For his pacience, passed to eternall pleasure."

How Earl Hugh got his surname of Wolf, I have not ascertained, but he seems to have richly deserved it; in a cruel age he was noted for his cruelty and blood-thirstiness, and his barbarities in Anglesea, which he, with a contemporary Earl of Shrewsbury, overran—are thought worthy of record by the chroniclers. He ate and drank to excess, and was styled by the Welsh, Hugh the Fat. He had many illegitimate children, and was equally regardless how he got or how he squandered money. His suzerain, William the Red, appears to have been such another character, and in the same year, (1093,) both fell dangerously ill. Earl Hugh established the Monastery of St. Werburgh, and the King—very probably under the same

management, and influence of Anselm, that at Gloucester. Anselm was appointed Archbishop of Canterbury, the see having been then vacant, and the revenues going into the King's coffers for three years. Earl Hugh died a Monk in his abbey, having taken the cowl a few days before his death.

If charity consisted in endowing abbeys, we may easily understand how it might cover many sins, and the Monks of St. Werburgh had certainly nothing ill to say of their founder. Dan Bradshaw in his Life of the Saint has a very flattering picture of him, which may be compared with Ordericus *Vitalis.**

The contrast of the Canons with the Monks, is not to the advantage of the latter. † The utter uselessness of miracles in changing evil inclinations, could hardly be better shown than in the history of Earl Hugh's successor, Earl Richard. ‡ He had gone in pilgrimage to Holywell "For "his great merite and gostly advantage." The wicked Welshmen were quite ready to take advantage of the situation, and "raised a cruell com-"pany betwixt hym and Chester." The Earl, however, found means to send word to his Constable, William Fitz Nigel, and he assembled "a mighty strong host in theyr best arraye Toward Hilburghee, on journey "ridyng fast"—expecting to find shipping to transport them across. "Wyllyam, the constable," in despair found no ships there, but he, as recommended by "a Monk there dwelling contemplatyve" prayed to St. Werburgh. His prayers were answered, and the dry sands appeared "in syghte of them each one." He crossed over, rescued the Earl, "Brought hym in safe garde agayne to Chester cite:" and returning his thanks to Saint Werburgh, gave her the village of Newton, and founded the Abbey of Norton.

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* Forester's Translation, Bohn Antiq. Lib., vol. 2, p. 147, and Life of St. Werburgh, p. 181. He was, according to the poet, "a noble worthy prynce, Flowrying in chivalry, "bold and victorious, Manfull in batell, liberal and vertuous." *It would seem that* Cheshire held out against the Conqueror, and he gave it to Hugh to win and hold by the sword; he had no easy conquest, for it was not till after three defeats that he got possession of the county, and the slaughter and devastation, as is plain from Domesday book, must have been all but universal, at least as far as the owners of the land were concerned. Besides the more substantial endowments, he gave "royal riche ornaments, Copes, crosses, jewels of great royalty, Chalices, censors, vestures," a library of books to read and sing, and of these "some remayne Within the sayed Monastery to this day "certayne."

† Life of St. Werburgh, pp. 180 – 185. ‡ Ibid, p. 187.

"And where the host passed over betwixt bondes,
"To this day ben called the constable sondes."

Earl Richard did not participate in the grateful feelings of his Constable. He "Entended to alter and change the foundacion of the sayd abbaye "to another religion, Confirmed the same, sweryng most depely At his "whom comyng to England from Normandy."

Werburgh however, who with more female levity than becomes a Saint, seems to have transferred her affections from the old Canons to the Monks, was taking effectual means to free her new protegés from their danger.

"On saynt Katharins day at after mydnyght
"When matens where ended, and bretherne gon,
"Some mournynge waylyng for drede full ryght,
"Some busie in prayer and contemplacion,
"Werburge appeared to the secristan alone
"Sayenge: ye may be joyfull in god and mery
"Erle Richarde is drowned your mortall ennemy.

The story of the shipwreck of Prince Henry and many of the nobility on St. Catherine's day, (Nov. 27th,) 1120 is well known.

I should be inclined to believe that the document included in Earl Randall's Charter was the first edition—and as, after all, it was a mere record, was corrected and improved in the second, which obtained the legal sanction of the Justiciary—but till more of the original Charters turn up, much doubt will necessarily rest upon the copies which we now possess of the grants of Earls Richard and Randall, the first and second. But even if it were not a hopeless, it would be not a very profitable task to enter into the investigation.