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MEDIEVAL CARTULARIES

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*Thys verse foloying is gud for the bytyng of an oode dogg:
Oribus oribus kinos kinas oputusque*

An odd piece of doggerel!¹ It is found on the last of the opening flyleaves of the Thurgarton cartulary opposite the most solemn of the two foundation charters of Ralph second baron Deyncourt made in the process of founding Thurgarton priory (Augustinian, Notts.).² The efficacy of the incantation has yet to be tested, at least by the present writer, but perhaps the canons of Thurgarton had more experience, for the verse found its way into their cartulary to be preserved for as long as the cartulary itself survived. It must have been considered a useful piece of information worthy of such exalted preservation, for by committing it to writing they could perhaps be more certain of it being passed to posterity with the firm knowledge that it could come in handy again.

However, cartularies, ecclesiastical or secular, contain many more serious things than verses for dog bites and the Thurgarton cartulary is no exception. Cartularies are probably the most valuable category of records for the period between Domesday Book and the thirteenth century. The collation and transcription of documents into a volume or roll was the most common way of defining a particular collection of documents of a religious institution or a secular landholding family until Chancery began making enrolments of charters and other documents. The success of cartularies for preserving records and in that they fulfilled a very useful purpose, is

¹ I would like to thank Janet Hamilton and Sue Groves for their help and for discussing the obscurer points of Latin with me, and Dr R. Mortimer and Professor R.L. Storey who read a draft of the manuscript and made valuable suggestions towards its improvement.

² Southwell Minster Library MS 3, fo. 1; T. Foulds, ed. 'Thurgarton priory and its benefactors with an edition of the cartulary'. Unpublished University of Nottingham Ph. D. thesis, 1984 (3 vols. with maps) i, no. 1. The earlier foundation charter, *op. cit.* iii, no. 988, was printed with a few inaccuracies in V.H. Galbraith, 'Monastic foundation charters in the eleventh and twelfth centuries'. *Cambridge Historical Journal* iv (1934), p. 296, and V.H. Galbraith, *Kings and chronicles: essays in English medieval history* (1982), p. 223.

demonstrated by their continued production long after enrolment in Chancery became available. For a long time this transcription of documents into cartularies was the most common way of preserving records. To modern scholars cartularies are important for a number of reasons. In the vast majority of cases they preserve copies of records which are no longer extant, which are peculiar to a particular area of the country, and are often the only sources of material for a particular place during the medieval period. A cartulary often provides the densest documentary coverage of a locality. Not only this, for they also contain a vast amount of seemingly incidental information, incidental that is to the main purpose of the compilation of the cartulary, which is fertile ground for all shades of medieval historians: 'Scholars have naturally long been aware of the importance of monastic and secular cartularies as sources for the history of medieval society'.³

It would therefore be reasonable to assume that during their researches most medieval historians will have encountered a cartulary or two. Many, having found what they were looking for, or not, will pass on to their next reference. If they have had to search the cartulary from one end to the other they might have experienced a mounting sense of frustration caused by the tedium of having to work through folio after folio of similar and repetitive material to achieve whatever their aim was on first opening the cartulary. But this is an occupational hazard of any research. Few medieval historians, having found what they were searching for in a cartulary, really appreciate or perhaps understand what a cartulary is. The cartulary is often considered a vehicle from which to extract evidence or information suited to the searcher's purpose: the cartulary is viewed as a means to an end and not an end in itself. As a 'means' the 'end' is then discarded having served the purpose imposed on it by the searcher. Outside more academic circles cartularies are even less appreciated, if not totally unknown as sources even in academically-related disciplines, amongst archivists, or amongst serious amateur historians, and local historians. The purpose of this paper is not a negative one. It seeks to draw attention to the importance of medieval cartularies as a whole, to a highly successful way of preserving a particular class of records in the medieval period and to seek out and examine the reasons why this was so. It is not an invalid approach to cartularies for modern scholars to gut them for the purposes of their research, for as has been stated, they are fertile sources of historical evidence, but this was not their sole function to their compilers and users in the medieval period. Certain misunderstandings, even misconceptions, regarding cartularies are held by historians and others, so it is hoped to try and correct them. Cartularies are a more difficult form of record preservation than many would realise or recognise, but these difficulties are not intractable and understanding the reasons why cartularies could be compiled, the purpose of the second part of this paper, may help to ameliorate them.

Cartularies present certain difficulties and one of them is that there are

³ *Catalogue of 'New research opportunities for medieval studies from Harvester'* (Harvester Microform Publications, n.d.). p. 4

insufficient secondary works on cartularies in general. The few general works which do exist are of the highest standard.⁴ Introductions to published editions, providing information as to the characteristics of a specific cartulary, vary enormously and, regrettably, some are almost worthless; all too often the failures of the editor are seen as failures of the manuscript.⁵

The difficulties involved in defining a cartulary are not intricate. The word 'cartulary' has only gained more widespread currency in relatively recent times, though the word is not of recent invention as the term 'cartulary' was being used to describe certain types of work in the library of Leicester Abbey (Augustinian) in the fifteenth century. William Charité listed three cartularies (*chartwaries*) in his catalogue of the abbey library under the section entitled 'Exceedingly necessary books and rolls of our evidences' and, furthermore, he distinguished between cartularies and registers.⁶ The distinction between the terms 'cartulary' and 'register' has not always been maintained. During the medieval period and later the term 'register' was often employed to describe material that had been copied or recorded in another form usually, though not always, as a volume: in other words, 'registered'. A fine example of the use of the word 'register' used in this way is the *Registrum Antiquissimum* of the cathedral church of Lincoln and *registrum* was also used for its predecessors.⁷ The great seventeenth-century antiquaries appear to have had a predilection for the term 'register' and perpetuated confusion by the use of 'register' and other terms, such as 'leiger book' and 'coucher book', by applying it to both cartularies and registers indiscriminately. It is thus often impossible for the modern medieval historian consulting references to their works, especially if the manuscript thus described is now lost, to penetrate the inaccuracy of the terminology to determine whether the work described is, or was, a cartulary or register. The confusion has persisted to this day. The terms used to describe the manuscript by the seventeenth-century antiquaries have been sustained, often in the face of common sense, and are still used. After three hundred years or so their usage of terms has become historical in its own right; nevertheless, when the manuscript is a cartulary and not a

⁴ G.R.C. Davis, *Medieval cartularies of Great Britain: a short catalogue* (1958); J.-P. Genet, 'Cartulaires, registres et histoire: l'exemple Anglais' in B. Guenée, ed., *Le métier d'historien au moyen âge: études sur l'historiographie médiévale* (Paris, 1977), pp. 95–138; D. Walker, 'The organization of material in medieval cartularies' in D.A. Bullough and R.L. Storey, eds., *The study of medieval records: essays in honour of Kathleen Major* (Oxford, 1971), pp. 132–50.

⁵ Few indeed have such laudable aims as has the Suffolk Records Society, Suffolk Charters Series, which has to date published four cartularies under the general editorship of Professor R. Allen Brown and, it is understood, more are forthcoming; E.L.C. Mullins, ed., *Texts and calendars II: an analytical guide to serial publications 1957–1982* (1983), p. 260; R. Mortimer, ed., *Leiston abbey cartulary and Butley priory charters* (1979); C. Harper-Bill, ed., *Blythborough priory cartulary* (1980–1); C. Harper-Bill and R. Mortimer, eds., *Stoke by Clare cartulary* (1982); P. Brown, ed., *Sibton abbey cartularies* (1983–).

⁶ M.R. James and A. Hamilton-Thompson, 'Catalogue of the library of Leicester Abbey', *Transactions of the Leicestershire Archaeological Society* xxi (1940–1), pp. 53–9; *Libri et rotule evidenciarum nostrarum valde necessarij*.

⁷ C.W. Foster, ed., 'Registrum antiquissimum of the cathedral church of Lincoln'. *Lincoln Record Society* xxvii (1931), pp. xxiii–xl.

register, the term 'register' should be resisted or at least disclaimed by an editor. It can, however, be argued quite cogently, that cartularies are registers in that they are copies 'registered' in volume or other form, but a formal distinction has to be made to separate actual cartularies, of which there are few, from the much more prevalent register.

A cartulary (sometimes chartulary) is 'a collection or set of charters in a volume containing a duplicate copy of all charters, title-deeds and like documents belonging to a monastery, corporation or other landowner', whereas a register is 'a book or volume in which a regular entry is made of particulars or details of any kind which are considered of sufficient importance to be exactly and formally recorded'.⁸ Though these dictionary definitions are somewhat imperfect, the distinction between cartulary and register is immediately obvious. A cartulary is distinguished from a register by its contents. A cartulary is a work in which the muniments, that is, the title-deeds to lands, properties, rights and privileges of a monastery or church or corporation or landholding family are recorded. A register does not, on the whole, contain title-deeds, or a sufficient proportion of them, to lands, properties or other rights: other types of document or information therefore must prevail, 'details of any kind. . .'. This is the definition propounded by G.R.C. Davis and D.T. Walker.⁹ William Charité, precentor of Leicester abbey, also made this distinction between cartularies and registers in his catalogue of the library of the abbey. Under the section headed 'Exceedingly necessary books and rolls of our evidences' he listed three cartularies:

- [1] There is one book which is called *the chartwary* in a great and thick volume in which is contained all the charters of our founders and our other benefactors with compositions, pleas, final concords and with the charters of our enfeofors and many other things.
- [2] There is another book called the old *chartwary* in which are contained the charters of our founders and our other benefactors, and the register of the precentor with many notable things as is shown at the beginning of the book with the black cover.
- [3] There is another book called the second book of *chartwary*, which book Brother William Charité compiled and caused to be written, in which are contained all our new acquisitions with many other older charters which were not written in the two preceding books, and with many other things as is shown by the table at the beginning of the same book.¹⁰

Charité then listed other volumes of related material concerning the abbey's

⁸ J.A.H. Murray, ed., *A new English dictionary* (Oxford, 1893), vol. ii, p. 295; viii, p. 371. DuCange, *Glossarium mediae et infimae Latinatis*. (Paris, 1842), vol. ii, p. 209, is similar: *saepius appellant codicem in quem diplomata aliaeque chartae ex ordine integrae referuntur aliquando in rotulum redactae*.

⁹ Davis, *op. cit.*, p. xi; Walker, *op. cit.*, p. 134.

¹⁰ M.R. James and A.H. Thompson, *op. cit.*, p. 53. For Charité and the library see A. Hamilton-Thompson, *The abbey of St. Mary of the meadows Leicester* (Leicester, 1949), p. 204ff.; N.R. Ker, *Medieval libraries of Great Britain*, 2nd edn (1964), p. 113. Note that Charité entitled his catalogue 'a register': *Registrum librorum. Contenta hujus registri sequentis*. . . (M.R. James and A.H. Thompson, *op. cit.*, p. 21.)

property such as rentals, a register of rights, another of corrodies, and a book of pleas. The irony is that none of these cartularies is known to survive now,¹¹ but it is noteworthy that the cartularies are listed before any other work in this section of Charité's catalogue, thus testifying to their importance, and to the fact that he and his predecessors understood that the type of document contained in the cartularies distinguished them from any other works. The distinction was made and preserved by Charité himself when he compiled the third cartulary and volumes concerning other forms of evidence. The cartulary, then, is not just a random collection of documents relating to a monastery or landholding family, or a notebook of miscellaneous information of varying degrees of importance or relevance relating to property, but a studied transcription of the title-deeds, the vehicle by which title was conveyed from the late twelfth century and before, though it must be remembered that in an earlier period conveyance of title was not necessarily by charter alone. Hence the term 'cartulary' derived from *carta*, a charter. A cartulary cannot be a cartulary unless it contains transcriptions of *cartae* and the *cartae* must predominate almost to the exclusion of all other material otherwise the definition proposed above does not hold. A compilation of rentals, though dealing with property, is not a cartulary as is evident from Charité's catalogue:

There is another book called the 'Book of Demesne Lands' in which are contained the terriers of our demesne lands and the terriers of our other lands in diverse places and vills.¹²

In his pioneering work Dr Davis distinguished between certain types of cartulary that came into being in the medieval period: general cartularies, special cartularies, cartularies of rights, privileges, etc., chronicle-cartularies, cartularies in gospel-books, and other registers.¹³ According to Dr Davis, the general cartulary consists of transcriptions of the entire muniments of a religious house or of a landholding family. The muniments are usually arranged by subject matter relating to precise topographical areas with special categories for royal, papal, and episcopal confirmations of charters. Final concords are often treated separately, thus testifying to their importance in the eyes of the compilers, though other arrangements of the material are possible.¹⁴

The general cartulary

This résumé of Dr Davis' paragraph on general cartularies, like the dictionary definitions, requires some qualification.¹⁵ Certainly, general cartularies are the most common form and they are what most scholars

¹¹ Davis, *op. cit.*, p. 62.

¹² M.R. James and A.H. Thompson, *op. cit.*, p. 53.

¹³ Davis, *op. cit.*, pp. xii-xiii.

¹⁴ *ibid.*, p. xii.

¹⁵ The remainder of this paper will largely concern itself with general cartularies. For further information on other forms of cartularies see Davis, *op. cit.*, pp. xii-xiii; Walker, *op. cit.*, pp. 133-4; Genet, *op. cit.*, *passim*.

understand when the term is employed. However, that general cartularies contain all the muniments of a religious house or of a landholding family is all too readily refutable. By no means were all muniments transcribed and many cartularies exhibit varying degrees of selectivity in the amount and type of charters transcribed, though it is a fair assumption that a general cartulary does contain the vast majority of a house or family's muniments. When, in the period 1263–6, and for reasons unknown, Prior Adam and the canons of Thurgarton surrendered their title to the advowson of the church of Warrington (Lancs.) to the descendant of the original donor and chief lord, Sir William Butler, the deed was not copied into the cartulary; nor was a note made against the transcription of the charter granting Thurgarton the advowson that title to it had been given up, though a hand with an elongated index finger drawn in the margin arrests the attention of the reader.¹⁶ This surrender had occurred upwards of seventy years before the cartulary was compiled and therefore it is perfectly possible that no copy of the deed was retained by Thurgarton, and if a copy was with them no transcript was made since the advowson of Warrington was no longer theirs. Conversely, copied into the cartulary was the confirmation made c. 1200–12 by Walter of Holme (Pierrepont, Notts.) to Thurgarton of the church of Keyworth (Notts.) originally granted by Robert son of Levenoth, of which no charter survived; this grant may have been made verbally much earlier in the twelfth century (certainly before 1167). A second confirmation by Walter's son John was also copied into the cartulary. However, the advowson of Keyworth was lost in 1219 when John son of Walter of Holme recovered seisin of it.¹⁷ Thus it would seem that Thurgarton retained the two confirmations and made the decision to transcribe them into the cartulary despite the fact that the church had been lost to them for about one hundred years. The logic of this procedure is not easily comprehensible. Nor is the phenomenon of selectivity confined to the Thurgarton cartulary, for there are omissions in the Rufford cartulary; the topographical section for Kelham (Notts.) omits documents for which there are three originals extant, nor is there a topographical section for Walesby (Notts.) for which originals survive though the originals were clearly endorsed for Walesby.¹⁸

Another common feature found in many general cartularies and of which the Thurgarton cartulary is a typical example, are various notes scattered around certain folios with varying degrees of explanation, of the type 'Memorandum concerning the quitclaim of William Aleways of Goverton of three selions with headland lying on *Hicrofte* whereof we have the charter'; 'Note that there are seven charters that speak of the same matter which it is unnecessary to transcribe all on account of their prolixity and tedium, because the tenor of them is similar to the two charters immediately preceding'; plus the common and laconic note 'We have fourteen (or other

¹⁶ Foulds, *Thurgarton priory . . . cartulary* ii, nos. 179, 194, ★195.

¹⁷ *ibid.*, nos. 528–9; D.M. Stenton, ed., 'Rolls of the justices in eyre for Lincolnshire and Worcestershire', *Selden Society* liii, no. 908.

¹⁸ C.J. Holdsworth, ed., 'Rufford charters', *Thoroton Society Record Series* xxix (1972), p. 124; xxxii (1980), p. 548.

number) charters which have not been transcribed'.¹⁹ The first note informs the reader that there exists another charter of William Aleways of Goverton (Notts.) but does not explain where it can be found, neither does it explain why it was not copied into the cartulary. Perhaps that section had been completed when William Aleways made his grant and there was no room for it. In that case, why did the scribe not follow his more usual practice and insert it in the margin? The grant could have been made some time after the section was completed but it was not included in the fifteenth-century additions to and revision of the Thurgarton cartulary and, as no original survives, his charter is effectively lost.

The second example is very revealing. Omissions are likely to occur because of the scribe's sheer boredom with his task of transcription. The very monotony of the work led to short-cuts whereby documentation was deliberately not included because of its similarity to documentation already copied. Though the scribe has left a note informing the readers of the cartulary that something has been omitted, on how many similar occasions in other cartularies have documents been left out because of the tediousness of the operation and the boredom of the scribe and these have not been signalled by the inclusion of notes to that effect? They may be very few occasions indeed when this may have happened but it is a warning that not all the muniments were transcribed and that the compilers and scribes of cartularies could and did have a selective approach to compilation and transcription. In the case of William Aleway's grant of three strips with a headland to Thurgarton, it may not be of much importance or significance that such a small grant was omitted but if the Thurgarton cartulary had not been updated in the fifteenth century a whole topographical section of fifty-six deeds for the city of Lincoln containing some early and unique documents would have been lost altogether.²⁰ Why the Lincoln section was omitted in the far superior fourteenth-century part of the Thurgarton cartulary cannot be explained; the manuscript does not appear to be truncated and the present gatherings appear to reveal no substantial possibility for their loss. Similarly, mid-thirteenth-century leases and sales of land and property in Lincoln by Thurgarton were not included in the additions and revisions made to the cartulary in the fifteenth century, but some of this material has been recovered by the editor from the cartulary of the Vicars Choral of Lincoln.²¹

¹⁹ Foulds, *Thurgarton priory . . . cartulary* i, no. 146: *Memorandum de quietaclamacione Willelmi Aleways de Goverton de tribus seccionibus cum forera jacentibus super Hiecrofte unde habemus scriptum*; A. Saltman, ed., 'The cartulary of Tutbury priory', *Staffordshire Historical Collections* (4th series) vi, no. 248: *Nota quod vii carte sunt que loquuntur de eadem materia quas non oportet propter prolixitatem et tedium ipsas omnes scribere quia tenor earum est similis duabus cartis immediate precedentibus; Habemus xiv cartas que non scribantur*.

²⁰ Without which Canon C.W. Foster and Miss K. Major would have been unable to give substance to, or elaboration to, many awkward points of detail in their edition of the *Registrum Antiquissimum* of the cathedral church of Lincoln: Foulds, *Thurgarton priory . . . cartulary* iii, pp. 1857–9 and nos. 1055–1114, especially nos. 1064, 1080, 1085; K. Major, ed., 'Registrum antiquissimum', *Lincolnshire Record Society* li (1958), pp. 112–13.

²¹ Foulds, *op. cit.*, nos. 1105, *1107, *1109; Lincolnshire Archives Office, VC 2/1/260, 299, 301 (Cartulary of the Vicars Choral, fos. 44, 61).

Therefore, these few examples largely drawn from one cartulary, and a cartulary by no means untypical, amply demonstrate that a cartulary decidedly does not contain *all* the muniments of a religious house. Contemporary omissions are also revealed in William Charité's catalogue of Leicester abbey. Though Leicester's cartularies are no longer extant, Charité's third cartulary, compiled under his own auspices, deliberately included an unknown number of older charters which the previous two, presumably older, cartularies had omitted for reasons not given. The omissions have serious implications for the modern editor and user of cartularies.

In many cases a cartulary is the most substantial surviving documentary record of a religious institution's or secular family's existence. The original muniments from which the cartulary was compiled may have long since disappeared; there are sometimes few original charters now extant and nothing like what must once have existed even for the smallest of religious houses or establishments. It is extremely rare for the cartulary and the archive from which it was compiled to survive almost intact as is, for example, the cases with Llanthony priory, Lincoln cathedral and the Cistercian abbey of Rufford where remarkably few of the original muniments are missing.²² Why the archives of so many religious houses have largely disappeared is, on the whole, unknown. In theory, at the Dissolution all muniments were supposed to be lodged with the Court of Augmentations but it seems that ultimately few found their way there. The muniments of Ulverscroft (Augustinian, Leics.) remained in a locked room but this was soon broken into and the muniments vandalised. At Croxden (Croxtan) Kerial (Premonstratensian, Leics.) the muniments were at the mercy of all and sundry; some were taken away and some disappeared later;²³ the muniments of Newstead (Augustinian, Notts.) are traditionally thought to be at the bottom of the priory lake in chests, presumably consigned there for safekeeping until a more propitious time came for their recovery.²⁴ Stories like these, and worse, can be recounted and make miserable reading. Of nearly 1200 charters for Thurgarton priory there is not one original extant of which there is a cartulary copy.²⁵

Cartularies, and especially the general cartulary, assume great importance when it is realised just how much has been lost collectively of the muniments of many religious houses and institutions. When few, or no, originals survive and the cartulary, though once known to have existed, has

²² Llanthony: Walker, *op. cit.*, pp. 141–3 and R. Ian Jack, 'An archival case history: the cartularies and registers of Llanthony priory in Gloucestershire', *Journal of the Society of Archivists* iv (1972), pp. 370–83; Lincoln: C.W. Foster, ed., *op. cit.*, p. xxiii; Rufford: C.J. Holdsworth, *op. cit.*, xxix (1972), pp. xiii–xix.

²³ S. Jack, 'Monastic lands in Leicestershire and their administration on the eve of the dissolution', *Transactions of the Leicestershire Archaeological and Historical Society* xli (1965–6), p. 34.

²⁴ V.M. Walker trans. and D. Gray, ed., 'Newstead priory cartulary, 1344, and other archives', *Thoroton Society Record Series* viii (1940), pp. 1–2. The lake has recently been dredged but there appears to be no account of the chests, or their remains, being found!

²⁵ The muniments appear to have been lost or destroyed before the dissolution (Foulds, *op. cit.*, i, pp. 7–10).

subsequently disappeared, that house has effectively no documentary existence; its history, legal, documentary or economic, cannot be recovered easily, if at all. For other reasons the loss of the cartulary is a great drawback. It has been said that 'collections of this kind (*acta*) with diplomatic analysis are essential for a proper understanding of the practice and theory of ecclesiastical law'.²⁶ The study of ecclesiastical and secular cartularies can add significantly to the body of knowledge and the understanding of diplomatic forms and practice and their evolution. Compilations of *acta* such as those for Stephen Langton collected by Miss Major, for the diocese of Lincoln by D.M. Smith, or A. Saltman's biography of Theobald archbishop of Canterbury, or the *Regesta regum Anglo-Normannorum*, could not have been attempted without material extracted from cartularies.²⁷ Yet the cartulary from which documents are taken can often be regarded as too much the local product and consequently of lesser historical worth than a collection of episcopal *acta* of a great bishop of more national importance. The cartulary therefore has a much wider significance than just a collection of muniments for a specific religious institution or secular family, for whether a house was great or small, whether it was at the centre of things or isolated and struggling to maintain its day-to-day existence in the face of inadequate endowment, its cartulary preserves what J-P. Genet termed its identity.²⁸ Perhaps he overstated his case and it should be qualified: rather the cartulary is an important way of expressing identity, but it is only one of a number of ways of doing so. The cartulary expresses the identity of the house as a landholding institution.

The chronicle-cartulary

Chronicle-cartularies, as the name suggests, are cast in a chronicle form, for the purpose of relating story, usually of a religious house, based on, or at least including a large number of, the title-deeds of that house. The aim was to explain how their possessions were obtained by recounting the circumstances of donation surrounding them.²⁹ This form of cartulary often degenerates into transcriptions of the documents themselves, for though laborious, this method follows the line of least resistance, whereas the maintenance of the narrative demands inventiveness on the part of the compiler which can exhaust his talents and possibly his source materials. Chronicle-cartularies are no less a form of cartulary than general cartularies though much less common.³⁰ The *Liber Eliensis* consists of large narrative sections relating the history of the house and the donations of its benefactors within which are embedded certain muniments. For example, preparatory to the inclusion of royal writs and confirmations of its rights, it regales the reader with the following story:

²⁶ K. Major, ed., 'Acta Stephani Langton Cantuariensis archiepiscopi A.D. 1207-1228'. *Canterbury and York Society* 1 (1950), p. xv.

²⁷ D.M. Smith, ed., *English episcopal acta. I Lincoln 1067-1185* (1980); A. Saltman, *Theobald, archbishop of Canterbury* (1956); H.W.C. Davis, et. al., *Regesta regum Anglo-Normannorum* (4 vols., 1913-).

²⁸ Genet, *op. cit.*, pp. 102-3, 119.

²⁹ Davis, *op. cit.*, p. xiii.

³⁰ Genet, *op. cit.*, pp. 112-18.

Earl William de Warenne hitherto had forcefully withheld certain villas from the brothers of Ely, whereof he was often reproved by the abbot, and died miserably. And though he died a long way from the Isle of Ely and as the abbot lay peacefully by night in the dormitory meditating on celestial matters, he suddenly heard the soul of the earl borne away by demons to cry out 'O Lord have mercy! O Lord have mercy!' Straightway in chapter the following morning he told all the brethren what he had heard and that the earl was dead.

A death bed restitution failed to have any effect on the monks of Ely who loftily and piously refused to accept 'dirty money' and dilated on how damned are those that remove possessions from such a holy house. This is immediately followed by a writ of King William I headed 'Charter of the king for restoring the possessions to the church from encroachers' and other royal writs concerning Ely's rights and possessions.³¹ This is largely how the *Liber Eliensis* continues: narrative concerning the abbey, the events outside the abbey and how these affected its life, punctuated at relevant intervals with documentation that arises out of these events. It is an early work and from an old, large, wealthy and powerful house, and such houses have produced the bulk of surviving chronicle-cartularies, other particularly fine examples being from Abingdon and St. Augustine's Canterbury.³² On the whole, smaller houses of less ancient foundation did not produce chronicle-cartularies preferring the less taxing but no less time consuming or arduous general cartulary form.

There are exceptions, however. One is the cartulary of the Wakebridge chantries at Crich (Derbys.). This small cartulary is highly unusual in that the founder, William of Wakebridge, laid down in one of the foundation ordinances that a cartulary should be compiled:

Furthermore, because small deeds (*parvi libelli*) are more easily lost than [when copied] in a great book and by various means hidden away, I wish and ordain that copies of whatsoever inventories, indentures that were mentioned above and of the aforesaid writings be compiled (*redigantur*) in one book which will be called the 'Register of the chantry' [to be written] in a substantial legible and clear hand according to the ordination, which book shall remain in the aforesaid chest under the aforesaid custody.³³

This was duly done and on 25 September 1368 William of Wakebridge formally handed over the cartulary to the chantry-priest Richard Davy, the man who had carried out the compilation.³⁴ Davy arranged his material for the first Crich chantry in two main sections, foundation deeds and title-deeds. For some reason he decided that the bare transcriptions of those deeds were insufficient and interspersed them with a narrative in the form

³¹ E.O. Blake, ed., 'Liber Eliensis', *Camden Society*, 3rd series, xcii (1962), pp. 202–3ff: *Carta regis de restituendis ecclesie possessionibus ab invasoribus suis*.

³² Davis, *op. cit.*, nos. 3–4, 198.

³³ A. Saltman, ed., 'The cartulary of the Wakebridge chantries at Crich', *Derbyshire Archaeological Society Record Series* vi (1971), pp. 57–8.

³⁴ *ibid.*, pp. 30, 177.

more of a running commentary than of prose with any literary pretension; this sheds more light on the foundation process and, importantly, the descent of the property and of the tenements than would the deeds alone. As the first chantry-priest, Davy must have been involved in many of the processes he described and have witnessed them so his narrative has the added value of an eye-witness account. Not content with narrating contemporary events, Davy also undertook some research and so encapsulated in his narrative earlier material especially about the ancestors of the Wakebridge family itself in the thirteenth century. Transcriptions of grants made in the first quarter of the thirteenth century of two messuages and three bovates of land in Fritchley (Derbys.) are prefaced by the narrative which is a summation of the information contained in the charters:

. . . two messuages and three bovates of land which the founder held of the feoffment of Thomas le Eyr [Le Heir] of Crich, it is known that they were given to the prior and convent of Felley by Hubert fitz Ralph lord of Crich. And the prior and convent gave one messuage and two bovates of land in Crich . . . with tofts and crofts which Constance of Crich held of them in Crich, to a certain Roger Leyr [Le Heir] of Fritchley by their charter, rendering thereafter 5s. per annum as will be shown by the following [deeds]. Another messuage and one bovat of land in Fritchley the aforesaid prior and convent gave to the aforesaid Roger, rendering to them 40d. per annum.³⁵

The deeds which follow this narrative contain the information from which the narrative was compiled and after these the narrative continues with what happened to the tenements in Fritchley on Roger le Heir's death and their subsequent sale by his great-great-grandson to William of Wakebridge. The narrative of no. 99, which provides information on the two generations before the founder, included no transcriptions of deeds and therefore would appear to have been compiled from a source, or sources, outside the muniments. The remainder of the cartulary has no narrative sections. The quality and scope of Richard Davy's narrative of the foundation of the first chantry at Crich cannot compare with that of a cartulary-chronicle like the *Liber Eliensis*, but, nevertheless, both shed light on their respective localities at the times, and before, of their compilation in a way that the title-deeds and related documents alone may not accomplish.

In the fourteenth century the abbey of Croxden Kerrial produced a work that is in some respects a hybrid, a combination of general cartulary and chronicle-cartulary, which produces a highly readable but defective account which leaves the modern scholar more than a little unsatisfied in the absence of many of the original deeds.³⁶ What J.H. Round termed the 'large

³⁵ *ibid.*, nos. 28–30.

³⁶ The two volumes of Croxden are kept in the muniment room of Belvoir castle (Leics.) and I can report that they were (1983) in excellent condition unlike the Belvoir priory cartulary which had suffered a certain amount of water-damage. However, what follows is based largely on extracts from them published by John Nichols, *History and antiquities of the county of Leicester* (4 vols. in 8, 1795), supplemented by my own unavoidably meagre notes. Nichols took his extracts from the transcriptions of two other persons and appears not to have seen either of the Croxden volumes himself though he was a frequent visitor to Belvoir castle. J.H. Round

cartulary' consists in the main of 'Habemus' entries which are in effect calendars in Latin of the deeds themselves. No attempt is made to transcribe the title-deeds exactly (except for final concords) or in a shortened form, that is, by abbreviating or sometimes omitting the salutation and witness clauses as is often prevalent in late thirteenth- and early fourteenth-century cartularies, yet the flavour of the title-deeds is preserved and a chronicle-like quality is obtained. The work is arranged topographically and has many features of the arrangement of a general cartulary, but the form adopted for the transcription of the muniments has the peculiar quality of an expanded inventory with narrative:

We have of the gift of William the clerk son of Roger the doorkeeper one bovat of land in the territory of Croxden with one acre of meadow upon *Hiderneumer* quit from all service, and one toft in the aforesaid vill that lies on the nothern part of his house, in pure alms.³⁷

So the work continues 'We have of the same' (*Habemus de eodem*) or 'We have in' (*Habemus in*) listing its muniments topographically, occasionally breaking up this scheme with genealogies, which Round found to be very defective in places, small rentals and extents of the property in a particular place. The foundation 'narrative' comes closest to transcribing the charters in full; these deeds, though very full calendars, have no witness lists but warranty clauses were included if present. Final concords were transcribed in full though private concords may not be treated so, but, peculiarly, papal confirmations and privileges were calendared accompanied by some form of explanatory rubric and some direct quotation from the text of the privilege:

Concerning certain papal privileges granted to the church and convent of Croxden. In the first instance we have a special privilege of Pope Honorius concerning novalian lands and the increase of stock as in which is contained: 'Your persons. . .' (etc.)³⁸

It is somewhat difficult to categorise this work. Though appearing to present the aspect of an expanded inventory of the muniments, it is more than this for the muniments are sometimes linked by rubrics or other phrases that have a chronicle-cartulary character and the whole is arranged

(Historical Manuscripts Commission, *Manuscripts of His Grace the Duke of Rutland, K.G. preserved at Belvoir castle* (4 vols., 1905), vol. iv, pp. 174–82) called the volumes 'cartularies', whereas Dr Davis (*op. cit.*, nos. 291–2) preferred 'register'.

³⁷ Nichols, *op. cit.*, ii (appendix), p. 78: *Habemus de dono Willelmi clerici filii Rogeri portarii unam bovatom terre in territorio de Croxton cum una acra prati super Hiderneumur quietam ab omni servitio, et unum toftum in predicta villa quod jacet ad aquilonem partem domus sue in puram elemosinam.*

³⁸ *ibid.*, p. 83: *De privilegiis quibusdam papalibus ecclesie et conventui de Croxton concessis. Inprimis habemus privilegium Honorii pape speciale de novalibus ortis et incrementis animalium in quo sic continetur: Personas vestras et locum in quo divino estis obsequio mancipati . . .* (etc.). Further examples of 'Habemus' entries can be found in W. Dugdale, *Monasticon Anglicanum*, rev. edn. J. Caley, H. Ellis and B. Bandinel (6 vols. in 8, 1817–30), vol. vi, pp. 876–8 and a fuller description of the volumes was made by J.H. Round, *op. cit.*, pp. 174–82.

largely topographically and so exhibits general cartulary features: the whole remains enigmatic.

The special cartulary

Special cartularies were often compiled in large religious houses, for general cartularies could become unwieldy and difficult to maintain if the number of muniments was large, or perhaps specific lands and properties were for convenience assigned to certain monastic obedientiaries to maintain their particular offices and therefore required their own cartularies. Special cartularies could be compiled for particular categories of muniments and their confirmations, such as cartularies devoted to royal charters or papal or episcopal privileges. In large monasteries general cartularies could become redundant in favour of special cartularies and the maintenance of a general cartulary thus may become largely unnecessary.

Again, mainly large monasteries could compile cartularies specifically devoted to certain rights and privileges that were with some regularity contested and led to litigation. But Dr Davis admitted that this type of cartulary can scarcely be distinguished from memoranda-books and hardly contain copies of title-deeds. Therefore, under the above definition, the lack of title-deeds or their low profile, excludes them being included under the term 'cartulary'.³⁹

The statistics of production

Dr Davis' work catalogues 1344 cartularies, ecclesiastical (1185) and secular (159), in England, Wales and Scotland of various types, some of which no longer survive. Registers were not necessarily included, but many were listed: thus there arises some confusion to the term 'register' as employed by Dr Davis, though he distinguished between 'register' and 'cartulary' by using 'general cartulary' to describe a cartulary as propounded by the above definition. Therefore, there are not 1344 cartularies listed in his work but an amalgam of cartularies and 'cartulary-related works', registers with title-deeds. This by no means detracts from his work for Dr Davis did employ the above definition of a cartulary; where 'cartulary' or 'general cartulary' is used this has been taken to indicate a manuscript fitting the definition. However, if these are extracted the number of 'true' cartularies, extant, lost or in a fragmentary form, is substantially reduced, though it must be remembered that since Dr Davis' work was completed a number of cartularies have come to light⁴⁰ and there is always the possibility that more will do so. The following discussion therefore is based on Dr Davis' lists and no account is taken of cartularies that have since been discovered and at present are not easy to trace.

To arrive at a figure for extant ecclesiastical cartularies it is necessary to dissect Dr Davis' catalogue. Though he included works that were 'cartulary-related', that is registers and other types of work containing, but

³⁹ For cartularies in gospel-books see Davis, *op. cit.*, p. xiii.

⁴⁰ Like the cartulary of Lanercost priory and the Hotot estate book, Davis, *op. cit.*, nos. 526, 1256.

not necessarily devoted to, title-deeds, it is assumed that when the terms 'cartulary' or 'general cartulary' are used, then these works are cartularies proper according to the definition propounded above and used by Dr Davis. For this dissection all works designated 'registers', 'other registers', 'inventories', or 'fragments' of cartularies (including bifolia),⁴¹ cartularies that are untraced, missing or burnt are ignored. There are some 366 extant ecclesiastical cartularies in England, Wales and Scotland as opposed to a figure of 1185 if cartularies and 'cartulary-related' works are included. Though these figures cannot be totally accurate, nevertheless they are an extremely sharp reminder that there are few cartularies now in existence; indeed this figure represents 30.8% of the 1185 listed. Having extracted the number of 'true' ecclesiastical cartularies as opposed to the 'cartulary-related works', the figures derived can be plotted in graph form (Figure 1) and can provide some indication of the number of cartularies compiled at particular times during the medieval period. It is extremely difficult to date many cartularies with any firm degree of exactitude and the dates as such have been taken from Dr Davis' very informed deductions. Figure 1 shows trends probably not unsuspected by many scholars but, nevertheless, not shown before; it demonstrates as would generally be expected mounting activity in cartulary compilation throughout the thirteenth century. The transition from the 'age of charters' to the 'age of registers' is made manifest⁴² and it rises to a peak at the end of the thirteenth century. Thereafter there is a steady decline in production which levels out in the mid-fourteenth century. What perhaps is less expected is the sharper rise in compilations in the late fourteenth century, peaking by the early fifteenth century, but dropping dramatically by the middle of this century, only to rise again with moderation at the end of the century and again levelling in the early sixteenth century. Had not the dissolution of the monasteries drastically interrupted the process, it is possible that the production of cartularies would have continued and possibly peaked again in the seventeenth century aroused by the antiquarian enthusiasm for such material as the majority of extant cartularies contain. Secular cartularies continued to be produced in the seventeenth century and beyond so that this is not an entirely unsupported speculation.

The table of secular cartularies shows trends similar to the ecclesiastical cartularies (Figure 2). However, they exist in far fewer numbers than their ecclesiastical counterparts and are more difficult to categorise, for their emphases, though very like ecclesiastical ones, nevertheless differ slightly. Thus the same rigorous policy as applied to ecclesiastical cartularies cannot be applied to secular cartularies and all the examples listed by Dr Davis have been included. Though far fewer in number, secular cartularies reveal, when displayed, a similar configuration to the graph of ecclesiastical

⁴¹ Davis, *op. cit.*, nos. 30, 43, 81, 85, 92, 95, 142, 151, 163, 164, 176, 196, 208, 228, 234, 254, 272, 285, 300, 324, 325, 343, 380, 388, 394, 403, 433, 437, 440, 441, 473, 475, 480, 485, 506, 529, 544, 580, 582, 585, 636, 642, 643, 674, 676, 690, 732, 738, 751, 774-7, 785, 826, 861, 873, 898-9, 904, 908, 910, 916, 917, 968, 991, 1010, 1069, 1098, 1117, 1167, 1180.

⁴² F.R.H. Du Boulay, *The lordship of Canterbury* (1966), p. 9; A. Gransden, *Historical writing in England c. 550 to c. 1307* (1974), p. 367.

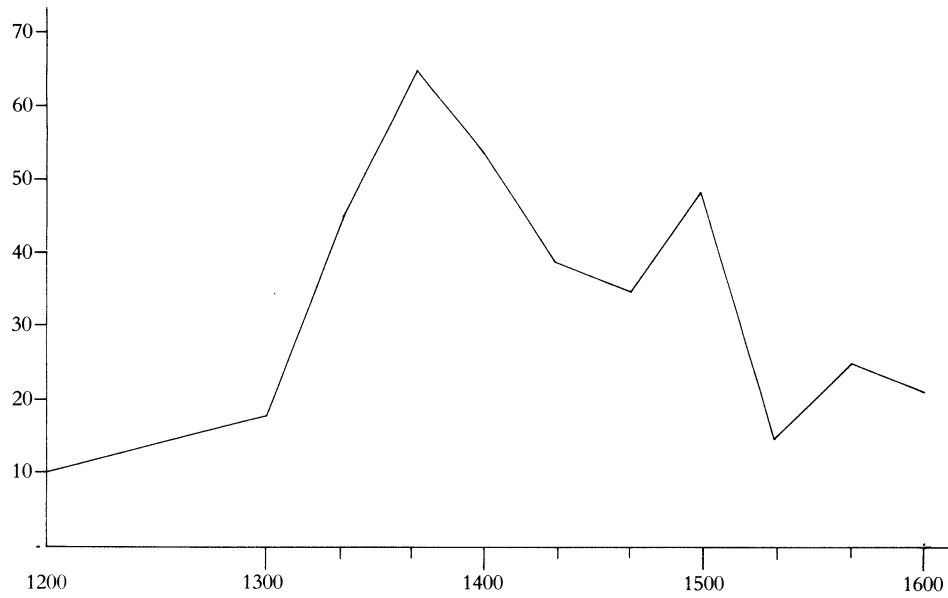


Figure 1 Ecclesiastical cartularies



Figure 2 Secular cartularies

cartularies. There are no extant examples before the early thirteenth century their numbers rise throughout the century but not as dramatically as surviving ecclesiastical examples. The number of secular cartulary compilations peaks in the early fifteenth century and thereafter largely declines in the same manner as their ecclesiastical counterparts. Secular cartularies later than the early sixteenth century do exist but have not been included in the table. Therefore, the two great ages of cartulary compilation as demonstrated by Figure 1 and Figure 2 from surviving examples are the late thirteenth and early fourteenth centuries and the late fourteenth and early fifteenth centuries with the low-point of activity occurring, in both cases, in the mid-fifteenth century.

Having got thus far, determining the causes which lie behind the peaks and troughs exhibited in Figures 1 and 2, has necessarily to be a cautious process based on the present state of knowledge of cartularies in general. More detailed information on individual cartularies, the events surrounding their compilation and the date at which this occurred, will have to be digested very carefully and thoroughly for them to be of assistance. Some deductions, however speculative, can be made by examining some prefaces to cartularies and also to those of 'cartulary-related works'. These prefaces provide a certain amount of information as to why a particular cartulary was compiled and the motivation that lies behind compilation and should command the attention of medieval historians more than they have so far.

The compilation of cartularies

Many cartularies give no information whatsoever about the archival arrangements of the religious institution or secular family or the storage of the muniments; in short, there is no obvious, definitive link between the cartulary as arranged and compiled in a particular order and the archive from which it was compiled, or that archive's organisation. Nor is there any way of knowing, in the vast majority of cases, how the muniments were stored. Much, however, can be learnt from information available and most archival arrangements appear to be sensible and scrupulous if albeit primitive according to modern standards.⁴³ The muniments of Canterbury cathedral priory were kept in files, hampers, chests, desks and linen sacks; some were placed in receptacles termed *vasa*.⁴⁴ In the fifteenth century the muniments of the Mortimer family were deposited in chests with the grisly appellation 'coffyn' upon which was inscribed the 'coffyn title'. There was a number on the back of the documents for identification and each 'coffyn' had its own descriptive inventory.⁴⁵

A scrutiny of the charters and instruments of the bishopric of Lincoln was taken in 1283. These muniments were kept in the cathedral treasury. The charters and other instruments by the kings of England concerning the

⁴³ J.E. Sayers, 'The medieval care and custody of the archbishop of Canterbury's archives', *Bulletin of the Institute of Historical Research* xxxix (1966), pp. 95–8.

⁴⁴ Du Boulay, *op. cit.*, pp. 6–7; Sayers, *op. cit.*, pp. 95–107.

⁴⁵ Genet, *op. cit.*, p. 108.

bishopric and cathedral were kept separate from all other muniments and deposited in part of a great chest seemingly subdivided into labelled hampers (*hanapariis billatis*). These hampers were arranged in a distinct order: chronologically by monarch as the label so stated. Each charter was inventoried by providing a brief description of its contents and the parties involved in a little book. A running number or descriptive mark on the charter and in the book provided a reference from one to the other. Under this sign or running number on the charter was also written the name of the king and a brief description of the contents. The non-royal muniments were deposited in a long chest and arranged topographically under manor or subject. They were listed and entitled in the same way as the royal muniments with any duplicates provided with the same sign and running number.⁴⁶ However, Canon Foster found in the *Registrum Antiquissimum* of the cathedral church of Lincoln that none of these marks bore any resemblance to the *signa* in the cartulary.⁴⁷ As far as *signa* and running numbers are concerned, therefore, there was no correspondence between the cartulary compilation and the identificatory marks of the muniments though there is a possible connection between the topographical subdivisions of the muniments in the chests and hampers and the topographical arrangement of the *Registrum Antiquissimum*.

The muniments of the Pedwardine family of Burton Pedwardine (Lincs.) were divided between a cupboard and a chest:

In the cupboard are the muniments of *Burton, Warnburne, Clypton, Pedwardyne, Nocton, Fryskene, Stafley*. In the bottom of the said cupboard are rentals, accounts, quittances, custumals and account rolls. In the chest are patents, fines and quires (*quayers*) and a *quayer* of *Diem clausit extremum*. In the red paper (*papire*) is the copy of the eyre of Clipston, that is to say, of the assize of bread and beer which begins. . . .⁴⁸

A distinction appears to have been maintained between evidences of title stored in the upper part of the cupboard and the administrative documents at the bottom of the cupboard with the chest containing documents that were not easily fitted into either category.

Without further multiplication of examples, it is probable that there was some archival organisation for all sizes of religious institutions and landed families, though much of what is known about their storage and arrangement is provided by information from the wealthier houses and families. Favoured methods of storage were chests and hampers which in some way may have been labelled and marked to indicate what they contained. The muniments could be endorsed with a brief description of the charter's

⁴⁶ W.O. Massingberd, 'Survey of the manor of Stow, A.D. 1283,' *Associated Architectural Societies' Reports and Papers* xxiv (1898), pp. 313–15. I am grateful to Dr D.M. Smith for drawing my attention to this reference.

⁴⁷ Foster, *op. cit.*, p. xxxviii.

⁴⁸ BL Additional MS 32101, fo. 93; Davis, *op. cit.*, no. 1305. R.E. Lewis, ed., *Middle English dictionary, Part Q* (Michigan, 1984), p. 5, and F.H. Stratman, *A Middle-English dictionary* (Oxford, 1891), p. 490, also suggests quires and books.

contents which is commonly found on many individual documents, as many scholars and archivists will have noticed, and a further mark of classification could be assigned to assist identification by group. No doubt the sophistication of this system varied from house to house, and family to family, with the number and complexity of the muniments themselves and the conscientiousness of the person, if any, responsible for their maintenance. Ultimately, however, the topographical arrangement with special divisions for documents such as royal charters, fines, fees and eyres etc., prevailed and that this arrangement is also reflected in the cartulary compiled from them. On the whole, then, the cartulary is a reflection of the archival arrangement, an interpretation of it at one step removed. The cartulary is dependent on the archive insofar that the archive contains the muniments without which the cartulary cannot be compiled but it does not necessarily slavishly attempt, except in a few cases, to reproduce everything about the archives. The Llanthony cartularies may have been dominated by the archive⁴⁹ and that of Dover priory also,⁵⁰ but these may be the exceptions rather than the rule, that in the vast majority of cases the cartulary is a reinterpretation of the muniments as organised in the archive. The cartulary is the product of having 'done something' about the muniments with another purpose in mind.

At some time in its life an institution, such as a monastery or a propertied family, however large or small, must 'do something' with its muniments and this may take simple or complex forms. Cartularies are an expression of having 'done something' with them and, as previously stated, they must contain, in overwhelming numbers, transcripts of title to property and land with attendant confirmations royal, episcopal, papal and benefactorial as necessary for this class of muniments provided the documentary basis of that institution's continued existence and by which it maintained what had been already acquired.

But what did the compilers of cartularies think, or understand, of why they had begun their task? Whether the compiler was good, mediocre, or, less often, bad at his task of compilation; whether he was an historian, lawyer or common scribe;⁵¹ whether he had an archive sense⁵² are questions which perhaps more properly belong to a discussion of the conception, and the internal organisation of cartularies, but the conception, no doubt, can influence the approach to the problem of compilation. But why should the *compiler*, or head of the religious institution or a propertied family feel the need to 'do something' about the muniments and produce a cartulary in the first place? What is the motivation that drives this person into making the tremendous conscious effort of doing this? Throwing up the hands in horror at the quantity of documentation or of their total disorganisation is perhaps as good a reason as any, a state of mind experienced by every human being at some time or other.

⁴⁹ Walker, *op. cit.*, p. 142.

⁵⁰ C.R. Haines, *Dover priory* (Cambridge, 1930), p. 491.

⁵¹ Genet, *op. cit.*, p. 95.

⁵² Walker, *op. cit.*, p. 132.

The less organised the muniments are the less easy it is to find specific items. A person, having indiscriminately stuffed things into the box-room or attic for years by the simple expedient of opening the door and more or less throwing the document in, knows that it has been kept, understanding that some day it could be useful, but immediately that purpose cannot, for the time being, be ascertained. Circumstances change. Sooner or later a situation may arise whereby a search has to be made for a specific item for some external force necessitates that the person produces the required piece of information, not necessarily a copy of it, though in certain cases this may suffice, but the item itself if at all possible. How familiar is the phrase 'I know I put it somewhere safe . . . but where?' Transfer this situation of one ordinary modern mortal reliant as an individual on fewer, but equally complex, documents to demonstrate his existence physically and legally, to that of the medieval religious institution or landed family heavily dependent on its muniments to prove or maintain continued right to the enjoyment of privilege or property or land, to legally enable them to collect their revenues, and the organisation problem becomes proportionally more acute. What document is produced is directly related to the purpose dictated by the demands of the external forces. The sheer volume of the records kept may in turn develop an internal force from within the institution itself also. Internal demands may be related to possible external demands which have yet to occur but could be realistically envisaged.⁵³ In a large monastery, or ecclesiastical or lay household the organisation or disorganisation of the muniments may be one reason for the production of a cartulary. Though the muniments can be re-organised, with thought, to adapt to changed circumstances, and retrieval aids can be designed to find specific items, and in time a cartulary or some other related work could be produced as growing out of the organisation of the muniments themselves, could there be something else that might provide the catalyst, an overwhelming necessity to either re-organise the records and/or produce a cartulary? Although growing out of the muniments themselves without which a cartulary could not be compiled, a cartulary is not necessarily a muniment catalogue or retrieval device, though this is one of the uses of the cartularies of Llanthony and Dover, for many cartularies transform the archive of charters and related materials into something different whilst retaining the essence of those records; a cartulary is a reflection of the muniments, not a catalogue of them in the modern understanding of the word.

Though Dr Walker provided a list of persons physically responsible for the actual compilation of certain cartularies and persons responsible for their creation,⁵⁴ it is an unfortunate and salient fact that the vast majority of cartularies, and of surviving medieval records in general, were compiled and written by persons unknown; their very anonymity is an obstacle to understanding the motives for compilation. A microscopic analysis of an

⁵³ See the revealing chapter: 'The archives of the archbishopric', Du Boulay, *op. cit.*, pp. 1–15, especially pp. 4–13 for the almost day-to-day workings of a large and active archive, its maintainers and the demands, internal and external made upon it, and Sayers, *op. cit.*, pp. 95–107.

⁵⁴ Walker, *op. cit.*, 146, 147.

individual cartulary and the known history, if possible, of the house and the environment in which compilation took place, may produce results but these can never be too definite as they rely heavily on the interpretative qualities of the editor. Stated motivations for why a cartulary was produced are not common and in the cases of anonymous cartularies few obvious clues are readily apparent, but the prefaces which declare motives are important and may suggest some possible connection between them and the peaks and troughs as exhibited in the tables.

Probably the first compiler of a cartulary who made an explicit statement as to the motivation for compilation was Hemming, a monk of Worcester writing in the early twelfth century:

I Hemming the monk, have composed this little book concerning the possessions of this our monastery, so that it may be clear to our posterity which and how many possessions in land pertain to the endowment of this monastery for the sustenance of the monks, the servants of God; or rather which [possessions] ought by right [to be ours], although we have been unjustly dispossessed of them by force and fraud.⁵⁵

The Ramsey *Book of benefactors* (c. 1170) relates a similar, sad tale: during the 'dark and gloomy days' of the reign of King Stephen, Ramsey was experiencing external depredations and internal quarrels 'and so we have collected together in one volume our chirographs and the charters of our privileges . . . as a warning for future ages and to instruct our readers'.⁵⁶

To deprive a monastery (or a family) of its lands reduced the income, whether in the form of money received, food produced or services provided, and so struck at the very foundations on which any medieval society was based. Loss of income would threaten and begin to undermine the entire complex of relationships, spiritual and temporal. Reduced temporalities would result in a corresponding decline of spirituality: this could eventually produce a crisis which could damage the spiritual and temporal status of the house, both in the estimation of its own members and in that of the laity. As the largest source of benefactions which produced the income, the laity expected the monastery to provide reciprocal spiritual benefits in the form of frankalmoign. Under more normal, peaceful circumstances the monastery could reasonably expect to obtain the co-operation of the benefactor, or his heirs, in the attempts at restoration of the land or property, but in times of political crisis, national or local, this may not be easily achievable and some time might elapse before the climate was more propitious for taking legal proceedings leading to their recovery.

A second connected reason for producing the cartulary, equally important, is the necessity to inform posterity of the reasons for compilation. The cartulary, therefore, has a didactic purpose: to communicate to succeeding generations knowledge of the landed possessions and privileges of the

⁵⁵ M.T. Clanchy, *From Memory to Written Record* (1979), p. 79; N.R. Ker, 'Hemming's chartulary'. R.W. Hunt, W.A. Pantin and R.W. Southern, eds. *Studies in medieval history presented to F.M. Powicke* (Oxford, 1948), p. 63.

⁵⁶ Clanchy, *op. cit.*, p. 79; W.D. Macray, ed., *Chronicon abbatis Ramesiensis* (Rolls Series, 1886), p. 4.

monastery, to warn that these are extremely vulnerable and require perpetual vigilance on the part of the holders. This warning suggests that the volume was intended to be circulated within the monastery, and succeeding generations would thus know what might have been lost and would have the bounden duty, if at all possible, to obtain restitution of the lost properties or privileges.

Unusually loquacious and enlightening is the preface to the Dover priory cartulary which explains why the cartulary was begun (though neither an explanation nor an apology is offered as to why a delay of a number of years was allowed between the onset of the disasters and the compilation of a cartulary), how the muniments were kept, what the gaps were in the documentary series, how these were filled and how the cartulary was organised, and how it contained many rubrics and copious instructions concerning the transcriptions and the location of particular documents in the archive:

When formerly in Dover priory many disasters and injuries both spiritual and temporal befell the muniments, that is to say, some of them being carried away from time to time by arsonists (*per combustores*), robbers and other evildoers, and others [documents] having been removed from memory often by decay, theft and other negligences, at length in A.D. 1372, our brothers Robert de Welle and John Hwytefeld . . . for the evidence and utility of our brother successors coming after us . . . caused to be inserted in the present volume all our extant muniments.

Next are the descriptions of how the muniments were kept in four chests, and how the lost documents were recovered through copies or other means from various sources, how these were copied into and organised in the cartulary, referring the reader back to the relevant document in the chest. For Dover priory the cartulary is directly linked to the muniments and becomes an explicit extension of them.⁵⁷ The circuitous preface concludes:

Therefore, let it not be allowed to whomsoever not professed with us to broadcast or divulge in any way the secrets of this book, or to show our present preface, nor have the power to intimate to our enemies whomsoever our more secret things. And whereof in former times many rights, customs and dues were lost to us on account of lack of knowledge of the muniments, our said prior usefully provided, at the request of the compilers, that this book be chained in a suitable and secret place where nevertheless every member of the convent can freely meet, so no member of the convent can thereafter pretend ignorance, since such ignorance is stupid and spineless. Therefore, let our successors see that we have not only laboured for ourselves but for the greater future of our successors; and when they enter into our labours let them not delay to have remembrance of our souls, so that together with the same we may possess life eternal by their intercessory prayers.⁵⁸

⁵⁷ *Volentibus igitur in hoc nostro opusculo aliquid utilitatis evidenter inquirere, necessarium est presens prohemium prius diligenter perlegere et contenta in eodem recenti memorie commendare. Videlicet primo et principaliter considerent quod quatuor sunt scrinea in quibus omnia et singula munimenta nostra jam habita sunt collocata* (etc.).

⁵⁸ Haines, *op. cit.*, pp. 490–1.

The reasons given then, for the compilation are somewhat similar to the previous examples though much later in time. External forces largely beyond their control, fire, robbers (or Haines suggested pirates in 1295) had deprived them of many of their muniments. Age and decay affect muniments and some of Dover's would have been at least 250 years old by 1372, so they would be copied into the cartulary, and any originals in a poor condition were seemingly allowed to proceed to their inglorious end. The loss of evidences of title again had led to the loss of income and privileges and without the evidences restoration of them would be harder to achieve. Not only were external forces to blame for losses but also the ignorance concerning the muniments from within the convent: this was henceforward to be remedied. As before, the cartulary has a didactic purpose: to inform present and future monks of the possessions of their house. Now they could no longer have any excuse for not reading the cartulary and so learning. No outsiders were to have access otherwise this would give them power over the house's possessions, for the cartulary has detailed information concerning the muniments and their location. As a safeguard any 'leaks' of information were severely discouraged, but, even then, only by reading the preface could direct and successful access be made to the contents of the four muniment chests. The preface, therefore, deliberately invests the cartulary with a quasi-mystical aura; without the cartulary, now secured in a secret place for the use of the full members of the community, complete knowledge of the actual muniments cannot be had, for the preface holds the key which unlocks the secrets of the cartulary and the chests and reveals the correlation between them.

In 1392 Thomas Pype addressed his abbot Thomas of Halton as to the reasons for the compilation of what is now known as the *Stoneleigh Leiger Book*. Thomas Pype was a former abbot of Stoneleigh and well acquainted with the muniments of the house, having had to discover evidences to produce in litigation in the king's court and at Rome. Thomas of Halton had discovered that the muniments were carelessly kept and not housed in one place, so he:

. . . sent them to me [Pype] by your scribe to be registered and written in one volume, together with additional notes of what deserves remembrance as I shall think expedient for the help of the said church, to add as seems good to me, to supply fuller information for your successors by inserting or adding the benefits bestowed upon you [Halton] and your church in times past, in accordance with my time and proven experience and knowledge. . .

So Pype set to his task with some relish:

Like an huntsman seeking out the lairs of wild beasts so with God's favour I shall reveal openly in the following work the true and hidden mysteries in charters, copies and memoranda, so that readers may gain matter to consider the glorious acts of the nobles of old and to pray with greater devotion for the benefactors of the said church and, conversely, may take warning from the unwise and unsuccessful actions of your imprudent predecessors and beware of similar harmful acts. Moreover, because writings are evidence of minds and thoughts, lest by lapse of time the very deeds of earlier times might [be] wiped out for the future by oblivion through age

. . . I have compiled in one volume divided into four books . . . in accordance with your worship's command. This volume, set before the eyes of the mind and understood by readers will, like a mirror hung up to cleanse the foul and retain the clear, provide shining examples and paths to be avoided by the unwise. When you receive this volume . . . please keep it safe as the fruits of my research to be enjoyed by your successors after you. And since pearls which are given to swine grow cheap, faith is not granted to every spirit nor are secrets to be revealed to any but faithful friends, please warn those who read this volume not to reveal the contents of it which should be concealed and to cover them in silence because of the attacks and traps of the enemies of said church which may be avoided with care. So that they may more easily identify the matter which I think ought to be concealed, at the head of each article or chapter to be concealed I have ordered to be painted a scarlet cross in place of the capital letter.⁵⁹

The compilers of the Dover cartulary and Thomas Pype thought in similar terms. Pype was also aware of how susceptible to loss and destruction the house's muniments were and of their historical value to the community. But his major concern was to preserve and transmit the knowledge of the muniments to those who would come after him. Once again the cartulary was invested with a quasi-mystical aura: its contents were not to be read by anyone except the members of the community, for if outsiders were so to do, then this would give them power over the possessions. It was to be kept in a safe place and to be read, though according to Professor Hilton the manuscript bears little sign of having been heavily used.⁶⁰ Secret material was identified by a scarlet cross though, in fact, only one appears to be given. *Fiat crux* was attached to a decision (dated 1272) by justices itinerant concerning the men of the ancient demesne of Stoneleigh, namely that these men ought not to be impleaded concerning land outside the abbot's own court as had been done in this specified instance.

Unfortunately, the laudable aims expressed in Pype's preface were flawed. The compilation of the cartulary was an act of atonement and self-glorification. From evidence external to the cartulary Professor Hilton uncovered that Pype himself was one of Halton's 'imprudent predecessors' and had committed 'harmful acts'; yet he is the most frequently cited abbot in the leiger book. In short, Pype had misruled his monastery, was involved in a number of lawsuits and had alienated a substantial amount of property to his mistress, Isabella of Beausale, and their son John *voluptuosa affectione*. In the other accounts of his abbacy Pype suppressed information and gave his doings a more innocent interpretation. He was deposed but his indignant mistress and dependants took forceful action and made off with the abbey seal, some deeds and muniments. Pype was once again abbot in 1372 but history more or less repeated itself and he had 'retired' by 1382.⁶¹ Therefore Pype himself was at least partially responsible for the chaos and neglect of the muniments, though he had knowledge of them for litigation

⁵⁹ R.H. Hilton, ed., 'The Stoneleigh Leiger Book', *Dugdale Society* xxiv (1960), pp. 1–2.

⁶⁰ *ibid.*, p. ix. On the other hand, the Thurgarton cartulary was used heavily. Not only are the charters entered in the margins very worn and rubbed, but the lines of certain important charters are rubbed as if generations of canons had run their fingers along them.

⁶¹ *ibid.*, pp. xxvii–xxl, 40.

as he stated, but his knowledge was put to improper use. Although this is not stated, perhaps the compilation of the cartulary was enforced upon him as a penance for his previous misdeeds, but, if so, he made certain that succeeding generations of monks would not be aware of his conduct as abbot.

Suppression of evidence or information can be detected in another cartulary even though it has no preface stating the aims of the compiler. The cartulary of the dependant priory of Tutbury (Staffs.) was compiled on the orders of, if not written by, Prior Thomas Gedney (1433–58) during the period 1452–58. Gedney was the first head of an independent Tutbury, which was formerly subject to St. Pierre-sur-Dives. All trace of Tutbury's subjection was eliminated and the essential Englishness of the priory stressed, for there are no documents referring to the mother-house at all. The text of a privilege of Pope Alexander III to St. Pierre, a difficult document to tamper with since it refers to grants made to their (St. Pierre's) priory of Tutbury, was clumsily, but successfully, re-edited to suppress all reference to the mother-house.⁶² This suppression of information may have been conditioned by the internal difficulties the house had experienced during the previous one hundred years or so.⁶³

Though not a cartulary in the stricter sense, with a preponderance of title-deeds and the accompanying confirmations as defined above, the preface to the *Hotot Estate Book* is intriguing. The work is early for a secular one, having been compiled mainly about 1248–50, and some of it was written by the man mentioned in the preface, Thomas de Hotot.⁶⁴

This is the register of Thomas of Hotot, of all the charters and final concords and exchanges wherever they were made and the acquisitions, made by Thomas of Hotot the grandfather of the said Thomas and by Richard of Hotot his son and by Thomas son of the said Richard, to provide evidence without sight of the original charters for all lawsuits that arise or for all unjust demands for forinsec service or rent and for giving reliefs according to the provisions of the charters.⁶⁵

The important phrase in the original text is *sine visione cartarum originalium*. The wording of this preface is somewhat enigmatic and, although the possible production of cartularies as secondary evidence will be discussed below, the estate book, at least on one level is a means of finding a relatively quick way through the mass of documentation that even a minor knightly family would have accumulated. Thomas was not going to be cheated or unduly oppressed by demands from his lords that were, according to his title-deeds or other evidences, illegal or against established custom. It is, therefore, a work of reference but not to the archive of the family, for there

⁶² A. Saltman, *Cartulary of Tutbury priory*, pp. 1–4.

⁶³ *Victoria County History of Staffordshire* vol. iii, pp. 335–8.

⁶⁴ E.J. King, ed., 'Estate records of the Hotot family', *Northamptonshire Record Society* xxxii (1981), pp. 10–11; Clanchy, *op. cit.*, plate xv. For the members of this family see King, *op. cit.*, pp. 4–10 and for possible earlier connections see T. Foulds, 'The origins of the Hotot family.', *Northamptonshire Past and Present* vii (1984–5), pp. 79–81.

⁶⁵ King, *op. cit.*, pp. 12, 43.

appear to be no indications in the estate book of where, or how, the individual charters and other evidences were kept. It is a work of reference compiled from these evidences but not directly related to them like a retrieval device. Thomas required copies of his first-sight evidence in a form which was more easily retrievable for him than searching and interrogating his muniments directly, in case any unjust demands or lawsuits were made against him. There is no evidence that the originals were lost or in any way destroyed at the time of compilation, but the motivation for compilation indicates that Thomas had been pressured to the extent that he decided to set his evidences down to be readily forearmed in the future. The estate book is also concerned, as a work of reference, with the family's past and its past, present and accumulated commitments to its lords and its tenants.

The compiler of the Woodford cartulary (mid-fifteenth century) in his preface was also concerned to show how the family's property and fortune was acquired and to establish the family's position in local society; in short, to fix an identity in the mind of the reader:

Here begynnyth a trewe register copyed out of fynes and dedus selyd in waxe howe that olde John of Wodford the age or that he passed out of this wold was V score yere and VII and he was a gentulman sonn be syde Salesbyr' and coume unto Meltoun Mowbray and weddyd a marchaunt dowghter there, and his heyre and he purchest dyvers lyfelods in Merton beforesayd and in Brentyngby, Burtoun Sayntlasour, Thorp Arnold and Wyverdeby as hit apperith and scheweth in this trewe regyster that followith both the purchase be fyne and be dede.⁶⁶

The compiler was preoccupied with 'truth' as he perceived it concerning the family; by it he seems to deliberately fix on establishing the authenticity of the records on which his work was to be based, 'fynes and dedus selyd in waxe'. He appears to imply that the cartulary is not 'authentic' in the same way as the original deeds would be but stresses how good the cartulary copies are by repeating 'trewe register' twice. Again, he was concerned to show how land was acquired and what the social background of the family was. The preface to the Woodford cartulary is less specific in recounting the motivation for compilation as though it was understood that the reader no longer required a detailed explanation of this: the compilation of a cartulary was an increasingly common thing to do.

The Pierrepont cartulary is a much more typical example of cartulary production. It is more reticent about 'family' than many other secular cartularies, though equally concerned with establishing the family's land and property and therefore its identity: it concentrates more on the deeds themselves than on narrative or quasi-narrative, non-charter evidence and miscellaneous information on fees and rents, etc. The cartulary is large both physically and in content, but is plainly and clearly written, the decoration lying more in the penmanship than in colourful coats of arms, the inclusion of which Genet seems to demand as a prerequisite for a secular cartulary to be expressive of the family's identity. This may be due to its confidence in

⁶⁶ Genet, *op. cit.*, p. 127; Davis, *op. cit.*, no. 1344.

the long-established, yet still growing, position in society of the family whose deeds it transcribes. The Pierrepont family by the late fifteenth century, when the cartulary was compiled, was much higher up the social scale than the Hotots or the Woodfords, though on the male side descent was of equally humble origin, if not lower than the Hotots of mid-thirteenth-century Northamptonshire. It is perhaps worth mentioning that the cartulary does not have much information in the way of deeds which shed light on the origins of the Pierrepont family or succeeding generations before Henry married Annora de Manvers (before 1288–89), a considerable heiress with a long, socially-acceptable ancestry. It is not at all clear why this should be so given the aims of the compiler as expressed in his preface. It may be due to snobbery on the compiler's part: the origins of the Pierrepont family were obscure and perhaps not worth bothering about overmuch before the marriage, but also possibly because of lack of evidence. The Pierrepont family was 'made' by the marriage of Henry Pierrepont to Annora de Manvers, and if the cartulary is concerned with what went before this, then it is with Annora's ancestors and their title-deeds, not her husband's. None of the pedigrees contained in the cartulary have any seeming knowledge of Henry's family history before this marriage, nor was it felt necessary to provide one since the pedigrees are official ones, that is, proven in the king's court pursuant to title being questioned, and these claims involved not land, property and privileges inherited by Henry Pierrepont from his ancestors, but those from Annora's ancestors. Therefore it has no need to go any further back than the marriage, yet it remains strange that if secular cartularies provide a family with an identity as stated by Genet, one pedigree concerning Henry's ancestry would surely have been included, but neither was one created for Annora's ancestors. Information for Henry's ancestors, which go back to at least the mid-twelfth century, must be teased from charters in the Felley cartulary.⁶⁷ Also, it is surprising that almost nothing of any import concerning the family from documents in the Felley cartulary was transcribed into the Pierrepont cartulary: it is as though Henry's ancestors never existed and he himself was created by spontaneous generation! Whether any evidence was quietly suppressed by the compiler either on his own initiative or on instructions from his patron, will probably never be known: most probably it was unknown altogether. Yet when all is said and done, the primary purpose of the Pierrepont cartulary is to provide transcriptions of evidence to title: it is not a family history through narrative with illustrative documentation such as the Pedwardine cartulary.⁶⁸ It is not the sole expression of the identity of the family, in Genet's terms, rather an expression of identity through its lands and property and the evidences to these, the muniments, as the preface makes plain:

The present little work (*opusculum*), at the especial command and with many sumptuous costs of Sir Henry Pierpounte knight, was composed by a certain

⁶⁷ BL Additional MS 36872; Davis, *op. cit.*, no. 402.

⁶⁸ BL Additional MS 32121.

chaplain by surname and forename Dom Thomas Wyse in the year A.D. 1482 and in the twenty-second year of the reign of the most dread prince King Edward IV, in this way extracted of every and each charter and feoffments both concerning fees simple and fees tail, and of all and every quitcliam, release, letters of attorney, fines levied in the court of the lord king of England, cirographs, royal grants, royal licences, royal confirmations, royal exemplifications, judgements by plea and their writs, inquisitions from the escheator's office, pedigrees (*pedegradubus*), apostolic confirmations, exemplifications of prelates, homages, copies of lands, muniments and other evidences written in this book of all and each demesne, manors, advowsons of churches and chapels, vills, lands, tenements, meadows, grazing (*pascuis*), pastures, waters, fisheries, osier beds, moors, marshes, mines (*minis subtus terram*), woods, underwoods, *planis*, [and] warrens, with all and every of the appurtenances of hereditary right and perquisites pertaining to the aforesaid worthy man Sir Henry Pierpounte knight and his succeeding heirs and their true and undoubted right as is manifestly shown below.⁶⁹

The motivation for the compilation here has come not from the compiler but from his patron Sir Henry Pierrepont. What has concerned Henry Pierrepont are his heirs and those that come after him, to establish 'their true and undoubted right' to the lands and properties that have descended to them. The preface appears to assume that these heirs and succeeding generations will read the work so laboriously compiled by Thomas Wyse and thereby be enlightened. By compiling and transcribing the muniments of the Pierrepont family in a volume Thomas Wyse had created a work that was comprehensive and convenient to use, unlike the individual muniments, and the cartulary appears to have been consulted by later generations of the family for certain small but important additions concerning property acquired by earlier generations were made to the cartulary in the early seventeenth century.

It seems evident from these few extracts from the prefaces to certain cartularies that there are some specific reasons why cartularies were compiled in the first instance. All reveal that there has been some sort of crisis and that this crisis has been the catalyst leading almost immediately to the compilation of a cartulary. Worcester and Ramsey had lost possessions, Dover and Stoneleigh too, whilst Thomas of Hotot had been threatened by or had experienced unjust demands and possible lawsuits contrary to the tenor of his evidences. By the fifteenth century the two prefaces cited from the secular cartularies no longer needed to justify themselves in quite so explicit terms as the earlier examples. The compilation of a cartulary appears to be regarded as not quite an unusual thing to do and the potential reader is not given as much background information as to why compilation took place: the crisis for these two cartularies is that the identity, in Genet's terms, of the family might be lost through ignorance of future members of the family. There may have been an alternative or additional crisis which prompted compilation but, if so, it is not made evident.

The crisis comes, more often than not, from outside the immediate confines of the religious institution or secular family and threatens parts of

⁶⁹ BL Loans 29/60, fo. 2.

their possessions, their rights or liberties, and ultimately their title to these; the whole edifice is attacked by a hostile force. These crises revealed to the compilers just how frail a line of defence their physical muniments could be. Muniments, the evidences to title, rights and privileges, can become scattered and to some extent lost: searching damages muniments and they are subject to decay and other forms of physical deterioration through age. In the hands of an unscrupulous person, such as Abbot Thomas Pype of Stoneleigh, they can be alienated and property, therefore income, lost. Again, in Thomas Pype's hands the *Stoneleigh Leiger Book* became a subtle piece of propaganda concerning his abbacy, and as propaganda cartularies may have some unquantifiable part to play in misinforming their readers then and now. If Professor Hilton had not found the evidence concerning Thomas Pype's extramural activity, or if it no longer existed, a vital additional clue to the *Stoneleigh Leiger Book's* compilation would cause readers to accept almost uncritically Thomas' account of his abbacy. The hints, overt or covert, of propaganda in themselves should not mislead, but they should serve as a reminder, along with suppression of evidence and the noted selectivity of muniments for transcription in cartulary compilation, of the all too human difficulty of communicating to posterity that which sets one's own group such as a religious institution or secular family in a bad light or exposes its foibles.

The prefaces reveal that the cartulary is a didactic device and intentionally so. One of the stated reasons is to pass on to contemporaries, but more so to those coming after in a convenient form, the muniments of the house or family. Through knowledge of the muniments the evidences to title are preserved in the minds of those so informed. Human memory, as medieval writers themselves often noted, is a fragile and transient commodity. Once the memory is gone the information it contained is irrecoverable and although, whilst alive, the knowledge it contains can be communicated to others by word of mouth in the hope that it might be memorised, this procedure becomes an increasingly unsatisfactory mode of transmitting knowledge to posterity. To commit the knowledge or information contained in the memory to writing ensures a securer transmission to posterity. The corporate memory of the religious institution or secular family, from which its identity is derived and its evidences as to its right to existence, reposes in the muniments it possesses. These muniments are carefully preserved and stored, and handed down, in the case of the family, to the heirs, the succeeding generations; the corporate institution does not operate quite in this manner being undying and subject to less change in its constituent parts, or as Genet termed it, its identity, for it is not subject to the hazards of human procreation with lack of male or direct heirs which leads to the fragmentation or escheat of the inheritance, but nevertheless its corporate, written memory resides in its muniments.

The corporate memory of the muniments is not readily or easily accessible neither is accessibility, uncontrolled or otherwise, often desirable, for the individual component parts of the memory are fragile; nor in an educative sense, which the compilers of the prefaces realised and understood, was direct access necessary. Handlists, inventories and other retrieval devices can be employed to facilitate access and to find a way

through the muniments, but a handlist or inventory is deliberately not an educational tool: it cannot, if it is to serve its purpose, detail a full accurate transcript of the muniment to convey its full purport to the interested searcher. If it is too detailed the handlist, inventory or other retrieval device ceases to fulfill the function it was designed for: to gain direct and accurate access to the particular muniment required as easily and speedily as possible for first sight purposes. The rôle of the cartulary, according to these prefaces, is a complex one. It provides an access to the muniments without having to have direct access to them which, for most members of the religious institution or secular family, is unnecessary and by this means it can serve as a didactic device to instruct and educate those members who should have knowledge of the muniments but who do not require to have direct access to them in order to identify themselves more fully with their institution or family. The cartulary transcript is analogous to a modern photocopy of a document. The photocopy reproduces the original. From the photocopy, as in palaeographical classes up and down the country, instruction, in the hands of the expert can be given to non-experts as to the handwriting, the diplomatic, the contents and a general, if anaesthetized, 'feel' of the particular muniment. It cannot replace the original it reproduces but it does convey a flavour of it. For certain purposes this reproduction is sufficient and it can fulfill the function imposed on it by the teacher and satisfy the instructed. The muniment has not been handled for damage or other misfortune to occur and if the photocopy or cartulary copy were to be damaged or destroyed other copies can be made indefinitely, provided that the original muniment is extant or remains in a condition capable of reproduction. Now once that original muniment is lost then the reproduction, the photocopy or the cartulary transcription, assumes great importance.

Thomas of Hotot's stated reasons for compilation are highly suggestive and intriguing:

'to provide evidence without sight of the original charters for all lawsuits that arise or for all unjust demands for forinsec service or rent and for giving reliefs according to the provisions of the charters'.⁷⁰

But what does 'to provide evidence without sight of the original charters . . .' really mean or indicate?⁷¹ As has been stated, cartularies contain transcripts of muniments which are the title-deeds. These title-deeds in their original form are admissible in a court of law as evidence to title, they are not, as is commonly but mistakenly held by certain historians and others, *proof* of title. The proof resides with the court which can accept the title-deeds as evidence: the evidence to title remains evidence until it is proved by the court and the title-deeds still retain their evidentiary qualities thereafter. Such appears to be the present acceptance of old title-deeds as evidence and a similar legal situation, with modifications, probably

⁷⁰ King, *op. cit.*, p. 43.

⁷¹ What follows should not be construed as constituting an actual legal opinion.

obtained in the medieval period. Cartularies are not admissible, seemingly, in a modern court except under certain conditions:

. . . an old ledger or cartulary of an abbey, containing an account of the several endowments, and found in the possession of the person who had succeeded to part of the abbey estates, was admitted as secondary evidence of the endowments, search having been made for the original endowment. . . . It is not clear whether the admission of old monastic cartularies stands on the same footing as that of episcopal registers, or of old copies and abstracts already referred to. In either case the antiquity of the document, and the inevitable exposure to destruction and loss of very old originals, gave them title to reception . . . and the known usage of preserving verbatim enrolments and registers of title-deeds of religious houses imparts to such collections, in some sort, an official character.⁷²

Cartularies have some official character, according to law, in the absence of the originals or well-authenticated copies provided that the cartulary has remained with a recognised repository: namely, with a person or institution who has title to some of the lands of the former religious institution.⁷³ That cartularies were admissible as secondary evidence in the post-dissolution period is well documented. The *Liber Albus* of Southwell was so used on two occasions in the nineteenth century⁷⁴ and J-P. Genet cited a case of 1676.⁷⁵ If Trinity College, Cambridge, had any reason, litigious or otherwise, to have evidences earlier than its foundation (1540) concerning the lands and properties, customs and privileges of Thurgarton priory which had been granted to them by Henry VIII, the college had to consult and take transcriptions from the cartulary.⁷⁶ On 4 December 1548 George Monoux holder of the manor of Gonalston (Notts.) and Thomas Cooper, who then held the site of the priory and demesne lands of the dissolved Thurgarton priory in Thurgarton village, had cause to break an agreement made in 1235 between Thurgarton priory and John I de Heriz, the then holder of Gonalston manor, concerning rights of pasturage and pannage in the woods of Gonalston and Thurgarton.⁷⁷ Both parties had to refer to the cartulary for the details and the agreement of 1235 was copied into the legal instrument drawn up in 1548 which has a note 'see ye original in ye abby (*sic*) book'.⁷⁸ It is interesting that the cartulary copy was termed 'original' in this note attached to the legal instrument; the cartulary copy had taken on the authority of the original because the original was lost.

Further examples of cartularies, more so ecclesiastical ones than secular, could be cited but the point has been made: that cartularies are admissible as

⁷² J.S. Henderson, ed., *Roscoe's digest of the law of evidence on the trial of civil actions* (19th edn., 1922), vol. i, p. 12.

⁷³ *ibid.*, p. 92 for details.

⁷⁴ Southwell Minster Library, MS 1, flyleaves 1–2; *Southwell v. Thompson*, Thompson and Lawley, 4 April 1838; *Henry Beclier v. Rev. William Claye*, 30 September 1833.

⁷⁵ Genet, *op. cit.*, p. 106.

⁷⁶ Foulds, *Thurgarton prior . . . cartulary*, i, p. 10.

⁷⁷ The villages of Gonalston and Thurgarton are adjacent to one another and the modern parish boundary now runs through what was once oak woodland.

⁷⁸ *ibid.*, ii, no. 476; Trinity College, Cambridge, Box 37 (A2).

evidence to title and of other rights and privileges in a court of law when the original or a well-authenticated copy is lacking. Is it being too anachronistic to suggest that during the pre-dissolution, medieval period cartularies could have been received as evidence to title in a similar manner?⁷⁹ Granted that this is not necessarily a primary motivation for the compilation of a cartulary, but given that a cartulary contains transcriptions of the evidences to title and that originals were subject to wear and tear, were misplaced, mislaid, or otherwise destroyed intentionally or not, would not the cartulary, if not immediately, perhaps over a period of time, acquire an authority of its own, an 'official character'? If so, it becomes an important aspect of cartularies that has received little attention. Does the phrase of Thomas of Hotot *ad evidenciam habendam sine visione cartarum originalium* imply that this is so, that his work has taken on an authority of its own, and that this is recognised as such based on his experience? Is the cartulary regarded as a second line of defence because the possibility exists that the transcripts it contains of evidence to title could be produced and admitted as secondary evidence if anything were to happen to the originals? Because Thomas of Hotot's *Estate Book* is early (mid-thirteenth century) for a secular compilation, before secular cartularies became common, but made during the time compilation of ecclesiastical cartularies was rising dramatically, as displayed by Figure 1, the phrase *sine visione cartarum originalium* may indicate that to find what his evidence contained Thomas did not need to consult his originals at first-hand but could consult his *Estate Book* for the information required. In other words, is his *Estate Book* solely a work of reference for himself and his family, present and future, or is it something more?

The compilers of cartularies recognised that, though laborious and time-consuming, the compilation of a cartulary was worth the effort for the resulting work could fulfill a number of complex, interrelated functions. The cartulary appears to have its origins in a time of crisis for the particular religious institution and secular family and perhaps over the years as the compilation of cartularies became more common, the cartulary became an acceptable and necessary type of work to possess. The advantages of transcribing the muniments into a convenient form were realised and, eventually, no crisis may have been necessary to provide the catalyst for compilation, though the later fourteenth-century compilations of Dover and Stoneleigh still maintain in their prefaces that this was the case. The compilers understood that what they had done was important for the members of their convents (and families). The work was so important that it was invested with a quasi-mystical aura and was given a special place for the convenient consultation of members of the convent who were expected, if not firmly enjoined, to read it and thereby obtain knowledge of the muniments of their house for those muniments constituted their identity

⁷⁹ After much searching and enquiry I have failed to discover an example of a cartulary being produced and accepted as evidence to title in the absence of originals in the pre-dissolution, medieval period. I would be grateful to be informed, with full reference and details, of any such case.

and formed and maintained their existence as a corporate body. Not that without them they would have no identity, as Genet would seem to argue, but rather less identity; the total or partial loss of the muniments would lead to the loss or diminution of rights and privileges, the title to these. Identity might suffer and through it credibility, the loss would not lead to the eradication of the religious institution or landholding family, though this would be detrimental to the whole community or family. The corporate memory which resided in the originals remained largely untouched, although knowledge of it through the cartulary could be gained and this was desirable in that the muniments constituting the corporate memory were fragile things subject to misplacement, loss, deterioration or destruction. It is noteworthy that in William Charité's catalogue of the library of Leicester abbey the three cartularies apparently were kept in the library, may be to facilitate consultation by members of the convent; and at Dover and Stoneleigh, and seemingly Leicester, the cartularies were kept away from the muniments for the purpose of consultation. It appears that although a cartulary was compiled from the muniments and can be linked directly to the muniments by incorporating information in the cartulary as to the whereabouts of the individual muniments in the archive, as at Dover, Llanthony and Canterbury,⁸⁰ in the vast majority of cases, this information is lacking in many cartularies, for the simple reason it is not necessary for all members of the religious institution or secular family to have direct access to the muniments as the cartulary will serve for them to obtain knowledge of their corporate landholding identity, or inheritance. The muniments, the corporate but fragile memory, may remain in the care of someone detailed to look after them, an expert, perhaps, who knows the muniments, knows his way round them, and can, if necessary, produce relevant information when required, if originals are wanted if the identity of the religious institution's or secular family's title, rights and privileges, is called into question, threatened or attacked.

The compilers of the cartularies of which the prefaces have been cited, also realised that what they had compiled was extremely important in another way. If the cartulary fell into the wrong hands, into the hands of persons other than members of the convent, the information the cartulary contained could be used against them. This, taken with Thomas of Hotot's albeit somewhat enigmatic phrase in the preface to his *Estate Book*, is highly suggestive that under certain circumstances the cartulary was admissible as evidence to title in a court of law. The very act of compilation produced a work that had the potential of being highly authoritative and, therefore, the possibility could exist, as appears to have been envisaged by the compilers themselves, that the cartulary may assume a far greater importance than a mere collection of transcriptions of the muniments, a collection of transcriptions born during or after a time of crisis and for the edification and instruction of the group, the religious institution or the secular family.

The cartulary is a complex work, probably more so than many people realise. It fulfilled a number of interrelated functions and was an element in

⁸⁰ Sayers, *op. cit.*, pp. 95–107.

the expression of identity of a religious institution or secular family. It transformed and translated the inert corporate and inherited memory which resided in the muniments into a more convenient and digestible, perhaps even more vivid, form for the education of the ordinary members of the group for them to identify more strongly with their group and perhaps helping to reinforce the sense of identity. It was a work of reference, a complex one and difficult to use, because of its internal arrangements which are dependant at one and the same time on the competence, experience and imagination of the compiler and how, possibly, the muniments were arranged⁸¹ before the compilation of the cartulary was initiated. Nevertheless, the cartulary would appear to have been a successful solution to the problems of preserving the fragile physical, individual muniments of the religious institution or secular family from either overuse or neglect by the members of those groups⁸² and communicating to succeeding generations those matters which ought to be known, the information the muniments contained which provided the evidence for the group's continued existence and its enjoyment of its acquired rights and privileges and income. The cartulary is successful in another way: it may survive when the muniments from which it was compiled have wholly or partially long since disappeared thus strengthening and to a certain extent justifying the compilers' own fears that the muniments were fragile and subject to loss, deterioration and destruction.

Tedium is not the sole preserve of the modern reader of cartularies for it was experienced by the scribes writing them. At least the scribe of the fifteenth-century part of the Thurgarton cartulary had a palliative. Like the spell for the bites of old dogs it was worthy of commitment to writing and inclusion in the cartulary for the benefit of future members of the convent. At the end of a long transcribing session he might have hurried as fast as was canonically decorous to the kitchen to partake of the cordial, the recipe of which was formally noted in the cartulary:

Take gynger and kast hytt in lye made of benehulles and lat it lig per in ij. dayes or iij and pen take it thereof and rubbe of pe skurfe of hit and lat hit stande.

It[em].pe syrup

Take pot sugar and sett hit on pe fier in afaire vesell and well hit and pen clarifie hit in pis maner: take pe whit of an egge and make glaire and kaste ine pe glare whan pe sugur welles and put hit to pe sugur and pan take doune pe vessell fro pe fire and lat hit stande. And pan take of pe skinne pere of with a clove feder and pan sette pe sugur agayne to pe fire and welle hit. And if per be aquarte of sugur put pere to halfe apynt of watur and so propocion hit wether hit be more ore las and set it well, well unto yt come to pe half and pan put pe ginger in that same surrep.⁸³

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⁸¹ For which see Walker, *op. cit.*

⁸² The scrutiny of the muniments of the bishopric of Lincoln in 1283 specifically states that there was a 'loathing for searching' the muniments (Massingberd, *op. cit.*, p. 314).

⁸³ Foulds, *Thurgarton priory . . . cartulary* iii, no. 1122. For the inclusion of a recipe, as far as is known, the Thurgarton cartulary is unique.