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The Foundation History of the Abbeys of Byland and Jervaulx

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THE HISTORICAL ACCOUNT
OF THE FOUNDATIONS
OF THE ABBEYS OF
BYLAND AND JERVAULX

The historical account of the foundations of the abbeys of Byland and Jervaulx, from the cartulary of Byland Abbey in the territory of York, folio 10^a

Here begins the foundation of the monastery of Byland composed by Philip,^b third abbot of the said house, as he had heard it from his predecessor, Abbot Roger, and other senior monks of this community.

As a result of the disobedience of our first parent, human memory becomes so blurred and confused that whatever is done or happens in this earthly life – unless it is deliberately committed to writing – slips away and withers in a short space of time as if it had never been, as the sin of forgetfulness triumphs. Thus we have considered it timely to make known to our successors, in a brief account, the origin of our house of Byland, the manner in which it was founded, and the method and process of foundation, just as we have often heard it from our elders who were reliably informed by that man of holy reputation, Lord Roger, our predecessor, and many others who came from Calder.

This, as they maintain, was the origin of the monastery. In the time of King Henry and in his thirty-fifth year – the King Henry who was the son of William the Bastard, duke of Normandy, who conquered England by ordeal of battle and with a clear intent – that is, in the year 1134,^c after the abbey of Furness of the order of Savigny had been founded^d and before it was incorporated into the Cistercian order,^e it happened that a convent left Furness and were allotted a place called Calder, in Copeland. A certain nobleman of that district had granted Calder to them in a pious act of donation in order to construct an abbey,^f and an abbot named Gerald was ordained for the convent. The names of the monks who went out from Furness to Calder with the abbot are these: Robert de Insula, Tocka of

source for the date of 10 January is unclear. The text gives 1134, and the thirty-fifth year of Henry I, so a date of January 1134/5 is suggested.

^d Furness Abbey was founded at Tulketh (Lancashire) in 1124 by Stephen, count of Mortain, later king of England, as a daughter house of Savigny, under Abbot Ewan of Avranches: *MRH*, pp. 113, 119; *HRH*, I, 133–4. The community transferred to Furness in 1127.

^e The traditional date for the merger of the order of Savigny with that of Cîteaux is 1147. This has been questioned by Constance Berman, who argues for a later date. For discussion see above, pp. xxv–xxvii.

^f The founder of Furness's daughter house of Calder is not named here but is to be identified as Ranulf Meschin, lord of Copeland.

Lancaster, John of Kinstan,^a Theodoric of Dalton and Orm of the same place, Roger the subcellarer,^b Alan of Urswick, Guy of Bolton and William of the same place, Peter of Poitou, Ulf de Ricomonte, Bertram of London.^c When they had been there for four years, living according to the institutes of the order of Savigny and in great hardship and distress, they were violently attacked by King David of Scotland and the people of his land and of the land of Galloway.^d They had advanced against the kingdom of England in their usual manner – raging and thirsting for the blood of Englishmen. At that time, in the third year of King Stephen and the year of our Lord 1137,^e they finally (secretly and unexpectedly) stumbled across that abbey of Calder, so recently begun, and completely ransacked the house, carrying off the flocks as well as anything else they could lay their hands on. At this, Abbot Gerald formed a plan with his convent, which was that they should return to the mother house, and this they did, because they had no other sanctuary in that part of the country.

However, when, soon after they had fled, they came to the gate of the abbey, the abbot and convent of Furness, who had been forewarned of their return, denied them entry. Some people said^f that it was because Abbot Gerald was unwilling to relinquish his office although the abbot of Furness had requested and advised him to do so. Nor would Gerald absolve the monks who had come with him from the profession they had made to him, and it would be inappropriate (or so it seemed to the monks of Furness) for there to be two abbots with their convents living together in one abbey. Others reckoned that the monks of Furness denied them entry because they were unwilling to help them even a little by compensating them for the goods they had lost, so that they might with their assistance reach a state where they could survive once more after such an unforeseen setback. But the monks of Furness did not wish to support them among themselves for even a short while, either out of respect for charity or for their order. Nor did they wish to keep supporting them anywhere else outside the abbey, not even until the fierce raging of the wicked people mentioned

of Rievaulx, *Relatio de Standardo*, notes their presence at the forefront of the Scottish army at the Battle of the Standard in August 1138 (*ibid.*, 189, 193).

^a David I of Scotland threatened incursions into England in 1137, when King Stephen left England for Normandy (Richard of Hexham, *De Gestis, Chron. Stephen*, III, 150). A temporary peace that prevented an attack on Northumbria in that year was broken, and Northumbria was invaded in January 1138 (*ibid.*, 151). After Easter 1138 troops under David I's nephew, William Fitz Duncan, moved into the north-west as far south as Clitheroe, defeated the English commanded by Ilbert de Lacy, and ravaged Cumbria and Craven. See Paul Dalton, *Conquest, Anarchy and Lordship: Yorkshire 1066–1154*, Cambridge Studies in Medieval Life and Thought, 4th series, 27 (Cambridge: Cambridge University Press, 1994), pp. 204–5. The date of 1137 given here seems to be an error for 1138, which would be the third year of King Stephen (December 1137 to December 1138) and the fourth year of the occupation of the site of Calder.

^f It is characteristic of Abbot Philip that he gives alternative versions of events – here the refusal of the Furness monks to readmit those of Calder – where he is unsure of his sources: see above, pp. xxiv–xxv.

earlier might be curbed by the virtue of God and the army of the English, lest by chance their own standing or livelihood should be diminished beyond measure by having to keep them among them. Thus very churlishly and in no uncertain terms they bitterly rebuked and contemptuously reproached them as idle and womanly, they who had deserted the place where they lived for so little reason, in order to live at Furness in greater abundance and in peace. Abbot Gerald and his convent could barely tolerate this rebuke and rejection, and immediately, without delay, they went away, leaving behind them equally both the monks of Furness and the place of Calder. They took nothing with them except clothing and a few books in a wagon with eight oxen,^a as best they could.

And so in the aforesaid year of King Stephen Abbot Gerald, who was greatly distressed by all this, departed with his convent from the gate of the abbey of Furness. In a state almost of despair, he took shelter that day with his monks as best he could not far from the abbey.^b When he arose in the morning he set out with the agreement of all of them towards York, to Lord Thurstan, then archbishop,^c so that he might in the spirit of friendship entreat his advice and assistance about acquiring a place where they might live. He was very confident about this, because that same archbishop had recently – some six years previously – granted an excellent place from the land and patrimony of the church of St Wilfrid of Ripon to the convent of Fountains who, because of their pure zeal for religious devotion and adherence to the monastic order according to the Rule of St Benedict, had left the abbey of St Mary in York.^d When Abbot Gerald came with his monks to the archbishop, the archbishop listened to the reason why they had come to him, received them generously enough and kept them with him in a fitting manner for several days because he had great compassion for their sorry state and their hardships. At last on the advice of some of his clerks he sent them with his letters to a noble man of that time, Lord Roger de Mowbray, son

^d This refers to the famous egression from St Mary's Abbey, York, provoked by a movement for reform within the abbey, and by the decision of Thurstan to conduct a visitation in October 1132. He took thirteen monks, including the prior, Richard, who had been thrown out of the monastery, and kept them in his household until Christmas 1132, which he celebrated at Ripon; this was the occasion for his grant of land in the valley of the river Skell that was to be the site of the famous abbey of Fountains. The monastery subsequently joined the Cistercian order as a daughter house of St Bernard's abbey of Clairvaux. For discussion see Burton, *Monastic Order in Yorkshire*, pp. 103–7; Nicholl, *Thurstan*, pp. 151–91.

of Nigel d'Aubigny,^a who had recently been invested with the belt of knighthood. He did this so that – among the beginnings of his good works – Roger might mercifully provide these men with a place to live and sustenance from his own patrimony, which was very great. When the monks came to him Roger warmly welcomed their arrival and the lord archbishop's encouragement, the more so because this gave him an opportunity to provide something for them. For he was of very honourable character, and as it were a beacon of generosity among the nobles of the land. Within a few days of the monks' arrival Roger granted them a tithe of all the food which was due to him in his household, and he sent them to Lord Robert d'Aunay,^b a former monk of Whitby, who at that time was living the hermit life at Hood,^c so that they might spend time with him there until Roger could grant them a more suitable place elsewhere. When Lord Robert d'Aunay had observed them and had learnt the reason for their arrival, he received them into his small dwellings with great reverence, and not long afterwards he so delighted in their holy way of life that he most devoutly received their habit, made profession to Abbot Gerald, and placed the site of Hood itself at their disposal. Roger de Mowbray granted this place to Abbot Gerald and his convent with the consent and will of the said Lord Robert d'Aunay and the monks of Whitby in the year of grace 1138,^d by a charter such as this addressed to the archbishop of York.

Abbatiae de Whiteby, ed. J. C. Atkinson, 2 vols, Surtees Society 69, 72 (1879–81), II, no. 572, pp. 515–20 (p. 510); *EYC*, IX, no. 123; *Mowbray Charters*, no. 287). Gundreda's grant can be dated to between 1130 and 1138.

^c Hood, now represented by Hood Grange, lies about four miles to the north west of Byland Abbey. A confirmation charter of King Stephen notes that the church of St William of Hood was granted to Whitby Abbey by Audeon (*Whitby Cartulary*, II, no. 582, pp. 530–35 (p. 532); *RRAN*, III, no. 942, pp. 346–7; *EYC*, II, no. 868). The dedication to St William is problematic. St William of York was not canonized until 1226. In other charters the dedication of the church of Hood is to St Mary: see, for instance, *Mowbray Charters*, no. 214, a confirmation by Nigel de Mowbray to the canons of Newburgh, dated 1186 × 1190, and *Mon. Ang.*, VI(I), 318, no. I (calendared in *Mowbray Charters*, no. 211), a confirmation by Roger de Mowbray for the canons. A similar dedication to St William occurs in a second charter in the Whitby cartulary: see below, p. 5, note a.

^d 1138: the official Cistercian date for the foundation of Byland at Hood is 23 December 1138. John of Hexham notes the foundation as 'before Christmas': 'Anno MCXXXVIII fundata est illa inclita abbatia Sancte Marie de Bechlanda ante nativitatem Domini a nobili viro Rogerio de Molbreio qui eam praediis et possessionibus magnisque pasturis et silvis optime fundavit' (In the year 1138 before the Nativity of the Lord, the famous abbey of St Mary of Byland was founded by the noble man Roger de Mowbray, who endowed lavishly it with extensive pastures and woods) (*Historia Regum*, II, 289); see *Mowbray Charters*, no. 32 note.

The first charter of Roger de Mowbray by which he granted us Hood with its appurtenances.^a

To the archbishop of York and the whole chapter of St Peter and to all the sons of holy church, Roger de Mowbray, greeting. Know that I, with the consent of Robert d'Aunay and the monks of Whitby and for the salvation of my soul and of all my ancestors, have granted and confirmed in perpetual alms, free, undisturbed and quit of all temporal service, to God and Abbot Gerald and his convent and to their successors in perpetuity, the place of Hood with the wood and plain lying around it, by the limits and boundaries that I have caused to be shown to them. With these witnesses:^b Samson d'Aubigny, Roger de Cundy, Gundreda mother of Roger de Mowbray, Elias de Sancto Martino, etc.

Alternatively, when we examined the accounts of others, both oral and written, we were told that one day, when Abbot Gerald with his monks (as has been said before) took the road from Furness towards the archbishop of York, having only one wagon with their books and clothes which eight oxen pulled along day by day, he came near to the vill of Thirsk. There Gerald happened to meet the steward of Lady Gundreda, widow of Nigel d'Aubigny and mother of the young Roger de Mowbray who was then in the wardship of King Stephen and about to come into possession of his lands.^c This steward, greatly impressed by the bearing of these good men as they walked along, carefully enquired of Abbot Gerald the reason for his and his monks' great hardship. When Gerald had explained this to him, the steward most heartily entreated the abbot that he and his monks should dine that day at the table of his lady, who was then staying in the castle of Thirsk,^d from which vill they were then not far distant. And the abbot accepted his invitation, faithfully committing to the will of God the needs of himself and his monks. The steward went ahead to the castle and warned his lady in advance of the arrival of these men whom he had invited to dinner out of mercy and in the name

Mowbray and occurs as his steward before 1169, in the 1170s and again after 1182. Elias de Sancto Martino, a Mowbray tenant, had been succeeded by Robert de Sancto Martino by 1148/9 (*Mowbray Charters*, pp. lxii–lxiii, and no. 89 note).

^a Abbot Philip here implies (in contrast to p. 4) that Roger de Mowbray was still a minor in the wardship or custody of the king. This accords with the comment of Ailred of Rievaulx (see above p. 4, note b).

^d Thirsk was one of the chief castles of the Mowbray Honour. It had been constructed by 1130 and was razed after Roger and his sons joined the rebellion of 1173–4 against Henry II: *Mowbray Charters*, pp. xxiii–xxiv, xxx.

of this same lady. As Abbot Gerald and his monks approached, drawing their wagon behind them, the lady, being on her own in a high chamber, saw them in their poverty through a window, and she dissolved into tears out of mercy and compassion.^a Then, delighted that they had come to her, and edified by their bearing and simplicity, she kept them all with her and generously had them supplied with all they needed. She forbade them to leave her under any circumstance and faithfully promised them that before very long she would help them to find a place to live as well as means of subsistence. And because the abbot could not travel around with his convent in the company of the lady as she went from manor to manor through different regions – nor was it appropriate that they should do so – she sent them to her uncle or nephew, Lord Robert d'Aunay, a native of Normandy and former monk of Whitby who was then living as a hermit at Hood, as was said earlier. There she had them adequately and honourably maintained until her son, Roger de Mowbray, came into his lands from the wardship of King Stephen.^b

In the meantime while Abbot Gerald was living there with his monks and as soon as there was opportunity he went to Archbishop Thurstan to ask for help. And the archbishop wrote to Roger de Mowbray on behalf of Abbot Gerald and his monks, as has been said. Roger responded enthusiastically to the encouragement of the archbishop and to the fervent request of his mother,^c and first gave the monks the whole tithe of the food of his household.^d There was a certain lay brother, named Ligulf, assigned to follow the court of Lord Roger and collect the food supply granted to them each day, and to send it through a faithful messenger to the abbot and convent at Hood. And when Lord Roger was staying in more distant places^e the lay brother sold everything that was due to him and sent the money

assumed control of his lands. Before 1140 Abbot Gerald of Hood, described as the abbot of St Mary and St William of Hood, and the monks quitclaimed to the monks of Whitby all right which they had in a carucate of land in Butterwick, in return for their quitclaim of Hood: *Whitby Cartulary*, I, no. 238, pp. 192–3; *EYC*, IX, no. 117. Butterwick, which lay in the Fossard fee, was an endowment of Whitby, and the reason for Gerald's claim is not clear.

^a This again suggests that Gundreda had a more prominent role in the foundation of Byland than is usually thought.

^d For other instances of food rents on Mowbray estates, especially prevalent in the Isle of Axholme (Lincolnshire), see *Mowbray Charters*, pp. xlvi–xlvii.

^e more distant places ('locis remotioribus'): Roger's English estates were considerably less extensive than those of his father, but nevertheless were dispersed over Yorkshire, Lincolnshire, Leicestershire and Warwickshire. The largest of the Mowbray demesnes was in the Isle of Axholme: *Mowbray Charters*, p. xlvi. See also Dalton, *Conquest, Anarchy and Lordship*, pp. 118–20.

to his abbot. On occasion because so many guests arrived – and guests always gather in crowds around such a great man – it was necessary for the steward and overseer of the household to purchase the food allowance from this lay brother, in case there should be insufficient supplies for the household of his lord. When it came to paying for the food supply that he had to purchase the overseer was irritated beyond measure. It was a problem for him on two counts. Either there would be found to be a shortage of food in the lord's household, or these men of such holy manner of life would be cheated of the benefit which his lord had given them; this was particularly serious because as yet they did not have means of support from elsewhere. Therefore the steward, who was a wise and prudent man called George,^a put his mind to seeing if he could decently prevent this inconvenience, and when he had found an appropriate way of doing so he confidentially discussed this business with his lord, offering him his advice. Among other things he explained to his lord how he often purchased the tithe of food from the lay brother, sometimes for more sometimes for less. He discreetly suggested that Roger should give some land to the value of the tithe of the food of his household, so that Abbot Gerald and his monks would be able to provide for their own needs. Lord Roger agreed with his suggestion and advice and not long afterwards he gave Abbot Gerald and his successors a vaccary^b at Cam and the whole land of Wildon, Scackleton and Airyholme.^c This he did at the request of Lord Thurstan, who has been mentioned before, and his own mother, Gundreda, in the year of our Lord 1140, so that these lands might maintain them for some time to come. This is shown by the following charters.

Charter concerning Wildon^d

To the archbishop of York and all the sons of holy mother church, Roger de Mowbray, greeting Know that I have granted, conceded and by this my charter confirm to God and St Mary and Abbot Gerald of Byland and his

Abbey, and Wildon about two and a half miles to the south west. Scackleton and Airyholme lie roughly eight miles south east of the abbey.

^d The charter is printed from Oxford Bodleian Library, MS Dodsworth 94, fol. 8r-v (transcript from the original then in St Mary's Tower, York) in *Mowbray Charters*, no. 37, where it has additional witnesses: Georgio dapifero, Ingelero capellano, Hugone de Mala Bissa, P. de Tresc et aliis. Greenway comments that the charter is suspicious on a number of the grounds. First there is its anachronistic reference to Abbot Gerald of Byland (he was abbot only at Hood). Moreover, the warranty clause is unusual before the thirteenth century. In addition, there is no other record of a brother of Roger named Robert. Greenway further suggests that a scribe may have run together 'Hugo Malabestia dapifer meus' and 'Georgius de Sancto Martino' who attest together in *Mowbray Charters*, no. 49, to produce a steward named George 'and that this erroneous information passed into the Byland Chronicle'.

monks and their successors who shall come after, in perpetuity, Great Wildon and Little Wildon with all their appurtenances, Rose Hill^a and my vaccary at Cam with all their appurtenances and all my woodland the width of the moor, three carucates of land with their appurtenances in Scackleton, and the whole of Airyholme in woodland, land and meadows, with their appurtenances, and common pasture in all seasons in the region of the wood and in the pasture of Hovingham. All these things I grant to you, Abbot Gerald, and to your successors, at the request of Lord Archbishop Thurstan and Gundreda my mother, for the soul of my father and of all the dead, in free, pure and perpetual alms. I and my heirs are obliged to defend, warrant and quitclaim this grant to St Mary and the monks for their maintenance and livelihood in perpetuity. With these witnesses: Gundreda my mother, Robert my brother, Samson d'Aubigny, Elias de Sancto Martino, etc.

Charter concerning Scackleton^b

To the archbishop of York and the whole chapter of St Peter and all the sons of holy church, Roger de Mowbray, greeting. Know that I have granted and confirmed to God and the monks of St Mary of Byland and their successors in pure and perpetual alms my land of Scackleton, that is, three carucates with all their appurtenances, with woods and plains, moors and pastures, and with all easements which I and my mother had, without any reservation, and common pasture through the whole land and my forest of Hovingham in all seasons, wherever my flocks and those of my men pasture. Also I grant the whole of Airyholme in wood, land and meadow, with all its appurtenances to do with all the above written as they wish, as they would with their own land, in perpetuity. And I and my heirs are obliged always to maintain and warranty this entire grant to the monks and their successors against all men and women. With these witnesses: William

^a Rose Hill is in the parish of Kilburn.

^b The charter is printed from this source in *Mowbray Charters*, no. 35. There is a copy in BL MS Egerton 2823, fol. 111v (*Byland Cartulary*, no. 1104). As with the previous charter, and the charter that follows, there are suspicious features in a document that purports to date from 1140, namely the reference to the monks of Byland when the community was still at Hood, and the warranty clause.

de Moreville, Matthew de Ramporn, Oliver de Buscy, William de Wyville,
etc.

Charter concerning Airyholme^a

To the archbishop of York and all the sons of holy church, Roger de Mowbray, greeting. Know that I have granted and confirmed to God and the monks of St Mary of Byland the land of Airyholme that lies between Howthorpe^b by these boundaries, that is, 'Braydestamkelde' as far as 'Thrispol'. I similarly grant and confirm in perpetual alms, free and quit from all claim, for the salvation of my soul and of all the faithful, the 'cultura'^c of 'Deneshous' that lies between the fields of Coxwold and Kilburn. With these witnesses: William de Wyville, Roger de Cundy, William de Montpincun, William de Curcy, Ralph Beler.

While Abbot Gerald and his monks were residing in this manner at Hood and little by little were beginning to increase in worldly goods, they became anxious and concerned lest the abbot of Furness, using the power and authority of the order, might claim for himself jurisdiction of paternity over them. They worried that – as it is commonly said – the monks of Furness would unjustly seek jurisdiction or lordship over those to whom they had denied help when they needed it. Therefore they decided unanimously that the abbot should go in person to Lord Serlo, abbot of Savigny in Normandy,^d and should explain fully the whole truth about their withdrawal from Calder and how the monks of Furness had been unwilling to receive or help them when they had been persecuted. They decided also that he should urgently request – as was his prerogative – on behalf of his convent that had been rejected and renounced by the monks of Furness and was in no way subject to them, that it should be subject directly to the church and abbot of Savigny in perpetuity. Abbot Gerald agreed with their advice and set out for the general chapter at Savigny in the year [1141] around the feast of St John the Baptist [24 June].^e When he had presented himself there and explained with all seriousness the cause of his coming, his petition was heard and freely accepted by the

Evolution, p. 147, where Serlo is said to have retired in 1158). See below, pp. 27, 42, 44.

^e Abbot Philip here states that Abbot Gerald set out for the general chapter at Savigny around the feast of St John the Baptist, 1142. The general chapter of the Savigniac order, instituted by the second abbot, Geoffrey, was held on the feast of the Trinity, which in 1142 fell on 14 June. The statement that Gerald set out on the feast of St John therefore presents a problem, although it presumably refers to the feast of his nativity (24 June) rather than the decollation (29 August). Clay ('Early abbots', pp. 9–10) suggests that the general chapter which Gerald attended and at which he placed Byland under the direct jurisdiction of Savigny, was that of 1141, not 1142. In 1141 Trinity Sunday fell on 25 May, so the date of Gerald's departure still remains a problem. See below, p. 10, note a.

authority of the general chapter of Savigny, which was then, as was the custom, being celebrated by the abbots of the order annually.

With his request thus granted he returned to England as speedily as he could. He came to York, and died there, on his return from the chapter at Savigny, on 24 February,^a and his monks transported his body to Hood and there he was buried. When he had been honourably interred, that same year Lord Roger, who had come with him from Furness and had afterwards been subcellarer at Calder, succeeded him. Roger was then master of the novices – though he only had one novice – and he was speaking with that novice about the observances of the order when all the monks suddenly and spontaneously came running up to him. They laid their hands on him and, raising him from the ground, advanced solemnly to the altar in the oratory. They cried together with a loud voice that he was abbot, and in the name of the Holy Trinity ordained him as abbot and made their profession to him according to the rites of their order, which was still that of Savigny, as has been said. Afterwards at Sherburn in the octave of Easter [26 April]^b Abbot Roger was presented for consecration by Lord Roger de Mowbray, who was there to take care of matters for us, and he was blessed by the archbishop of York.^c

These things, which had happened according to God's disposition, soon became common knowledge to the monks of Furness and elsewhere. The abbot and monks of Furness clearly understood that they had been out manoeuvred by Abbot Gerald, recently deceased, and by the monks who had departed from Calder and the gates of Furness. They realised in fact that Gerald and his monks had submitted themselves and their successors directly to the church and abbot of Savigny, and that they had a secure place to live and cultivated the land vigorously without any desire or intention of returning to Calder. Accordingly they ordained Hardred, monk of Furness, as an abbot and sent him with another convent once more to Calder.^d From

the king at Lincoln on 2 February. His election was, however, contested, and the abbots of Fountains and Rievaulx as well as the Augustinian priors of Kirkham and Guisborough were among those who appeared in Rome in March 1143 to appeal against his election. It is, therefore, unlikely that William would have been in a position to bless an abbot in March 1142. He may not have acted with any effectiveness as archbishop until after his consecration in September 1143. He was in the north of England in October 1144 but spent much time until his deposition in March 1147 on the continent: *EEA*, V, xxx–xxxi, 118–9.

^a 'was there to take care of matters for us': the precise meaning of the Latin phrase 'negocium procurantis' is not clear, but it does suggest that as founder and lay patron of Byland Roger de Mowbray, who presented Roger for benediction, played a considerable part in the affairs of the abbey. See below, p. 31 and note a.

^d The recolonization of Calder by Furness seems to have been provoked by a combination of circumstances: the death of Abbot Gerald and the election of Roger, the move to Old Byland, and the knowledge that the monks of Byland had subjected themselves to Savigny. These events must have signalled that the original convent of Calder had no intention of returning to the site. A likely date for the refoundation of Calder II is late 1142 or early 1143: *MRH*, pp. 112, 117.

that time until the present they live from one generation to the next according to a rule, although their worldly possessions are gradually dwindling.

When the monks had spent four years at Hood, where several people were received into the religious life, Abbot Roger begged Lady Gundreda to advise Lord Roger de Mowbray, her son, that the site of Hood was too restricted for the construction of an abbey.^a He entreated her to recommend that Roger provide another, more suitable, site elsewhere for his monks, who were daily growing in possessions and recruits. Certain faithful old knights – renowned men – of the court and household of the said Lord Roger entered the monastic life among the monks, and brought with them not a little from their worldly goods. With their help a grange was built at Wildon. Among these knights two were renowned for their reputation and for their wisdom, that is, Landric de Ages^b and Henry de Wasprey,^c and a third who was no less in wisdom was Henry Bugge,^d keeper of the works of the abbey. In the fullness of time these men acquired many goods for their house. For immediately after their entry it became known throughout the province that noble men and persons of gentle birth had quite remarkably and within a short space of time kept that new dwelling place from decline. As a result the devotion of all those who heard this went out to that place. Lady Gundreda heard and understood the request of Abbot Roger and, closely observing the sudden and unexpected conversion of the knights, readily lent the monks her grace and favour. And so she begged Lord Roger her son that she might be allowed to bestow on them the vill of Byland on the Moor that was part of her dower.^e Roger, as an act of devotion, generously granted his mother's request in the year of the Lord [1142] around the Nativity of the Blessed Virgin Mary [8 September].^f He himself gave the monks the said vill of

1147, when he occurs as cellarer. As cellarer he attests two charters of Nigel de Mowbray for Rievaulx Abbey: *Cartularium Abbatiae de Rievallie*, ed. J. C. Atkinson, Surtees Society, 83 (1889), no. 65 (p. 37) and no. 68 (p. 40); *Mowbray Charters*, nos 65, 68.

^a Henry de Wasprey witnesses a charter of Roger de Mowbray for Pontefract Priory, which Greenway dated to between 1142 and 1154 (*Mowbray Charters*, no. 230), and his position in the witness list suggests that he had not yet converted to the monastic life. As with Landric de Ages it is not possible to place a precise date on Henry's entry into Byland, but the narrative suggests that all three named knights of Mowbray's household entered during the monks' residence at Hood, that is, between 1138 and 1142. It was clearly before 1147, and it could therefore be suggested that the limits for the issue of Roger's Pontefract charter be narrowed to 1142 × 1147.

^d Nothing more is recorded of Henry Bugge. Peter Fergusson notes his role as 'custos operis abbacie', that is, the man with oversight of the building operations: *Architecture of Solitude: Cistercian Abbeys in Twelfth-Century England* (Princeton: Princeton University Press, 1984), pp. 70, 167, 170.

^e That Byland was of Gundreda's dower strengthens the argument that she played a leading role in the foundation and development of Byland Abbey.

^f As suggested earlier (p. 10, note a) the date here should probably be amended from September 1143 to September 1142.

Byland with the church of the vill and all its appurtenances, by the charter 'To the archbishop of York, etc', as follows.^a

To the archbishop of York and the whole chapter of St Peter and all the sons of holy church, Roger de Mowbray, greeting. Know that I have granted and conceded and by this charter confirm to God and the monks of St Mary of [Hood], Byland on the Moor^b with all its appurtenances and easements in wood and plain, in meadows and pastures, in roads and paths, and in all its easements by these boundaries, that is, the whole vill of Byland and all Ashberry^c as far as the Rye, and from there along the Rye as far as the watercourse that comes from the spring of Scawton^d and so through the valley towards Cold Kirby^e as far as 'Scrodale' and from 'Crodala' as 'Luddala' ascends towards the moor across as far as the two barrows, and from between the two barrows as far as the road that comes down from the moor towards Boltby^f and along the brow of the mountain to Hesketh Dyke^g and from there along the valley as far as the Rye, and as the Rye descends to Ashberry. Whatever is contained within these boundaries I grant to God and to the said monks in pure and perpetual alms free and quit from all earthly service and secular demand. I also grant and confirm to the said monks the church of the said vill with its appurtenances for the salvation of my soul and all my ancestors and heirs. And I and my heirs will

the Rye, as their ditch runs below Ashberry Hill, shall remain with the house of Rievaulx, as they have in the charter of Byland...' (*Byland Cartulary*, no. 988 (p. 338); *Cart. Rieu.*, no. 243 (p. 178)). The monks of Byland clearly had an interest in Ashberry at some stage, which they then relinquished.

^d Scawton lies approximately one and a half miles to the south of Old Byland.

^e 'Kerby' is probably to be identified as Cold Kirby, about a mile south of Old Byland and two miles west of Rievaulx Abbey.

^f Boltby, three and a half miles west of Old Byland, was a possession of Rievaulx Abbey: see Janet Burton, 'The estates and economy of Rievaulx Abbey in Yorkshire', *Cîteaux: Commentarii Cistercienses*, 49 (1998), 29–94 (p. 31).

^g 'Eskeldic' is to be identified as Hesketh Dyke. The 1170 agreement between Byland and Rievaulx (see above, note c) mentions Hesketh Dyke as a boundary between the grange of Old Byland and Rievaulx's grange at Hesketh (*Byland Cartulary*, no. 988 (p. 388)).

maintain and warranty all these things to the said monks against all men in perpetuity. With these witnesses: Samson d'Aubigny, Roger de Cundy, Elias de Sancto Martino, Hugh de Mainilhermer, Peter of Thirsk, Landric de Ages, Ansketil, Hugh Malebisse, Hamo Beler.

When this grant had been made Abbot Roger and his monks at the persuasion and order of Roger de Mowbray moved from Hood to a certain place in the region of Byland, on the water course which is called the Rye.^a There they built for themselves a small cell where their tile kiln is now, not far from the abbey that the noble lord Walter Espec, lord of Helmsley, had devoutly constructed some thirteen years earlier,^b and that is now called Rievaulx. And so Abbot Roger and his monks remained on the river Rye for five years.^c

It had been the aim and wish of Roger de Mowbray – if it could be done appropriately – that an abbey should be built on the southern side of the river Rye so that the monks could have the convenience and advantages of the water for all things, as the monks of Rievaulx had on the north side. However the site of the monastery was not at all suitable for this purpose. Similarly, the close proximity of the houses did not allow for it, for each convent could hear the bells of the other each hour of the day and night; this was not fitting and could not in any way be allowed to continue.^d

While Abbot Roger and his monks were in possession of the said vill of Byland they decided to reduce it to a grange. With this in mind they allotted a certain portion of land of the vill to the men who remained there, that is at 'Stutekelde', and there the men constructed afresh a small village and remained there for several years, giving it its first name. And so the vill of Byland was reduced to a grange.^e

Afterwards Abbot Roger weighed up the various dangers and obstructions that faced his parishioners of Scawton as they came to the mother church of Byland both to hear divine service and to take the holy sacraments of the church.^f He therefore went to Lord

^a 'quinque annis': the site of Old Byland was occupied from 1142 until 1147.

^d On the growing problem, by 1147, of proximity between Cistercian and Savigniac houses, see Holdsworth, 'Affiliation of Savigny', pp. 77–81.

^e Old Byland is recorded as a vill in Domesday Book, and the coming of the monks clearly involved some depopulation, or relocation of the rural population.

^f It is clear from this passage that Scawton lay in the parish of Old Byland. For charters relating to the chapel of Scawton see *Byland Cartulary*, nos 1089–97. These concern a pension of 20s. due to the monks from Scawton chapel.

Henry Murdac, archbishop of York – who at one time was abbot of Fountains – in his first year of office, that is [1147],^a and humbly begged and asked him to grant to him and his convent licence to build a chapel in the vill of Scawton, which is within the boundaries of his parish church of Byland. This he did particularly because of the dangers mentioned earlier and for the convenience of their devout benefactor, Hugh Malebisse,^b his heirs, and his men. In this chapel the men of the vill of Scawton would be able to hear divine service and take the sacraments of the church only, as the burial of the bodies of the dead parishioners of Scawton was reserved for the mother church of Byland in perpetuity. And this has been devoutly observed to the present day. Having obtained permission the said Abbot Roger and his monks conscientiously and devoutly built a chapel in the centre of the vill of Scawton at their own expense. When it was finished and fittingly furnished with books, vestments, a font and other necessities as befits the house of God, Abbot Roger ordered Landric de Ages his cellarer^c to arrange for the smaller bell of the mother church of Byland to be conveyed in a cart to the daughter church of Scawton, with all speed and reverence and without delay. When he had carried out this order and everything had been completed fittingly and honourably as has been said, Abbot Roger conferred the chapel on a certain clerk named Richard, and on the presentation of Abbot Roger he was canonically instituted by the said Lord Archbishop Henry. Richard held and exercised the cure of souls for fifty-four years without any break in time,^d that is for eight years in the reign of King Stephen, for the whole of the reign of King Henry, son of the Empress Matilda, and for the whole of the reign of King Richard, son of the said King Henry. These kings, Henry and Richard, confirmed Byland with its appurtenances by their charters.^e

When many people, both those known to us and strangers, heard the report of the heavenly blessing that had descended on the new foundation, they wished to participate in the prayers and good deeds of Abbot Roger and his monks. More and more they turned their hearts and minds to them, and brought various alms of their own free will and abundantly,

office would therefore have been 1147–48.

^b Hugh Malebisse was lord of Scawton. He was steward of Roger de Mowbray between c. 1147 and c. 1154. See *Mowbray Charters*, p. lxii, and, on Hugh as a benefactor of Byland, *Byland Cartulary*, p. lviii. He is also alleged to be one of the local landowners who harassed the monks: see below, pp. 20, 22.

^c This confirms Landric de Ages as cellarer of Byland before 1147; see above, p. 11, note b.

^d Richard, clerk of Scawton, is said here to have exercised the cure of souls for fifty-four years, namely for the last eight years of the reign of King Stephen, and the entire reigns of his two successors. This would place his institution in 1146, the date given in the *Historia*, but see above, note a.

^e Charters of Henry II and Richard I in favour of Byland appear in BL MS Egerton 2823, fol. 56v (*Byland Cartulary*, nos 516–26).

as God had given to each. Indeed Lord Hugh Malebisse granted to them Murton with its appurtenances, and Snilesworth^a with pasture and woodland, as is clear from his charters, 'To the archbishop of York, etc'.

Grant of Hugh Malebisse of the vill of Murton etc.^b

To the archbishop of York and the whole chapter of St Peter and to all the faithful of holy church, Hugh Malebisse, greeting. Know that I have granted and by this charter confirm to God and to the monks of St Mary of Byland for the salvation of my soul and the salvation of all my own, the whole vill of Murton with all its appurtenances in land and water, in wood and plain, in meadows and pastures, and with all its easements, to hold of me and my heirs in perpetual alms, free, undisturbed and quit from all earthly service and secular demand, for 40s. to be paid annually to me and my heirs, that is 20s. at Whitsuntide and 20s. at the feast of St Martin [11 Nov.]. I have remitted and quitclaimed to the monks in perpetuity whatever right I or any of my ancestors ever had in Byland on the Moor. And I and my heirs will maintain and warranty all the aforesaid to the said monks against all men in perpetuity. With these witnesses: Roger de Mowbray, Robert his son, Hugh my son, Robert de Beauchamp.

Charter of Hugh Malebisse concerning Snilesworth^c

To the archbishop of York and all the sons of holy mother church, Hugh Malebisse, greeting. Know that I have granted to God and to the monks of St Mary of Byland in perpetual alms Snilesworth and all the land and woodland and pasture to the north and west of Blow Gill^d as far as the land of Hawnby^e extends towards Cleveland, to do there whatever they wish. I and my heirs will warranty this grant confirmed by my present

1147 (see below, p. 20). It is however more likely that the grantor of this charter, as the following one, was Hugh II. The charter is also printed in *Byland Cartulary*, no. 578, which notes additional witnesses from the copies in Oxford, Bodleian Library, MS Top. Yorks. e. 8, fols 137v–138r, Top. Yorks. e. 9, fol. 24r, and North Yorkshire County Record Office ZDV I 1, and revises the date to 1170 × 1186. The third witness would accordingly be Hugh III (who died before 1206), son of Hugh II.

^c Printed in *EYC* III, no. 1846, and *Byland Cartulary*, no. 1076, from BL MS Egerton 2823, fol. 109r, the latter noting that the first witness is corrected to 'Iohanne abbate Iorevalle' in Oxford, Bodleian Library MS Dodsworth 63, fol. 75r. The occurrence of John of Kinstan dates the charter to after 1150.

^d Blow Gill joins the river Rye about two miles north of Hawnby.

^e Hawnby lies to the north of Murton.

charter to the said monks, free, undisturbed and quit of all earthly service and demand, against all men in perpetuity. With these witnesses: John of Jervaulx, Robert de Daiville, Ralph de Belvoir etc.

Afterwards, with Abbot Roger and his monks settled at Byland, the abbot, at the request and prompting of Lord Roger de Mowbray and Samson d'Aubigny, granted the place of Hood, where they had first begun to live, to the canons who had come from Bridlington and who now live at Newburgh,^a in return for all the tithes of the grange of Wildon and of Cam. He did so on this understanding, that those canons should remain with a full convent in perpetuity and should live there according to the Rule of St Augustine. Moreover Samson granted to Abbot Roger, in exchange for that place, 20s. annually which he was accustomed to receive from Coxwold mill. Lord Roger de Mowbray confirmed this agreement by his charter, as follows.^b

To the archbishop of York and the whole chapter of St Peter and to all the sons of holy church, Roger de Mowbray, greeting. Know that I, with the consent of Robert d'Aunay and the monks of Whitby and for the salvation of my soul and of all my ancestors, have granted and confirmed in perpetual alms, free, undisturbed and quit of all temporal service, to God and Abbot Gerald and his convent and to their successors in perpetuity, the place of Hood with the woodland and plain lying around it by the limits and boundaries that I have caused to be shown to them. With these witnesses: Samson d'Aubigny, Roger de Cundy, Gundreda mother of Roger de Mowbray, Elias de Sancto Martino, etc.

Roger de Mowbray saw that many had come together in the service of God and that the place where the monks were living in the region of Byland, as was said earlier, was not suitable for the building of an abbey, nor was it appropriate on account of the nearness of Rievaulx. Therefore, when he returned home from the southern regions of the country he made additional grants so that he might extend their boundaries. In the year of our lord

^a This is a further copy of the charter of Roger de Mowbray granting Hood to the monks with the consent of the brethren of Whitby (see above, p. 5). Presumably the charter that it was intended to copy here was Oxford, Bodleian Library MS Dodsworth 94, fol. 77v (EYC, IX, no. 120; calendared *Mowbray Charters*, no. 194). This is a confirmation by Roger de Mowbray of the agreement between Abbot Roger of Byland and the canons of Hood, by which Abbot Roger for the peace ('pro pace') of Robert d'Aunay, demised to the canons the place of Hood 'ea conditione quod in eodem loco fundabitur abbatia canonicorum et ibi perpetuo permanebit ibi secundum regulam Sancti Augustini'. Samson d'Aubigny granted to Byland in exchange for Hood ('in ascambio loci illius') twenty shillings a year he was accustomed to receive from the mill at Coxwold. He seems to have been closely associated with the foundation of the Augustinian priory of Hood.

1147, he gave them, for the site of an abbey, what his steward Hugh Malebisse reckoned to be two carucates of waste land in the territory of Coxwold below the hill of 'Blakhow', by this charter:^a 'To the archbishop of York: In Oldstead'.^b

To the archbishop of York and the whole chapter of St Peter and all his men French and English, and to all the faithful of holy mother church, Roger de Mowbray, greeting. Know that I have granted and conceded and by this my present charter have confirmed to God and the monks of St Mary of Byland all my forest of Cam and land around their abbey by these boundaries, that is, as the road from 'Heth' runs through the moor and descends to the bottom of the valley which is between Kilburn and 'Middleberga' and along the bottom of the valley as far as 'Gillesbrigge' and from there as 'Fulsic' runs near to Cams Head from the west as far as Brink^c and from there as the valley runs from the northern bank of Brink where 'Grundehousekelda' falls in the said valley and runs from there to 'Whiteker' and falls into 'Mikelbeck' below the monks' mill. Moreover I grant as much newly won land as William de Mainilhermer, to whom I had given the land of Coxwold, added to the monks' property with my approval, that is, the mill pond and land below the pond as far as the wide road and beyond the pond to the east forty perches in width and from there as the wide road which goes to Ampleforth comes to Holbeck and from there again through the middle of 'Burtoft' as far as the moor. I also grant and confirm Byland, Murton, Wildon, Rose Hill, Scackleton, Cam, Fawdington,^d Snilesworth, Airyholme, and the land of Thurnholme^e on the Isle of Axholme, and the land that I granted them in Cave^f and Ampleforth,^g and

^d Fawdington lies on the river Swale about nine miles south west of Byland Abbey. For charters relating to abbey lands in Fawdington see *Byland Cartulary*, nos 304–9.

^e 'Thirneholme' on Mowbray's Lincolnshire estates on the Isle of Axholme: Greenway (*Mowbray Charters*, p. 295) suggests that this is a place name in Owston: see *ibid.*, nos 281–3 (charters in favour of Welford Abbey). The name is represented in Thurnholme Farm near Owston.

^f North Cave is in the East Riding, about ten miles south west of Beverley. For charters relating to abbey lands in Cave see *Byland Cartulary*, nos 153–5.

^g Ampleforth lies just over two miles to the east of the abbey site at New Byland. For the abbey lands there see *Byland Cartulary*, nos 1–18.

everything lying around these lands in land and water, in wood and plain, in roads and paths, and in all other easements and with their liberties. Throughout my forests I grant all things that were necessary for them, fully, by provision of my steward. I grant and confirm this donation free and quit from all claim, and free from all earthly service and secular exaction, to God and the said monks in perpetual alms for the salvation of my soul and of my father and mother and all my ancestors and heirs. I wish and order all my men that the said monks shall hold all these things well, peacefully and honourably in woods and plains, and in lands and in waters, in meadows and in pastures, and in all other places and matters and appurtenances. These are the witnesses to this grant and confirmation: Samson d'Aubigny, Herbert de Moreville and his son Richard, William de Arches, Robert de Daiville, Bertram Haget, William his son, Roger de Flamville, William de Wyville, Walter de Rivaria, Peter of Thirsk.

Moreover Lord Thomas de Coleville^a quitclaimed and granted to God and the monks all the land and woodland that is between their mill pond and Thorpe le Willows, and also the whole of 'Berstlina' and 'Burtoft' and whatever belonged to the vill of Coxwold to the north part of 'Whiteker', to do whatever they wished, in perpetuity. Roger de Mowbray also offered Abbot Roger and his monks the patronage of the churches of Thirsk, Hovingham and Kirkby Moorside^b and various other possessions, but Abbot Roger refused to accept them, being a man of very scrupulous conscience in the matter of the cure of souls^c – he protested and said that Roger had given them quite enough already. This refusal did not please Roger

^a The comment that Roger refused to accept the patronage of the three churches because of his scrupulous conscience may be a reference to the Cistercian refusal to accept grants of *spiritualia*. According to the chronology of the *Historia* Roger's refusal came after the grant of the third conventual site in 1147, and this was the year in which the order of Savigny joined that of Cîteaux: see below, p. 23. Roger de Mowbray's intention had been that the monks should first take the patronage of the churches, that is, the right to present clergy for ordination to the benefices, and that they should then 'convert them to their own uses', that is, appropriate the churches. This would mean that the monks would have enjoyed full possession of the churches and their revenues.

de Mowbray at all, for it was his intention that if the abbot and monks had obtained the patronage of the churches, in the fullness of time they might more easily seek permission to appropriate them to their own uses. It is said that it was because of this refusal that the rights of patronage of these churches were granted – at the urging and request of the said Samson d'Aubigny, who was a kinsman of Roger de Mowbray – to the canons of Hood, who are now known as the canons of Newburgh, where Samson surrendered himself to God and took the habit of a regular canon.^a Moreover he obtained from the archbishop of York^b and from the bishop of Lincoln licence for the canons of Hood to possess, peacefully, for the whole term of Samson's life, all the churches that Samson held before his entry.

When the monks, as has been said, had lived with Abbot Gerald for four years at Hood and afterwards with Abbot Roger for five years on the river Rye in the region of Byland, they began vigorously to clear land in the western part beyond and next to 'Middelberga' and to build below the marsh in the area of Coxwold. And without delay they moved into the area of Coxwold where they themselves carefully constructed and built a small stone church, cloister and other houses and buildings as can be seen clearly to this very day, and there they dwelt in the holy monastic life for thirty years.^c During these years many nobles both from that region and from Westmorland devoutly granted in pure alms^d no small donations to Abbot Roger and his monks, as will become clear shortly.

At that time, when Lord Roger de Mowbray granted to the abbot and his monks the two carucates of waste land in the area of Coxwold mentioned earlier, a message suddenly came to him from Normandy that a certain baron of France was bringing a plea against him concerning the castle of [Bazoches], with its whole lordship. The king had given him this castle^e

^a This places the move to the third site in 1147 and the move to the final site in 1177.

^d The phrase 'in pure alms' denotes that the grants were made for spiritual services only, and were not encumbered with services, especially military service, due to the king.

^e The grant of this castle by King Stephen to Roger de Mowbray is obscure. 'Baioicis' is the usual Latin form of Bayeux; however David Smith has suggested to me that another possibility is Le Bessin ('Baioicasinum', 'Baioicarum civitas'). There is no known connection between Roger de Mowbray and the castles of Bayeux and Le Bessin, but he did hold the castle of Bazoches-en-Houlme ('Basecas', 'Basochas', 'Basoches', Orne). The Mowbray lands in the Houlme area were lost to Geoffrey of Anjou in 1138 and regained by Roger by August 1154 (*Mowbray Charters*, pp. xix, xxvi–xxvii and nos 19, 163). Bayeux may therefore be an error for Bazoches. This is also suggested by Christopher Holdsworth, 'Affiliation of Savigny', p. 60, note 39.

recently, when he took up the belt of knighthood. In order to defend himself against this plea he crossed quickly into Normandy with letters of the Lord King Stephen, who wrote that he wished to warrant the said castle with its appurtenances to Roger against all men.^a In fact Roger lost nothing as a result of this plea.

However, immediately after Roger had returned to Normandy^b Abbot Roger and the monks faced various disturbances, which they bore patiently for the time being. For Lord Robert de Stuteville^c and William his brother claimed all the land that Lord Roger de Mowbray had granted the monks in the area of Coxwold where the monks lived. They brought a plea against Lord Roger in the king's court, and this plea was pursued according to the law of the land for a long time because the men of the neighbourhood universally testified that they, Robert and William, had right on their side in their claim.

Meanwhile Lord Robert de Daiville, lord of Kilburn,^d greatly hindered the work of the monks. He complained that they were enclosing a large part of the land that belonged to his vill of Kilburn, and there was no way in which he intended to put up with this. In a similar fashion Lord Hugh Malebisse, lord of Scawton,^e inflicted many injuries on the monks both in person and through his men of Scawton and Dale,^f whose lands and pastures bordered those of the monks. Day after day they were responsible for unjust complaints, claims and other offences so that the monks were unable to have any peace while they lived next to them. Guy of Boltby^g acted in a similar fashion. Because they could not forever put up with

captured at Tinchebrai, but his son, Robert III, fought against the Scots at the Battle of the Standard (1138), regained royal favour, and set about restoring the family lands. On the Stuteville challenge to Roger de Mowbray see *Mowbray Charters*, p. xxviii. The *Byland Historia* provides evidence that this claim to Coxwold, which had passed from the Stuteville estates to Roger and been granted by him to the monks, began as early as 1147. Early in the reign of Henry II a compromise was reached, with Roger enfeoffing Robert de Stuteville with ten knights' fees, including the manor of Kirkby Moorside. For what may be an allusion by the writer and satirist Walter Map to the disputes between Byland Abbey and the Stutevilles see above, p. xi.

^d Robert de Daiville attested a considerable number of Roger's charters: *Mowbray Charters*, p. lx and *passim*. See also *Byland Cartulary*, p. lviii and no. 486.

^e On Hugh Malebisse see above, p. 14 and note b.

^f Dale Town lies just to the north of Murton. Ralph del Turp and his nephew, William Engelram, granted rights here to the monks: *Byland Cartulary*, nos 255–60.

^g The family of Boltby held a knight's fee of the Stuteville family in 1166 in Boltby (about three and a half miles west of Old Byland), Ravensthorpe and Thirlby (*EYC*, IX, 160–5). There is no mention in charters relating to the family of a member called Guy. Clay (*ibid.*) suggested that this is an error for Odo of Boltby, who was alive in the 1140s and who was a benefactor of Rievaulx Abbey. See Burton, 'Estates and Economy of Rievaulx Abbey', p. 31.

troubles of this kind without assistance, Abbot Roger took the advice of his convent and set sail for Normandy in the year 1147 with letters from Lady Gundreda, mother of Lord Roger de Mowbray.^a The abbot informed Roger of the plea brought by Robert and William de Stuteville and of the injuries which Abbot Roger and his monks suffered.

The abbot came first to Savigny, to the general chapter, and there he explained to the father abbot that his founder had granted him quite sufficient land if only he could enjoy it in peace without the interference of certain knights of the neighbourhood. He said that he might fear their harassment less if the founder had been in England. He described other pieces of business that had to be resolved, one of which concerned Lord Peter, a monk of Savigny who had begun to plan the establishment of an abbey within the borders of Richmond.^b Earl Alan,^c son of Stephen, had recently granted this to the abbot of Savigny and more will be said about it later, in the account of the foundation of Jervaulx. However, because Abbot Roger could not wait until the end of the chapter, he hurried to Lord Roger de Mowbray in Normandy.^d When he had come to him and described the cause of his distress Roger promised him a good and quick solution. As yet, however, various pieces of business that had not been completed prevented him from returning to England himself. And so he wrote specifically to his friends, that is to the earl marshal^e and to the earl of Warrene,^f entreating them to intercede with the lord king and ask him to be gracious enough

^b This suggests that it was at the general chapter of 1147 that Abbot Roger raised the questions of the harassment of the monks by their neighbours and the infant foundation of Fors. On Peter de Quinciaco, to whom Fors was granted see below p. 36, p. 40 and note b. The chapter would have taken place at Trinity (15 June).

^c Earl Alan is Alan III of Richmond, who succeeded his father Stephen (d. 1135/6) and himself died in September 1146 (EYC, IV, 87). On his role in the history of Jervaulx Abbey see below, pp. 36–40.

^d This provides evidence that Roger de Mowbray was still in Normandy at the end of the chapter.

^e The identity of 'earl marshal' is not certain. Gransden (*Historical Writing in England*, p. 291), identifies him as John the Marshall (John Fitz Gilbert) but it is not clear why Roger should have written to someone whose interests lay in the south of England.

^f William de Warrene III, earl of Surrey, took the cross on Palm Sunday (24 March) 1146 (Robert de Torigny, *Chronica*, in *Chron. Stephen*, IV, 152) and set out for the Holy Land in June 1147 (EYC, VIII, 12–13; CP, XII, 496–7; Davis, *King Stephen*, p. 130). He is said to have died at Laodicea in January 1148. He was a landowner in the south of Yorkshire and a second cousin to Roger de Mowbray, whose maternal grandmother, Edith (wife of Gerald de Gournay) was a sister of William de Warrene II, father of William III. William would not have been in England at the time that Roger wrote his letters.

to allow the plea that Robert and William de Stuteville had brought against him in the king's court to remain at the stage it was then until his return to England. The earls did this, and the king yielded to their request, swearing that Roger de Mowbray should not lose one foot of land in England through a plea in his court while he was out of the kingdom.^a Roger wrote also to Robert de Daiville, Guy of Boltby and to the lord of Scawton^b ordering them to cease injuring his monks from then on, and saying that if anything unjust had been done he would put it to rights on his return to England^c through neighbouring men of law, according to the law of the land. He wrote also to his mother and to his steward and to all his bailiffs in the county of York ordering them to maintain, protect and defend Abbot Roger of Byland and his brethren the monks and their land as they would his own land.

When he received the order that Abbot Roger brought with him, the lord of Scawton stopped troubling the monks in some measure, and ordered his men to do the same out of reverence for the command of their lord. At first, however, Robert de Daiville made light of the order, but afterwards he showed regard for it, and agreed to peace. In fact, after his return to England Lord Roger de Mowbray made peace with Robert and William de Stuteville. The first quitclaimed the right that he had in the land and the site of the abbey by offering a knife on the high altar at Stocking,^d and the other by his charter, which is like this one which is written in the margin.

To all the sons of holy mother church who will see or hear these letters,
William de Stuteville, greeting. May you all know that I have granted and
conceded and by this my charter confirm to God and the monastery of St

^b The lord of Scawton was Hugh Malebisse.

^c 'on his return to England': If the events referred to above took place in 1146 rather than 1147 then 'post reversionem suam' could refer to a return to England by Roger prior to his departure on crusade. Otherwise it must refer to his return to England in 1149, that is, after the crusade. The implication here is that it was before the merger of Savigny and Cîteaux in 1147. For a rather later grant, by Roger, of Kirkby Moorside to settle Robert de Stuteville's claim on his barony, which can be dated to the beginning of the reign of Henry II, see *Mowbray Charters*, no. 386.

^d That is, on the high altar of the third conventual church, occupied between 1147 and 1177.

Mary of Byland the site of the abbey which has been founded on my patrimony, and whatever they have of my fee and inheritance, in perpetual alms, free from all secular service, for the salvation of my soul and of my father and mother and of my predecessors and my heirs. And I and my heirs will warranty all the aforesaid to the same monks against all men in perpetuity. With these witnesses: William of Cottingham, Robert of Meaux, Benedict of Sculcoates, Geoffrey Wacel, William brother of William of Furn[ess], Richard of Furn[ess], Bartholomew de Stuteville, Richard, cleric of Doncaster.^a

Thus the said Robert and William de Stuteville quitclaimed to the monks all right that they had previously demanded from them. Afterwards Lord Roger de Mowbray began, on the inspection and deliberation of his neighbours, to raise to the western side of the said abbey a great ditch between the land granted to the monks and the land of Robert de Daiville.

In this year^b at the Council of Reims under the presidency of Pope Eugenius III the church of Savigny with its thirteen daughter abbeys^c subjected itself to the church of Clairvaux and the order of Cîteaux.

Now we shall speak of the grants made in alms to Abbot Roger and his monks.

^b 'In this year' (Isto anno): 1148. The merger had been agreed at the Cistercian general chapter in September 1147 and it was ratified by Eugenius III at the papal council of Reims on 10 April 1148.

^c The figure of thirteen abbeys of the filiation of Savigny refers to those of the English and Welsh families: Basingwerk, Buckfast, Buildwas, Byland, Calder, Coggeshall, Combermere, Fors (Jervaulx), Furness, Neath, Quarr, Stratford Langthorne, and Swineshead. There was resistance in England, especially by Furness, to the merger, and a bull of Eugenius III specifically enjoined on the English houses acceptance of the customs of Cîteaux. For brief comment see Béatrice Poulle, 'Savigny and England', in David Bates and Anne Curry, ed., *England and Normandy in the Middle Ages* (London and Rio Grande: Hambledon, 1994), pp. 159–68 (p. 165). On the importance of the *Historia* as a source for the merger, see above, pp. xxv–xxvii.

Lord Roger de Mowbray granted the monks two carucates of land in Fawdington and a half in Cave,^a and one carucate in Ampleforth and whatever he had between Stean^b and 'Hirfeldebeck' and whatever he had in Kirkby Malzeard, and the grange of Bagby;^c also of the grant of Lord William de Percy, certain land in Deepdale and Catton;^d also of the grant of Bertram de Bulmer, Boscar;^e and three tofts in York;^f also of the grant of William of Acklam, the fishery of 'Gayterigg'^g with land; also of the grant of Hugh Malebisse, the vill of Bagby with its appurtenances;^h of the grant of Robert de Daiville, a fishery on the river Swale and fifteen acres in 'Calecotedale', and pasture in the territory of Kilburn;ⁱ of the grant of Torphin son of Robert and Walleve de Berford and John Taylebois, land in Warcop;^j of the grant of Thomas son of Cospatrick, land in Hardendale;^k of the grant of William of Lancaster, land in Fawcett Forest;^l of the grant of Gerald and Alan de Lascelles, land in Asby;^m of the grant of Thomas de Coleville, pasture in the woodland of Yearsley and a road in Wildon;ⁿ of the grant of William de Wyville all his land of Thorpe near Ampleforth (Thorpe le Willows);^o of the grant of Roger de Mowbray and Matilda of Stonegrave, land in Thorpe near Thirsk (Thorpefield);^p of the grant of William de Surdeval, land in Ampleforth;^q of the grant of Robert de Stuteville and Odo de Baillol, sixteen acres of meadow in West Ness;^r various grants from many others whose names I omit because to include them would be tedious for the reader.

ⁱ For Robert de Daiville's grants in Kilburn and final concords relating to abbey lands there see *Byland Cartulary*, nos 486-9.

^j For charters relating to Warcop (Westmorland), under the heading 'Bleatarn', especially those of Torphin son of Robert, Walleve de Berford and John Taylebois, see *Byland Cartulary*, nos 47-105.

^k Hardendale, in Shap, Westmorland: for the grant of Thomas son of Cospatrick see *Byland Cartulary*, nos 395-6.

^l Fawcett Forest in Kendal (Westmorland): for the grants by William of Lancaster see *Byland Cartulary*, no. 310.

^m Asby, Westmorland: the section of the cartulary containing copies of these charters is badly damaged; see *Byland Cartulary*, pp. 7-8 and nos 21-5.

ⁿ For grants by Thomas de Coleville of land in Yearsley, four miles south east of Byland Abbey, see *Byland Cartulary*, nos 328, 728; for a confirmation by Roger de Mowbray see *Mowbray Charters*, no. 68.

^o Thorpe near Ampleforth is Thorpe le Willows. For the grant of William de Wyville, see *Byland Cartulary*, nos 323-6.

^p Thorpe near Thirsk is Thorpefield, in Latin 'Petithorpe'. For grants by Matilda of Stonegrave and Simon, her son, and confirmations by Roger de Mowbray, see *Byland Cartulary*, nos 885-8; *Mowbray Charters*, no. 65.

^q The section of the cartulary containing the Ampleforth charters is badly damaged.

^r East Ness and West Ness lie about eight miles east of Byland Abbey. For grants by Odo de Balliol and Agnes his wife, and a confirmation by Robert de Stuteville see *Byland Cartulary*, nos 708-10.

When three years had passed since the aforesaid council, Abbot Roger ordained a certain abbot, John of Kinstan,^a from his convent, and sent him to Jervaulx, which the abbot of Savigny gave to Roger our abbot and our church of Byland, as will be made clear in due course. This John went out with his convent from Byland to Jervaulx on 8 March (which was the fourth day of the week, Wednesday) in the year of our Lord 1150,^b at which time Abbot Roger and his monks were living at Stocking where the Lord Almighty guided their works in a wondrous manner and their steps as they deserved. But consider how suddenly, after several years had gone by, a new disturbance^c arose that was motivated by a malicious purpose. For when Lord Hardred, who succeeded our Abbot Gerald in the pastoral office at Calder, and his monks saw that such divine grace had descended on the house of Byland that it had sent a fair offspring from itself to Jervaulx and from day to day grew in worldly endowments, and that the abbot of Furness cared little or nothing about their own deterioration, they decided among themselves to bring a suit to the general chapter of Cîteaux against the abbot of Savigny about the paternity of, and jurisdiction over, our monastery.^d For certain they hoped that if they could recover our house as a daughter house, the poverty of the mother might within a short time be relieved by the wealth of the daughter.

Accordingly Abbot Hardred of Calder came to Byland and there he first addressed Abbot Roger and his convent in a friendly way concerning his plan and his intention. He maintained that the filiation and jurisdiction over our monastery belonged to him and his church of Calder by right of issue and descent, that the abbot of Savigny possessed jurisdiction unjustly, and that he wished to stand by his claim at the judgement of the general chapter. To this our abbot, Roger, replied: 'I believe', he said, 'Lord Abbot of Calder, that if an abbot had

^c The new disturbance ('nova perturbatio') is here placed after the official colonization of Fors (later Jervaulx) by John of Kinstan, and indeed made a consequence of it.

^d The assertion that the Calder monks were provoked to claim jurisdiction over Byland because the monks of Furness cared nothing for the destruction or deterioration of their house suggests that the reoccupation of the house and the establishment of Calder II had not been a great success, and that eight years later the monks were still experiencing difficulties. That there was an economic dynamic behind Calder II's claim to Byland is further suggested by the text at pp. 26-7 below.

been in office in your house when the place of Hood was given to Abbot Gerald he would never have made profession to any other but him. But because the church was then empty and without a shepherd, and the abbot of Furness most dishonourably rejected Abbot Gerald and his monks, I do not know to whose filiation or jurisdiction Abbot Gerald could or ought more justly to have committed himself and his church than to the abbot of Savigny, who was then head of the whole order. Therefore, I cannot invalidate or revoke what was duly done by my predecessor and has been maintained continuously by me until now. However, if you agree, I will speedily notify the abbot of Savigny, to whom I am subject, of all those things that you have put to me. Because this matter concerns him particularly as head I can make no other response in his absence.' The abbot of Calder went away with this reply, and Abbot Roger quickly warned the abbot of Savigny about the matter he had raised.

In the following year^a the abbot of Savigny came to England to conduct a visitation, and in his presence Abbot Hardred of Calder in a friendly fashion released all his claim in the form written below.^b

To the most reverend lords and fathers Abbot [R.] and the whole chapter of Cîteaux, Brother Hardred, abbot of Calder, greeting, May your holinesses know that I with the consent of my chapter and in the presence of the lord abbot of Savigny, have remitted in perpetuity the claim that we had against the house of Byland concerning the subjection of the said house and the property which we say was taken there.^c For this remission the house of Byland has given to our house eight oxen, six cows with their calves, five mares with their foals and one palfrey, 20s. and one full set of priestly vestments. If the abbot or convent of Furness wishes to bring any claim against the house of Byland concerning the property that we claimed, our house will act as intermediary with the house of Furness and will answer

initial 'T' in the sentence beginning 'Insuper I abbas Saign', (p. 27), or possibly through confusion with John, abbot of Furness, who occurs in 1152 and 1155 (*HRH*, I, 134). The abbot of Cîteaux addressed here could be Raynard du Bar, who died in 1151, or his successor, Gosuin, who died in 1155 and was succeeded by Lambert (*GC*, IV, 985-6). Either initial 'R' or 'G' could be confused with capital 'A'. Raynard is probably more likely.

^c It would appear from this that part of the complaint of the monks of Calder had involved the property that had been taken away from Calder when the monks under Abbot Gerald abandoned the site, including eight oxen mentioned on pp. 3, 5.

for the house of Byland. The witnesses to this legal action are Peter, abbot of Quarr, Walter, abbot of Man, etc.^a

Moreover [Serlo],^b abbot of Savigny, wrote to the general chapter in this manner.

To the most reverend lords and fathers Abbot [R.] and the whole general chapter of Cîteaux, Brother [Serlo],^b abbot of Savigny, greeting. May your assembly know that Lord Hardred, abbot of Calder, and his brothers have in our presence remitted in perpetuity the claim that they had against the house of Byland concerning the subjection of the said house, which they said was of their right, and concerning the persons of the place and the property which they said was taken there from Calder. For this remission the house of Byland has given to the house of Calder eight oxen, six cows with their calves, five mares with their foals, one palfrey, 20s. and one full set of priestly vestments. If the abbot or convent of Furness wishes to bring any claim against the house of Byland concerning the subjection of the said house or the persons of the place or the property that the monks of Calder claimed, the abbot of Savigny who is in office at that time shall act as intermediary with respect to the subjection and the persons, and the abbot of Calder with the respect to the property. They shall stand for the house of Byland, so that if the abbot of Calder cannot protect his house with respect to the property, he shall restore to Byland as much property as he received from Byland, as has been described. The witnesses of the legal action were Peter, abbot of Quarr, Walter, abbot of Man, etc.

^a The first witness was formerly abbot of Furness. He had opposed the merger with Cîteaux and resigned in 1150. He then became abbot of Quarr (*HRH*, I, 134, 139). The second is the abbot of Rushen, Isle of Man. Their attestation means that the charter could have been issued at the general chapter or in England. England is implied on p. 26. The same two witnesses attest Serlo's charter that follows.

^b 'T' must be an error; Serlo was abbot of Savigny at the time.

With such testimony being given to the general chapter the settlement of the above mentioned claims was agreed, and the action by which the monks of Calder attempted to claim paternity over our house was completely laid to rest. The two letters were sent to Cîteaux and another two with the same wording remained in our hands as a perpetual record.^a

When the abbot and convent of Furness heard that the monks of Calder had completely remitted all their right and claim to paternity in the above form, they were angry at them beyond measure. They said that they themselves had a good and just claim to paternity over our house, and brought their claim to the general chapter against Richard, then abbot of Savigny,^b for a final judicial sentence.^c At length the case was settled, for that venerable man of holy memory, Ailred then abbot of Rievaulx,^d examined it in the manner of a judicial procedure with the advice of certain abbots, and brought it to a conclusion in the following way:^e

To the most venerable lords and fathers, beloved to the Lord, and to the whole chapter of Cîteaux, Brother Ailred, servant of God and of the brethren who are at Rievaulx, due subjection and obedience. Having called together our venerable fathers and co-abbots we have acted with great care and thought concerning the action between the lord abbot of

^a When the abbot and convent dropped their claim to jurisdiction over Byland the claim was thus taken up by Furness.

^d Ailred, abbot of Rievaulx (1147–67).

^c A version of the following document is printed in Delisle, 'Documents', pp. 423–4, from Archives Nationales de France MS L. 1146, and the (now lost) cartulary of Savigny; calendared in *CDF*, no. 819. The version in the *Historia* has been embellished. However it omits from the original the names of the abbots who attest the judgement, retaining only their offices (p. 32 below). Of the other witnesses Thurstan, prior of Rievaulx, and Maurice and Walter Daniel, monks of that house, are common to both lists, but Richard and Robert, named in the *Historia* as monks of Byland, appear in L. 1146 as monks of Savigny. Walter and Richard, monks of Furness, attest in L. 1146, as do Robert and Landric, monks of Byland. The two documents are clearly related, though the text in the *Historia* is much longer. The close similarities in parts of the document and in the witness list, however, indicate that the version in the *Historia* is based on L. 1146 or a version of it. The attestation of Abbot Philip of Revesby, whose predecessor, Walo (Gualo), occurs in 22 January 1155 (*HRH*, I, 140), places the document after that date. The abbot of Cîteaux to whom this is addressed is therefore Lambert, who succeeded in 1155. The chronology of the *Historia* – where this judgement is placed before Archbishop Roger's charter of confirmation and protection assigned to 1155 – suggests a date of 1155.

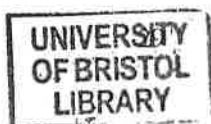
Furness^a and Lord Richard, abbot of Savigny, for the monastery of Byland, which, it is to be recognized, the authority of your holiness delegated to us. We have heard carefully the claims of both sides as they have argued about the grant of the place of Byland and disputed energetically about the subjection of the abbot of the same.

First, the abbot of Furness by his own mouth asserted that the monastery of Byland belonged to him by right as a genuine donation that he said had been made to his monks in alms. Moreover, he maintained that Abbot Gerald had acknowledged his subjection to the abbot of Furness, and indeed had often demonstrated such subjection out of filial reverence. He argued that that same Gerald had, with a wild and hard-headed spirit fled – without any real threat of violence – with his monks and all the property of the house, and left his monastery of Calder completely bereft of temporal goods, and useless, which he could not and ought not in justice to have done without the assent or permission of the father abbot of Furness.

He also argued that the charter of quitclaim that the abbot of Byland had from Abbot Hardred ought to have no force or power in law because the said Abbot Hardred had no authority to remit the right of his monastery of Calder without the permission of the abbot of Furness. Such an illegal remission ought justly to be treated as invalid and void. For these reasons the abbot of Furness sought that the paternity of the monastery of Byland and subjection of its abbot to himself and his church of Furness should be justly adjudged in the form of a judicial sentence.

In response the abbot of Savigny offered us his right of defence openly in writing and delivered it as is noted here.

^a The name of the abbot of Furness is not mentioned in this document, but would have been Abbot John, who occurs in 1152 and 1155 (*HRH*, I, 134).



He said that the first and chief grant of the place of Hood was made to his house of Savigny by Abbot Gerald himself and presented for approval in his general chapter. He maintained as proof that it had been accepted favourably on the advice of the chapter. He also maintained that Abbot Gerald had, in that same general chapter, freely given himself as a special son subject thereafter to the abbot of Savigny and to his successors on the advice and with the consent and at the unanimous request of his whole convent then living at Hood. He further maintained that Gerald had submitted himself as a free man, having been totally rejected and cast out by the abbot of Furness. Similarly he granted the custody of Hood together with the governance of souls there a second time, and – although reluctantly – received it again from the same abbot of Savigny as from a father to whom he had submitted himself. He continued in that same subjection until his death, and that same man who now rules there, Lord Roger, followed in the footsteps of his predecessor whom he holds in all things as a worthy man, to be venerated and commended.

He added that the abbot of Furness – if one may say this – justly deprived himself of the subjection of Abbot Gerald and his successors by making them so unwelcome. The abbot of Furness had contemptibly reproached Abbot Gerald and his monks who came to Furness hoping for refuge in a time of general turmoil in Copeland, and denied them human charity. He had forcefully expelled them, and bid them farewell. They, thus spurned, put to flight and despised, departed – albeit unwillingly – and with God's help within a short space of time obtained a place to live first at

Hood, then at Byland. They submitted their place and also themselves directly to the subjection and filiation of the abbot of Savigny, as they were well entitled to do, because at that time, after the abbot of Furness had rejected them, they were subject to no-one.

Moreover he maintained that that noble man, Lord Roger de Mowbray, founder of Byland, at the time of the general chapter, had come to Citeaux with the duke of Burgundy. In that general chapter Roger had granted Byland to the abbot of Savigny who was then present – and Roger was the man who could assign and give the monastery of Byland to the subjection of whomsoever he wished.* No-one in that chapter opposed the donation nor in the chapter the year following did any speak for the right of the abbot of Furness or anyone else who could claim any right in the house of Byland.

At length the abbot of Savigny, in a manner that precluded debate, added and pleaded that the chief reason why the abbot of Furness – or any other – should be denied all course of action against him in the said case, was that those things which had been done, presented, ordained and established according to custom in the annual general chapter at Savigny ought not now to be retracted in any way nor weakened by the authority of the general chapter of Citeaux.

Thus with these arguments the abbot of Savigny explicitly countered the petition and claim of the abbot of Furness, and in particular asserted the authority of the general chapter of the order of Savigny in the form that has been mentioned. Accordingly we, by means of our limited understanding, have considered and carefully examined all those matters that have been expounded by either side. Now at length with the advice of the brethren sitting in this case, we judge that those claims which the abbot of Furness alleged in his petition can be quashed and invalidated by those

* This is another instance of the wide powers of patronage which seem to have been claimed by Roger de Mowbray or attributed to him by Abbot Philip.

arguments that have been put forward by the abbot of Savigny in his defence, if they can be proved. Accordingly the abbot of Furness, who by law as the plaintiff had to supply proof of his claim and assertion, had no witnesses, nor did he wish to say anything further in support of the arguments, rehearsed above, against the petition put forward on behalf of the defendant. Moreover, according to the testimony of the abbot of Furness himself, the witnesses produced by the abbot of Savigny in support of his claims were deemed to be acceptable. Thus we think it correct to acquit by the testimony of these witnesses. Since therefore according to the custom of our order those things which were lawfully decreed by the abbot of Savigny and which witnesses who have been brought forward adequately prove, we in justice defer to the formal plea legitimately proposed by the abbot of Savigny and being unwilling to postpone the case further in order to avoid extensive inconveniences and expenses we judge, by the authority committed to us, that the subjection of the monastery of Byland belongs to the abbot and church of Savigny and the same abbot of Savigny is quit and free from all claim of the abbot of Furness. The lord abbot of Furness is to accept this ruling most respectfully and with all humility, patience and reverence. Present with all these was Godfrey, abbot of Garendon,^a whom both sides had accepted as judge in the place of the abbot of Waverley. Also present were the abbots of Fountains, Newminster, Louth Park, Basingwerk, Rufford, Jervaulx, St Lawrence [Revesby], Kirkstall, Meaux, and Forde. Also present were Thurstan, prior of Rievaulx, Maurice and Walter Daniel,^b monks of Rievaulx, Richard and Robert, monks of Byland, Robert, Richard and Alan, monks of Fountains, Alan of Revesby and very many others.

In this manner the said controversy ceased and was brought to a conclusion with the proper formalities.

²¹⁷ L. 1146 adds Gillerbertus

²¹⁹ L. 1146 adds Alexander

²²⁰ L. 1146 has Robertus de Wida, Adam de Melsa, Helias de Ruthfordia, Iohannes de Iurvallis

²²¹ etiam L. 1146

²²² Galo Daniell also written as catchwords at foot of fol. 28v

²²³ L. 1146 adds: monachi Savigniacenses Walterus, Ricardus, monachi Furnesii, Robertus, Landricus

^a Godfrey, abbot of Garendon, who occurs c. 1146, 1147, 1155 (HRH, I, 134). Garendon was the senior daughter house of Waverley, which was itself the senior Cistercian house in Britain. On the witnesses see above, p. 28, note c.

^b Walter Daniel, monk of Rievaulx and biographer of Ailred.

When Lord Roger de Mowbray our founder had heard and seen that many serious and unjust challenges were maliciously and violently being brought against the house and his monks of Byland from day to day, he thought to himself how he might prevent these problems and bring peace to the monks. He considered moreover how his grants and those of Gundreda his mother, which they had in turn given to the monks, could be more securely and more safely protected and guarded unimpaired. Roger de Mowbray therefore went with his knights to that noble man Lord Roger, then archbishop of York,^a and to the chapter of St Peter there. He humbly and devoutly asked them if they would deem it worthy to protect and maintain the gifts he had made in alms, no less those of his mother, by their own charters of confirmation.^b And so the said archbishop and chapter lent their assent to the petitions of so great a man and woman. They strengthened their grants by their charters of confirmation the more freely because they knew that the servants of Christ had been treated devoutly by this man and woman. And the archbishop took under his own protection and that of St Peter his house of Byland in the second year of his pontificate, that is, in the year of our Lord 1155,^c in these words.^d

Roger by the grace of God archbishop of York and legate of the apostolic see, to all his successors and to all sons of holy mother church, greeting. We have made known to you all that we, with the assent and approval of the dean and chapter of Blessed Peter of York, have taken under the liberty and protection of the Blessed Peter and our own in order to maintain it for our beloved sons the monks of Byland and their successors, the grant which the renowned man Roger de Mowbray made to the same monks, that is, the whole vill of Byland with all its appurtenances and the church of the same vill with its appurtenances. Roger confirmed these things in perpetual alms in our presence by his charter for the salvation of his soul and of all his own. Therefore we forbid under pain of anathema that anyone should recklessly presume to infringe or in any way interfere with this donation. As this renowned man made this grant in perpetual alms to the said monks and their successors in perpetuity, we appropriate the church

charter that follows. It is possible that an earlier act of Roger existed. See *EEA*, XX, no. 7*.

^a Printed in *EYC*, III, no. 1834, where it is noted that the style of Roger's title and the witnesses suggest a date on 1177 × 1181. Printed also in *EEA*, XX, no. 8, with variants from Oxford, Bodleian Library MS Dodsworth 94, fol. 12r–v. This has an additional witness, 'Thomas', between Gerald and Paul. As Lovatt notes (*EEA*, XX, no. 9, note), the position of the third witness (who witnesses in the same position here) suggests that Guy had already become master of the schools, an office to which he succeeded after the death of Robert Magnus on 27 November 1177. If this is the case, the confirmation can be dated between 27 November 1177 and the death of the archbishop on 22 November 1181. It may be connected with the final move to New Byland in October 1177.

of the said vill of Byland with all its appurtenances to the said monks and their successors for their own use, and we decree it to be free from all episcopal dues and confirm it in perpetuity. With these witnesses: Robert the dean, Hamo the precentor, master Guy, Ralph the archdeacon, Gilbert, abbot of Selby, Robert, provost of Beverley, Alan, canon, Master Maynard, Stephen, canon, Gerald, Paul, Master Alan of Pickering;^a

Robert,^b dean, and the chapter of St Peter, York, to those in the future as well as those present who shall see and hear these letters, greeting. You should all know that we have approved, conceded and confirmed the grant of Roger de Mowbray which he made to the monks of Byland living and serving God there, that is, the vill of Byland with its appurtenances and the church of the same vill with its appurtenances. In a similar way we approve, concede and confirm the appropriation and confirmation of the church of Byland in all things, as the charter of Roger, archbishop of York, bears witness. Therefore we pray all the faithful of God that they maintain the aforesaid grant, appropriation and confirmation for the salvation of their souls. And we forbid anyone to presume to lay a hand on them or to make any trespass on them. We are the witnesses of this same grant, appropriation and confirmation. Farewell.

While the said Abbot Roger lived with his monks in the western part of the territory of Coxwold they began, as was said earlier, industriously to clear the woodland, and to drain large amounts of water from the swamps through long, wide ditches. And after solid ground had appeared, they prepared for themselves a wide, suitable and honourable place in the eastern part of the territory between 'Whiteker' and the foot of the hill of Cam, that is, near 'Burtoft' and 'Berstlina'. There they built their fine, great church^c from new, as may now be seen: may the Almighty bless and keep it throughout all ages!

And they moved there from Stocking on the eve of All Saints [30 October] in the year of the Incarnation of our Lord 1177 where, with God's approval they will remain in good

^a Master Alan of Pickering also attested an act of Archbishop Roger for Warter Priory (EEA, XX, no. 101). He was a clerk of the archbishop (*ibid.*, pp. 1–11).

^b The following confirmation is printed in EYC, III, no. 1835, where dated to 1177 × 1181.

^c On the significance of the church at Byland see Peter Fergusson, *Architecture of Solitude*, pp. 69–90.

fortune forever. Abbot Roger ruled in the pastoral office at Byland, that is, at Byland on the Moor, at Stocking and near 'Whiteker' for fifty-four years^a and more, from the day of his ordination to his advanced old age and then he resigned his office. And it should be known that all granges, manors and possessions both in the county of Westmorland and in Yorkshire were granted to our abbey of Byland in his time.^b Abbot Roger, on his journey to the general chapter or returning from it, often and earnestly begged the blessed Bernard^c that it might please him to suggest to the abbot of Savigny that he receive Roger's resignation, because he was too feeble, worn out and weakened by old age to rule his house any longer. However, St Bernard would in no way agree to his request.^d Instead he kindly encouraged him to return to his house and rule it with his accustomed diligence and wisdom, saying that his successors would never be able to maintain or retain the lands and possessions that he had acquired in his time.

We, Brother Philip, former abbot of Briostel and now abbot of Byland and the next successor of the said Roger, have written these things in the year of the Lord 1197, that is, in the second year of our office as abbot and in the thirtieth year after the passing of Ailred, abbot of Rievaulx. Abbot Roger dwelt with us in the house of Byland for nearly three years after his retirement, and then having lived for many years he fell asleep in the Lord there at a ripe old age.^e Henceforward our successors may see what kind of worldly cares there are to be encountered, and will carefully recall these writings. For our predecessors, from the time when they went out from Calder to the present day, have patiently suffered worldly tribulations and oppressions, very serious losses and hardships in the hope of reward and the glory of Heaven. We suffer them now in many ways in our own days, but I refuse to write of them because their length would be wearisome. Now indeed we wish to make known to those who are to come how a convent went out from our house to Jervaulx in the time of Roger our predecessor, and about the foundation of the same, just as our ancestors explained to us many times by word of mouth.

^a 1142–1196.

^b William of Newburgh refers to the success of the abbey under Abbot Roger ('Benedixitque Dominus et de rebus angustiis ad magnam jam amplitudinem pervenerunt sub patre Rogerio mirande sinceritatis viro...'; 'And the Lord blessed it, and from small beginnings they have now reached great heights under their father, Roger, a man of admirable integrity'), and notes that at the time of writing (1198) Roger was still alive but in advanced old age ('qui adhuc superstes est in senecta uberi'): *Chron. Stephen*, I, 52.

^c Bernard of Clairvaux was canonized in 1174.

^d This suggests that Roger's desire to resign went back at least forty years, to before Bernard's death in 1153.

^e This must be an addition to Abbot Philip's text. Roger resigned in 1196 and died in 1199. Hamo had succeeded Philip by 11 October 1198 (see above, p. 1, note b).

The foundation of Jervaulx

In the time of King Stephen,^a who succeeded Henry I in the kingdom of England, there was a certain knight of noble family named Acaris son of Bardolf,^b a great landowner in the county of Yorkshire. Inspired by divine grace, this man gave to a monk serving God, Peter de Quinciaco, who was well experienced and very knowledgeable in the skills of medicine, and to other monks of Savigny, a certain portion of his land in Wensleydale, that is, land in Fors and in Worton.^c There the said Brother Peter and his companions began, as best they could, to establish a new abbey and to construct simple buildings. At first this dwelling place was called the abbey of Fors, then the abbey of Wensleydale, later still the abbey of Charity, and finally, because the place was close to the flowing water,^d it was called the abbey of Jervaulx.^e In this location the monks repeatedly suffered difficulties and hardships. It is uncertain how or for what reason Brother Peter and his other companions came from Savigny to England. Some believe that Peter was staying at the court of Alan, count of Brittany and Richmond, for the purpose of treating the sick and wounded or to collect alms in the hall and distribute them to the needy.^f Count Alan confirmed the grants that the said Lord Acaris and others made to the monks by his charters, in this way.

The first charter of Alan, count of Brittany and [earl of] Richmond^g

Alan, a count of Brittany and England, to all the prelates of holy church and to all his barons and his men of England, both French and English, greeting. I wish you to know that I have conceded and confirmed those alms that Acaris son of Bardolf granted to the monks of Savigny for the

^f It is characteristic of Abbot Philip to give different versions, probably representing oral traditions, of events leading to the foundation of both Byland and Jervaulx. Earl Alan of Richmond mentioned here is Alan III 'Niger'. The first of his family to acquire lands in England was Alan I 'Rufus', a count of Brittany, who fought at Hastings and built Richmond castle; he died in 1089. His brother and successor was Alan II 'Niger', who like his elder brother died unmarried (1093); he too was succeeded by his brother, Count Stephen, who died in 1135 or 1136, probably 1136. His son, who succeeded him, was Alan III 'Niger', who was earl of Richmond from 1136. He married Bertha, daughter of Conan III, duke of Brittany, and died in September 1146. See *CP*, X, 779-97; *EYC*, IV, 85-92.

^g Printed from this source in *EYC*, IV, no. 23, where dated shortly before 1145. On the titles used by Alan in this and the following charter see *CP*, X, 788, note (b); he was the first to use the title of earl of Richmond.

soul of his father and that of his mother and for the souls of his ancestors, that is, all the land that he held in Fors and in Worton and in Brough,^a free and quit from all the service that belongs to it and that the aforesaid Acaris renders fully to me. Acaris granted the said land to them when I was there to see and hear, with all its belongings and appurtenances, in plain and wood, in meadows, in watercourses, in fields and in pastures. Moreover, I grant to them in honour of our Lord Jesus Christ and for the souls of all the faithful, common of my pastures wherever they have animals, and I order that they hold the said alms well, peacefully and honourably, and that no-one should oppose them or cause them harm. And I pray all men to support them. With this witness: Conan the archdeacon.^b

Another charter^c

Alan, a count of Brittany and England, to his steward and his constable of Richmond, and to all his barons and his men, French and Breton and English, greeting, I wish you, and my successors and your successors, to know that for the love of God and the redemption of my soul, and for the soul of my father and that of my mother, and those of my ancestors, I concede and confirm the grant that Acaris has made to the monks and brothers of Wensleydale, that is, three carucates of land in Worton and one and a half carucates in Fors. I concede and confirm to the said monks and brothers the whole vill of Ingleby that Roger de Gunmary and Warner his brother^d granted to them. I also concede and confirm one and a half

1300, VI, York, compiled by Diana E. Greenway (London: University of London School of Advanced Study and Institute of Historical Research, 1999), p. 47n.

^c Printed from this source in *EYC*, IV, no. 24, where dated 1145.

^d Roger and Warner, donors of land in Ingleby were the sons of Wimar, who was a tenant of Count Alan in 1086, and subsequently acquired more holdings. Wimar as steward attests charters of Count Alan and Count Stephen. He was dead by 1130 and his lands were divided between Roger and Warner, the first of whom was steward under Count Stephen but not under Earl Alan (*EYC*, V, 18–24). Warner son of Wimar attests without title but in later charters he too is described as steward (*ibid.*, nos 129, 134, 174). Clay suggests that Roger son of Wimar was succeeded as steward by his son, Ralph, who was steward under Earl Alan, and that Ralph was in turn replaced by his uncle. For Warner's grant see *EYC*, V, no. 134 (printed from Oxford, Bodleian Library MS Dodsworth 80, pp. 360–1, probably copied from the original). Described as Warner son of Wimar, steward of the earl of Richmond, he granted to God and St Mary of Wensleydale land in Ingleby of which his brother, Roger, had previously given three carucates and to which he added two carucates. In *EYC*, IV, no. 18, Warner appears as 'Guarnerio filio Guihumari' and his father as 'Guihumario', perhaps the source of the form of the name found here. Ingleby is now represented by Ingleby Lodge, to the north of the river Ure and west of Bainbridge.

carucates in Fors, granted by Hugh son of Jernegan.^a If any of my barons or my men should wish to grant to the monks lands or anything else for the love of God, I concede their grants freely and confirm them, saving the service due to me, and also provided that if there is any loss of that service or any claim, distraint shall be not be made on the said monks or their men, nor any trouble caused for them. I grant and concede to them pasture throughout my whole forest of Wensleydale and meadow to mow, as much as they need. I also grant and concede to them that they may take material wherever they wish in the same forest for their houses and for making other things which they need, without any hindrance or interference. If they should find iron or lead ore on their lands I grant them permission to mine it for their own use. If, indeed, the brethren themselves or any of their servants shall find the flesh of any wild beast in my forest they may take it, with God's blessing, that is beasts that have been killed by wolves. I wish and concede and strictly order that the said brothers should hold and possess in perpetuity all the things that I have granted and conceded to them, well and peacefully and honourably, in wood and in plain, in lands and in watercourses, in meadows and pastures, with rights of egress,^b and with all their free customs, with toll and team, infangantheof etc. With these witnesses etc.

Afterwards Earl Alan ordered the said Brother Peter to let him know when he was about to raise their first structure because he wished to be present in person. When all the preparations had been made for the construction of the first building Brother Peter sought out the earl as he had ordered. When the earl came to that place where the house was to be built he called

^a Hugh son of Jernegan was the holder of the Tanfield fee of the Honour of Richmond. He attests charters from the 1130s, and seems to have been steward of the honour some time in the period 1138 to 1145 (*EYC*, V, 41-2). He and Brian son of Scolland granted 'terram nostram de Fors', that is half a carucate, to the abbey and brethren of Wensleydale (*ibid.*, no. 308, from Oxford, Bodleian Library MS Dodsworth 80, p. 361, probably copied from the original). Clay dates this to ?1150, and notes that the witnesses include Serlo, abbot of Savigny, Roger, abbot of Byland, John, abbot of Swineshead, and several laymen associated with the Richmond area. This would strengthen the case for Serlo having visited the English Savigniac houses around 1150: see below, p. 44, note b.

^b Rights of egress were often granted with rights of entry, that is, freedom to enter and leave lands without restriction.

by name four or five of his knights who had come with him, and he said to them, with a smile on his face as if he were joking, 'We all enjoy substantial lands and possessions. Therefore let us now help with our own hands and raise this house in the name of our lord, and let each one of us provide land and revenue in perpetual alms to maintain the part which he has built.' Some of them fell in with his suggestion easily enough, but others were only willing to agree to it on certain conditions. And so they built the first wooden house to serve as an oratory in the year of our lord 1145.^a

When Lord Roger de Mowbray, our founder, heard that some monks of Savigny had begun to build a new abbey he wished to share in their prayers and spiritual benefits as he did in those of other monks.^b Therefore, with great devoutness and generosity of spirit he granted to the same Brother Peter land, pasture and woodland from his demesne of Masham, by a charter like this.

Charter of Roger de Mowbray^c

Roger de Mowbray, to all his ministers and men of Yorkshire, French and English, greeting. Know that I have granted and conceded to God and St Mary of Charity and Peter the monk and his brothers in the abbey on the river Ure, all the land and all the woodland as the path goes from Brigwith as far as 'Witeberecuade'. Moreover I grant them the right to fish in 'Higlamare' and timber and the pasture of all my woodland. And I wish them to hold this land as far as the river Ure free and quit as land can be, unencumbered and in alms. Witness: Roger, abbot of Byland.

Again:^d

To all who will see these letters, Roger de Mowbray, greeting. In truth I give evidence that before I went to Jerusalem the first time on pilgrimage, and four years before Walter Bury held land in Mashamshire, I granted to the

Roger de Mowbray land in Masham as his father, Nigel d'Aubigny, had held it of Alan's father, Stephen, for the service of one knight, as far as the boundaries of Witton (*ibid.*, no. 18).

^a Printed from this source in *Mowbray Charters*, no. 174, where dated 1175 × 1186. As Greenway points out, the reference to Roger's first journey suggests that a second one was being contemplated. Roger's first journey to the Holy Land was in 1147, and his second was planned in 1175. She therefore dates this charter to between the projected second journey and Roger's departure on crusade in 1186. This is therefore a charter confirming the grant of Brigwith. Walter Bury was enfeoffed with land in Masham in 1149–50, and was dead by 1177. The subject of the confirmation, of which the original grant appears to have been made c. 1146, may be the land granted by the previous charter.

abbey that was then called the abbey of Charity and is now known as the abbey of Jervaulx, land which the monks hold in Brigwith, and pasture and timber throughout my whole wood of Mashamshire, in perpetual and free alms as my charters, which the monks have, bear witness. If anyone wishes to oppose these charters or prove them false I and my heirs will be ready to maintain and guarantee them anywhere.

Not long after this grant, Earl Alan sailed to his lands in Brittany.^a When he came to Savigny he explained to the abbot and convent that Brother Peter and other monks who were his companions had begun an abbey on his demesne not far from his castle at Richmond in England. The earl immediately granted that abbey^b – which had then been planned rather than begun – to the abbot of Savigny,^c who accepted the house, although unwillingly and grudgingly, and held it well and in peace, but for what length of time is not clear. Peter, a zealous supporter of that new foundation, waited very eagerly, day in day out, for an abbot with a convent to arrive from the monastery of Savigny. Very often he wrote to his abbot, requesting him to send an abbot and a convent to him, to live there throughout the generations. But the abbot of Savigny turned over in his mind the dangers, hardships and deprivations suffered by his monks, who had been sent from Savigny to various other places in England to begin and construct abbeys and who had often begged him to bring them home again.^d In his parlour and in the presence of many people he swore very angrily by the virtue of the [Holy Trinity], in whose honour the church of Savigny had been founded, that he never wanted to send a convent there. He said that he would be very pleased if he could be completely relieved of and freed from the grant of that place for good and all. He wrote back to Brother Peter, telling him that he had acted very foolishly in that he and his companions

meum amicum et precipuum fidelem cui me totum et in maximo periculo commisi, qui corporis uiteque mee custos optimus extitit ...' (I fully commend this Peter to you as my friend and my most faithful vassal. To him I committed myself completely when I was in the greatest danger and he became an excellent guardian of my body and my life). A. Laveille, *Histoire de la Congregation de Savigny*, ed. Claude Auvray, 3 vols, Société de L'Histoire de Normandie (Rouen and Paris, 1896-8), II, 323-4, states that Earl Alan was wounded at the Battle of Lincoln in 1141 and received treatment from Peter, but gives no source. However, the wording of the charter suggests a close link between the earl and Peter, and may be behind Abbot Philip's remarks about Peter's skills in medicine (above, p. 36).

^a The abbot at the time was Serlo; see above, p. 9, note d.

^d Given the date of 1146, it is possible that Serlo had in mind the problems encountered by the monks of Hood/Byland. There may also have been a failed Savigniac foundation at Oakley (Essex) but the date cannot be established: Poulle, 'Savigny and England', p. 164. Certainly the abbot's unwillingness to see a further Savigniac foundation in England, coming as it did just before the merger with Cîteaux, supports the traditional view of the English congregation of Savigny as difficult to control.

had founded an abbey without asking the advice of the house of Savigny. This message was very unwelcome to Brother Peter and his companions and demoralized them, but they did not cease the good work that they had begun.

Afterwards – according to some people in the eleventh or in the twelfth year of King Stephen, the year in which the abbot of Fountains called Henry Murdac was consecrated archbishop of York, that is the year of our lord [1147]^a – it happened that our abbot, Roger, went to the general chapter at Savigny. He journeyed further into Normandy, to Lord Roger de Mowbray, our founder, who was then staying there,^b in order to discuss several pieces of business concerned with our house. When he heard this, Brother Peter went to our abbot, and requested him to carry a letter to the abbot of Savigny on his behalf.^c He also asked him to bring back with him a reply to that letter, and to suggest and indeed to appeal to the abbot of Savigny to make known to Peter in writing what he wanted to do about the foundation of that new abbey that he had begun. He was also to say that Peter and his companions were willing to comply with everything that the abbot might order. Our abbot took the letter, crossed the sea, and came to Savigny where, among other items of business, he brought up the matter of Brother Peter and handed over his letter to the abbot of Savigny, who received our abbot with great honour. The only abbots from England at that general chapter were those of Quarr and Neath.^d There an announcement was made that Pope Eugenius intended to hold a general council at Reims but it was not yet certain whether it would be that year or the following year.^e

The first day of the general chapter went by, and on the second day the abbot of Savigny himself, in the presence of fifteen abbots of his congregation who were present at the time, raised the question of what was best to do about the matter of Brother Peter. This issue was fully rehearsed in the assembly, and during the discussion different people said different things. However, in the end the abbot of Savigny, to whom Earl [Alan]^f had granted the place of Jervaulx, was in no way willing to agree that an abbot with a convent of monks

^a The general chapter of the congregation of Savigny is said to have been instituted by the second abbot, Geoffrey, and the attendance of only two British abbots, apart from Roger of Byland, may be indicative of problems with governing the English houses. Quarr, on the Isle of Wight, was a daughter house of Savigny, founded in 1132. The unnamed abbot here may have been Gervase, who occurs before 1147 and between 1143 and 1147, or his successor, William, who occurs in 1150 (*HRH*, I, 139, 273). Neath in South Wales, also a daughter house of Savigny, was founded in 1130. Abbot Richard of Neath died in 1145. The next abbot, Ralph, occurs in August 1150 (*ibid.*, 138).

^e This is the Council of Reims of 1148, at which the merger of the orders of Savigny and Cîteaux, agreed at Cîteaux in September 1147, was ratified by Pope Eugenius III. See Jaffé, *Regesta Pontificum Romanorum*, II, 55, no. 9235 (6418).

^f Conan is an error for Alan.

should be sent there from Savigny. Instead it was arranged that the abbot of Savigny, if he wished to do so, should grant that new abbey to Savigny's youngest daughter house of Byland. Of the congregation in England Byland was the nearest abbey to Jervaulx. And afterwards this was done.^a Our abbot could not wait any longer because he wished to hurry to Lord Roger, our founder, in order to seek his assistance against the many injuries and losses being inflicted on us by Robert de Daiville and William and Hugh Malebisse^b in the absence of our founder. Therefore our abbot appointed the abbot of Quarr to represent him and to act in all things that concerned him. Then, showing all devotion and respect for the abbot of Savigny and the whole chapter, he was given leave to depart – though not without great gifts – and so he went away. At length he returned home with good fortune, but for the time being he stayed in Normandy with Lord Roger, our founder.^c

When the general chapter was over and the abbots had dispersed, the abbot of Savigny, who was called Serlo,^d summoned the abbot of Quarr^e in the presence of many of his house. He called him out of the assembly and handed him that charter that we have concerning the grant of the abbey of Jervaulx. He ordered him to visit that year all the daughter houses of his congregation in England.^f If he considered that a convent of monks, with an abbot, could be maintained at Fors on the land and property there, then he was to hand over the charter, and the place with all its property, to our abbot as his own donation and that of his convent, and should place him in full possession of it. And if the land and property were insufficient, then he was to keep the charter in his own possession and say to Brother Peter that he was to look after the place well and improve it for the uses of the abbey of Savigny. He also handed over to the abbot of Quarr other confidential letters to the same effect, that if the place and the property were sufficient, then Brother Peter and his companions if they wished should duly make profession to our abbot or return to Savigny.

The abbot of Quarr came to England with this mandate and order, and during the following Easter^g visited our house together with Lord Matthew, monk of Savigny who had been sent with him under his command, and who had been a colleague of the aforesaid

^a The text here suggests that Roger de Mowbray was still in Normandy in the late summer of 1147.

^d On Serlo see above, p. 9, note d.

^e The abbot of Quarr in 1147 was Gervase, who occurs 1143 × 47 and before 1147: *HRH*, I, 139, 273. He had been succeeded by William by 12 August 1150.

^f A system of visitation every three years was, like the general chapter, attributed to Abbot Geoffrey of Savigny.

^g This would have been Easter (11 April) 1148.

Brother Peter who was now living at Jervaulx. When the visitation of our house was over, the said Brother Peter took the abbot of Quarr and our abbot with him to Jervaulx, and there the abbot of Quarr handed Brother Peter the confidential letters of the lord abbot of Savigny. He also explained verbally that the abbot of Savigny had granted the new foundation to the abbey of Byland, provided that an abbot with a convent of monks could be maintained there on that land and with that property. And he showed him the charter making this grant, and said that the abbot and convent of Savigny had never wanted to send a convent there, and that this was why they had made a grant of this kind.

Brother Peter read the confidential letters that had been sent to him in the presence of two fellow monks, Conan and Himbert, who earnestly pleaded on his behalf with Lord Matthew, and thus in turn and for a long time they carefully discussed together the business spoken of earlier. The advice of Lord Matthew was this: that the place with its appurtenances and property, being less than sufficient for an abbot and convent, should remain with the abbey of Savigny, for its own uses. However, Brother Peter and his companions, who had endured much there, said with one voice and will that great honour and advantage would come to the church of Savigny as well as everlasting reward to themselves in the sight of the Lord God, if as a result of their labours an abbot and convent could be established there and be continued from one generation to the next. Nor would they in any way agree that the place should remain with the abbey of Savigny for its own uses. When their meeting had been concluded they all went together to the abbots in the oratory, where Brother Peter spoke thus to the abbot of Quarr: 'Holy father of Quarr, we have discussed enough the business on which you have come here, now and on other occasions. I wish to make it quite clear to you now that I and my two companions, to whom this place was first and especially given for the service of God, have developed this same place up to this time to the best of our abilities both internally and in external matters, and have increased its property. For now – blessed be the Almighty! – we have, of the gift of the earl, five carucates of land under the plough, forty cows with their offspring, sixteen mares with their offspring, five pigs with their offspring, three hundred and thirty sheep, hides in the tannery, and, with a little help, more wax and oil than we need for two years. And we are certain that we will find bread and ale, cheese and butter, for the first year, and we believe that with such resources an abbot and convent of monks can begin to live in this place until it shall please God to provide more abundantly for them. I, Brother Peter, say both for myself and for my two companions here, that because it has pleased my abbot and the convent of Savigny that the abbot of Byland shall obtain this place by their grant, if the same abbot promises us faithfully that he is willing

to send an abbot with a convent of monks from his house to this place, to live here from one generation to the next for ever in the service of Christ, as has been ordained by our superiors and rightfully ordered by them according to the contents of the charter that has been prepared and the letters that have been sent to us, we are prepared to hand over this place with all its property, and also to make profession.⁷

When Peter had said these things the abbot of Quarr talked confidentially for a while with our abbot and Lord Matthew. Afterwards, in the hearing of all, he said: 'The holy will of your hearts and minds, by which you strive so faithfully for the salvation of your souls and the increase of your order, is more than clear to us. The abbot of Byland by his own mouth and here in our presence kindly promises to do what you have requested. What is more, I promise for myself and for my house of Quarr to you and to your house of Savigny that we will make up the number if he does not fulfil your request as it seems he ought.'⁸ And in the presence of them all he read out the charter of donation, which is like this.

Charter of Serlo^b

To all the sons and faithful of the holy church of God, Serlo, abbot of the monastery of Savigny, and all the convent of that place, greeting. Know that we, with the common advice and consent of our brothers, have granted and conceded to God and the church of St Mary of Byland, the abbey of Wensleydale, which is also called Jervaulx, with all its appurtenances which they hold now and will hold in the future, free and quit as Earl Alan of Richmond granted and conceded it to us, with his heir, Conan, and all his barons approving and granting the same. Our condition and intention is that the said church should be the daughter of Byland, subject to it as a daughter to a mother, and should be obedient to it in all things according to our order. With these witnesses: Henry, archbishop of York, Ailred, abbot of Rievaulx, Thorald, abbot of Fountains, and very many of their brothers.

^b The following charter is printed from this source in *EYC*, V, no. 371. The text suggests that the charter was drawn up at Savigny, in the general chapter, and taken by the abbot of Quarr to hand over to Peter and his fellow monks if he decided that the site and resources were adequate for an abbey. However, the witnesses suggest that the charter was issued in England. Henry Murdac became archbishop of York in December 1147; Ailred became abbot of Rievaulx shortly before 30 November 1147. Thorald was the second suffragan abbot appointed by Henry Murdac to govern Fountains. The first, Maurice, resigned after three months, in early 1148; Thorald, a monk of Rievaulx, replaced him and resigned in 1150. He was still in office in February 1150 (*HRH*, I, 132, 140). The charter was probably issued during Serlo's visitation of the English houses in 1150. Serlo witnessed a charter of Brian son of Scolland and Hugh son of Jernegan to the 'abbey of Wensleydale' of all their land in Fors. It was also witnessed by Roger, abbot of Byland, John, abbot of Swineshead (a Savigniac house), Jernegan son of Hugh, Elias son of Mark and Bernulf his brother, Elias son of

When this charter had been read out aloud, Brother Peter surrendered the place with all its property to our abbot, and made profession to him in the oratory with his two companions, mentioned above, and one lay brother. There was another lay brother there, but he was unwilling to make profession and soon afterwards returned to Savigny with Lord Matthew. Then the abbot of Quarr went on to fulfil the duties that had been laid on him, and our abbot entrusted custody of the place as before to Brother Peter, now his monk, and so returned home. He went there as often as he wished and at his pleasure regulated the affairs of the house; he appointed a monk to the office of porter and sent a lay brother there as tanner.

After a year had gone by (according to Prior Amphrey) or two years^a (according to Lord Walkelin) the abbot of Savigny sent letters with Lord Guy his prior to all his family throughout England. He ordered them, on apostolic authority, to take and maintain the constitutions and habit of the Cistercian order, as Pope Eugenius had, in his general council held at Reims in the year of our lord [1148], ordered all the Savigniac houses to do, without delay and according to his mandate. Our abbot, Roger, was afraid that, caught up in such sudden change, the grant of the abbey of Jervaulx which had been made to him might be invalidated or perhaps revoked, because he had not yet sent an abbot and convent there. He thought carefully and sought advice from various quarters as to what might best be done. At last he was advised by several of his friends to go to Savigny and ask if the aforesaid Abbot Serlo of Savigny and his convent still accounted as valid the grant that they had made of the abbey of Jervaulx to the church of Byland, or not. He was to ask that, unless the incorporation into the Cistercian order would prevent it, our abbot be allowed to send an abbot and convent there safely whenever he wished.

With this advice our abbot, Roger, crossed the sea, that is, in the year of Our Lord 1149.^b When he had come to Savigny, at an opportune moment he fully and wisely explained to the abbot and convent of Savigny the reason for his journey. After two or three days had

Furness, who refused to accept the merger with Cîteaux. The pope referred the dispute between Savigny and Furness to judges delegate, Hugh, archbishop of Rouen, and Arnulf, bishop of Lisieux. Surviving letters include (i) from Hugh to Peter and the convent of Furness (?Nov. 1148), outlining that Peter had failed to attend a meeting called for Martinmas 1148, that Serlo had attended and produced convincing evidence that Furness was a daughter house of Savigny, that Furness had been restored to Savigny and Peter ordered to desist from rebellion; (ii) from Hugh to the monks and *conversi* informing them of his and Arnulf's decision; (iii) from Hugh to Henry Murdac, archbishop of York, outlining the case and informing him that Furness had been restored to Savigny. See Delisle, 'Documents'; *CDF*, nos 813-5.

^b Roger probably made his journey in May or June 1149. It is not clear whether or not he returned to Byland before attending the general chapter at Cîteaux (below, p. 46 and note b).

gone by during which they deliberated and took counsel, he received this reply. If he was willing to fulfil the promise that he had made to the abbot of Quarr and to Brother Peter de Quinciaco when he had entry into the abbey of Jervaulx^a and received seisin, then the grant that had been made could remain secure in perpetuity. And our abbot, Roger, declared there again that within a short time of returning home he would fulfil his long-standing promise.

On the eve of St Lawrence [9 August]^b that same year the abbot of Savigny took the road towards Cîteaux, to the general chapter, and he had in his company the abbots of Briostel,^c St André,^d and our abbot. When he came to the abbey of Clairvaux the abbot of Savigny led our abbot into the presence of the blessed Bernard, who was then abbot there. He explained fully the matter on which he had come, showed him the charter of donation, read it out to him, and asked for his advice and help. The blessed Bernard replied briefly to him: 'This your donation, made at one time on the advice and with the authority of your general chapter, and demonstrated by this clear document and by your corporal possession, does not require the support of the chapter of Cîteaux. For all those things that were ordered and ratified in the chapter of Savigny may not be revoked in any way by the Cistercian chapter, but shall remain secure and undisputed forever. We all know quite well that a transitory grant by a true lord gives to others the perpetual right of possession, and to that extent it is fitting that it should be speedily completed because for certain reasons it has up until now been delayed in this way'.^e On that occasion they spoke no more of the matter.

And so they came to Cîteaux. On the third day of the general chapter when the abbot of Cîteaux according to custom ordered that the names of the abbeys founded in that year should be entered onto the Cistercian roster among the others, the blessed Bernard spoke up. 'Some four years ago the abbot of Savigny on the advice and by the decree of his general

^a The phrase 'had entry into the abbey of Jervaulx' is a legal phrase denoting entry into possession of lands.

^b 9 August would have been an opportune time to set out for the general chapter at Cîteaux, which was held in mid September.

^c Briostel is Lannoy, a daughter house of Savigny.

^d St André is probably St André de Gouffern, like Briostel a daughter house of Savigny. That the abbots should have journeyed together to the general chapter is entirely plausible.

^e The involvement of Bernard reinforces that the events narrated here took place after the merger with Cîteaux, when Clairvaux became the mother house of Savigny. Serlo is here appealing to Bernard as his father abbot.

chapter, and with the assent of the brothers of that house, granted a certain abbey of his in England, the abbey of Wensleydale which now goes by the name of Jervaulx, to his daughter house of Byland. He made this grant by charter, which – if you allow – shall be recited in your presence. Although for certain reasons the abbot of Byland has not been able as yet to ordain an abbot for that place, within a year he will send there an abbot with a convent. Accordingly let the name of the abbey of Jervaulx be entered onto the roster among other abbeys which have been founded this year.' Then our abbot, Roger, stood up and handed over his charter to the abbot of Savigny, who handed it to the blessed Bernard, and the blessed Bernard gave it to a certain abbot who sat at his feet, who read it out. When it had been recited the abbot of Savigny stated in full chapter that on his own behalf and that of his brothers of Savigny he validated and welcomed the grant. And so immediately, at the prompting of the blessed Bernard and Abbot Serlo of Savigny, the name of the abbey of Jervaulx was written there among the others on the roll of Cîteaux. This may be clearly seen but we have never had anything else in writing concerning the abbey of Jervaulx from the chapter of Cîteaux.^a This was because we obtained prescription or possession of the place with its persons and all its property on the decree of the general chapter of Savigny a long time ago, before the order of Savigny was merged with the order of Cîteaux.

At this point Abbot Robert of Jervaulx, or William,^b arose and relying on certain misunderstandings objected on his own from the sidelines, complaining that we had little in our records to support our^c claim to right of visitation over his house. He said that he had often sought to inspect the charter of Abbot Serlo of Savigny concerning the grant that he made to us. However, because his behaviour was considered unreasonable he was unable to do this and so at length he stopped trying, having given up all hope of getting what he wanted. But let us return to the story.

When the general chapter of Cîteaux had concluded, our abbot, Roger, humbly sought and obtained permission to depart, with their blessing, from both the blessed Bernard and the abbot of Savigny. He returned home in all good fortune on the eve of All Saints [30 October].^d When he had rested a little after his hard work, he ordered Lord Landric, then our cellarer, to send the better of the two bells from the parish church of Old Byland in a cart to Jervaulx,^e and Landric speedily fulfilled this order.

^a The comment that Jervaulx had no record from the general chapter concerning its status is not surprising, as records from the chapter are not plentiful until after c. 1180.

^b The identity of Abbot Robert or William is not clear. There is no record of an abbot of Jervaulx before John of Kinstan and indeed at this stage an abbey had yet to be established at Jervaulx.

^c The word 'our' refers to Byland.

^d 30 October 1149.

^e The smaller bell from the parish church of Old Byland had already been sent to the chapel of Scawton: see above, p. 14.

After the Circumcision of the Lord [1 January] our abbot proceeded to Jervaulx. He stayed there until the Purification of the Blessed Mary [2 February], conducting and settling the internal and external business of the house, and he caused to be written down all those things that were to be provided there as necessary for human existence.^a At last he ordered Lord Peter and his two fellow monks who lived with him that they should all come to Byland on the first Sunday of Lent. He then left and went home. When the first Sunday of Lent had arrived,^b Lord Peter and his companions and all the other monks of our house were present in chapter, and when all the business of the chapter had been concluded they all sat down quietly.

Then our abbot, Roger, sighing deeply from within himself, spoke these words. 'As you well know it is now a very long time since I promised to fulfil that which God in his eternity had previously ordained. However, in order that I might accomplish this better and more effectively, I have waited until now, and I have often carefully sought from each and every one of you your advice and your approval. Now therefore, I call on the virtue of divine favour for our enterprise to the praise and honour of God and the benefit and increase of the universal church and the salvation of souls, in the name of the Father, the Son, and the Holy Spirit. And I ordain and appoint as abbot Lord John of Kinstan.^c As he spoke John's name everyone stood up and lifting him from the ground they carried him in their arms to the high altar, saying, 'You are the abbot of Jervaulx'. This Lord John was one of those who had left Calder with Abbot Gerald and established our house. Afterwards, when the cry of the monks had died down, they all went back into the chapter and our abbot took Abbot John by the right hand and placed him in the highest seat, saying, 'I confirm you as abbot, and to you I commit the cure of souls and the rule of the abbey of Jervaulx, with all its property, persons, and possessions which it has now and may acquire, in earthly as well as in spiritual matters, just as Serlo, abbot of Savigny, gave it to us'. Then he placed in his hands the Rule of St Benedict and a small casket with relics. Next our abbot called out the names of the aforesaid Peter and his two companions and nine other monks from the convent and released them from the vow of profession that they had made to him, and they all immediately professed to Abbot John. And the following Wednesday, that is the eighth of the Ides of March [8 March] in the year of our Lord 1150, having received the

^a Abbot Roger was accordingly at Jervaulx for just over a month, from 1 January to 2 February 1150.

^b The first Sunday in Lent in 1150 was 5 March.

^c For John as one of the original convent that left Furness to found Calder in 1135 see above, p. 2.

customary blessing after the evening vigils, Abbot John with his twelve monks left our house for Jervaulx. On their journey they had Jesus Christ himself as their guide and the Blessed Virgin Mary as their comforter, as Abbot John often privately confessed to our abbot, Roger, and – not without tears – revealed the vision which had been shown to him. I will pass over it here for reasons of space; later, however, I wish to speak of it so that it might be made known to those who follow us.

On the following Friday^a Abbot John came with his convent to Jervaulx where there is now a good grange called Dale Grange with six ploughs. Lord Acaris, first founder of the place, and many other noble men were there, and came out to meet him. They received him with great respect and honour, and promised him advice and help in all things that concerned him. After they had eaten they went away, having humbly sought to share in their prayers and spiritual benefits. Then Abbot John appointed Lord Edwald his prior and the aforesaid Lord Peter his cellarer and various other officials, and they lived there together in great hardships and lacking some essentials as well as they could for four years. In the fifth year there was such heavy rain in those parts around the feast of St Michael [29 September]^b that when they should have been reaping and gathering into the barn, all their harvest perished and as a result they had no seed of their own. For this reason our abbot, Roger, at the request of Abbot John, sent them five baskets of wheat for sowing. Indeed they purchased from elsewhere more than our abbot had arranged to be transported to them; despite this they passed that year in great need of grain and malt. No one was more distressed than the cellarer. And while they lived in this way, seeing the barrenness of the ground and of that region, and especially how the grain could not ripen and grow there on account of the rain and the inclement weather, they often talked together of returning to the mother house. The only thing that stopped them was the criticism of men who would be able to say, 'These monks could begin to build but could not finish'.

When our abbot, Roger, came to visit, as was the custom,^c he found Abbot John and his convent greatly demoralized for the reason I have rehearsed. For that year they had spent all the money that they had from the sale of their wool and their animals – and more – on grain. Therefore our abbot, wishing to relieve their distress as much as possible, sent them again five baskets of grain and ten of malt to sustain them in preparation for the autumn. In addition with the approval of our convent he gave them ten bovates of land in Ellington^d

^a Friday 10 March 1150.

^b Michaelmas of the fifth year of the occupation of Fors would have been 29 September 1154.

^c Abbot Philip is here referring to the Cistercian practice of annual visitation of daughter houses by the father abbot.

^d High and Low Ellington are in the parish of Masham.

which Brother Serlo, our *conversus*, gave us when he entered our house, with ten oxen and ten cows there, and six mares with their foals in the same pasture. The wording of the charter of our abbot is as follows.^a

To the archbishop of York and to all the sons of holy mother church, Roger, abbot of Byland, greeting. You should know that I have granted and conceded to the abbey of Jervaulx ten bovates of land in Ellington which Serlo the cook first granted us with the permission of Roger de Mowbray, founder of our abbey of Byland, freely, in perpetual alms. Farewell.

When this grant had been made our abbot ordered and advised Abbot John that he should without delay send one of his monks to make known their plight to Lord [Conan]^b the earl who was then overseas. If Conan proved to be unwilling to help, then our abbot wished everyone to return to our mother house until a more propitious time might present itself. However Lord Peter the cellarer, who always trusted fully in the help of God, was completely against a return to Byland. He wished, if the abbot would allow it, to set out in all haste to Brittany, to Earl [Conan], and advise him of their hardship and distress; and this he did. When he arrived there he related to the earl, with tears, the difficulties of his abbot and convent. He was so successful that the earl wrote to Abbot John ordering him not to return from Jervaulx, and promised him full assistance when next he came to Richmond. With this promise Lord Peter left the earl and went to Savigny, and there he remained with his former colleagues for fifteen days and more. There the lord abbot gave him more relics for the new abbey that he had begun, and solemnly receiving permission he returned home with the earl's letters. However, because Earl [Conan] further delayed returning to England, and Abbot John did not have the means to maintain his convent for the whole year, he sent five of his monks to our house and three to Furness to board there.

Meanwhile, almost two years passed,^c and at last Earl [Conan] came to Richmond. Within a short space of time he gathered together a pack of hounds and crossed over to Dale to go hunting with his barons and knights. There he remained for six consecutive days, and never, anywhere, has there been such abundance of deer and hinds taken at will through

earldom of Richmond, while the dukedom of Brittany went to Bertha's second husband. In September 1156 Conan put his stepfather to flight and succeeded to the dukedom. He died in 1171 (*CP*, X, 791-4; *EYC*, IV, 92-3).

^c 'almost two years passed' places Conan's return to Richmond in late 1156. Alan is here again an error for Conan.

the drawing of a bow and the hunting of dogs than there was then. But he was very angry with Scolland his steward^a and Roald his constable^b and certain others because of the great number of wolves living there, which did much harm to both men and beasts. And so he returned from Dale by way of that newly constructed abbey, where he stayed and ate and drank a little.

Afterwards Abbot John led him to his private rooms and explained to him the serious hardships that he and his convent suffered there, asking his help and assistance because if he could not help they could no longer remain in such barren territory but would be forced to withdraw completely. Earl [Conan] sympathised and told him that he would speak with his steward and others concerning their circumstances and complaint, and he would do and act according to their advice. And the earl went away well pleased with that initiative, and took with him Lord Peter the cellarer. Peter remained at all times with his court until Earl [Conan]^c had drawn up for him that great charter concerning the lands which had been granted to them by Lord Acaris and others of his knights and men. He gave them as his own gift extensive pasture in Wensleydale, wood and minerals and many other things as is contained in the charter written above.^d This was the last gift of Earl Alan, although it is written above at the beginning [of this account]. On his death his son Earl Conan succeeded him, who much loved the abbey of Jervaulx. Conan saw that the place was unsuitable and inadequate for the building of an abbey. He therefore granted to Abbot John and his convent a large tract of waste and uncultivated land in the region of East Witton, and extensive pasture in severalty^e in Wensleydale, with many other assets and easements, as appears in his charter, as follows.^f

To the archbishop of York and all the sons of holy mother church, Conan, duke of Brittany and earl of Richmond, greeting. You should know that I have granted and conceded in pure and perpetual alms, to God and St

^a Scolland attested charters of Earl Alan as steward (see EYC, IV, nos 15, 16, 18, 19), but he seems to have ceased to be steward by January 1146 (*ibid.*, no. 27). He had two sons, Brian and Elias (*ibid.*, 201–2). As Scolland attests as early as 1093 × 7 he may have been dead by 1156. The mention of Earl Alan and Scolland together here suggests that Philip may have been conflating two events.

^b On Roald the constable (Roald son of Harscod) see EYC, V, 89, 355. He was constable under Count Stephen c. 1130, Earl Alan c. 1140 and under Earl Conan 1154 × 8 (see *ibid.*, nos 28, 178). He was the founder of Easby Abbey (Burton, *Monastic Order in Yorkshire*, pp. 88–9) and was dead by September 1158.

^c Alan is again an error for Conan.

^d For Alan's charters see above, pp. 36–8.

^e Pasture or land held in severalty was held by an individual, as opposed to being held in common.

^f The charter is printed in EYC, IV, no. 29, where it is dated after September 1156 because of Conan's use of the ducal title, and because it dates from after the transfer to Jervaulx. This is the grant of the second site of the abbey at Jervaulx on the river Ure, to the east of East Witton.

Mary and the monks of Jervaulx all the land in the region of East Witton, in woodland and in plain, and in all other appurtenances, which is beyond Holbeck as far as the boundaries between Witton and Mashamshire, that is, as Holbeck falls from the moor into Napwith, and as I and my men have perambulated the boundaries between Laybeck, as Laybeck flows into the Ure below 'Thurshou' and from there to the place where Whit Beck falls into the Ure and divides between Witton and Ellington, and from there as far as the source of Whit Beck and then as far as 'Staybayttwherth' and from there as far as 'Suneshul' and to 'Makersgath', and from there as the boundaries continue towards Masham. I also grant and concede pasture in each moor, and in the woodland and plain that belongs to Witton, and timber and wood for their houses and for all their needs. Moreover, I concede and confirm to the said abbey and the monks serving God there all the grants and concessions of my father, Earl Alan, with all liberties and easements through the entire forest of Wensleydale, and I forbid anyone to take animals to pasture in the said forest to the injury of my monks. Moreover I have granted and conceded to them licence to make vaccaries in my forest of Wensleydale. I also concede and confirm to the said monks all the land that they have of the gift of Acaris son of Bardolf in Worton and Fors, with all things belonging to the land. I concede and confirm to the same monks the entire vill of Ingleby, with all its liberties and appurtenances as given by [Roger] son of Wimar and Warner his brother,^a and of the grant of Brian son of Scolland and Hugh son of Jernegan^b one and a half carucates of land in Fors, with all their appurtenances. I wish my alms, and those of my father, to be pure, free and quit of all service, for the salvation of my soul and of all my ancestors, so that I and my heirs will warranty all these my grants and confirmations aforesaid to the said monks against all men in perpetuity. The witnesses of my grant and confirmation are Ralph son of Ribald, Henry son of Acaris, etc.^c

^a For the grant of Roger (here incorrectly 'Hugh') and Warner sons of Wimar, of five carucates in Ingleby, see *EYC*, V, no. 134.

^b For the grant of Brian son of Scolland and Hugh son of Jernegan, of land in Fors, see *ibid.*, no. 308.

^c The final witness may be Hervey son of Acaris, son of the founder of Fors. Hervey had a brother named Harscui (*ibid.*, no. 378) but no son of Acaris named Henry is recorded.

Another charter^a

Conan, duke of Brittany and earl of Richmond, to all his men French and English, greeting. My father Alan, [count] of Brittany and earl of Richmond, granted and conceded to the monks of Savigny common of his pastures throughout the entire forest of Wensleydale, and the right to mow meadow as much as they need, and material for their houses and other needs wherever they wish in the said forest without hindrance or interference. I therefore, declining in this life and wishing to provide for the salvation of my soul, have given and conceded in perpetuity for myself and my heirs to God and St Mary and the abbey of Jervaulx of the Cistercian order, which I founded in honour of our Lord Jesus Christ, and to my monks serving God there and praying for me, all that part and pasture to the north of the Ure held in severalty, high and low, below ground and above ground, retaining nothing there at all for myself or my heirs, except for wild beasts and custody of the forest, so that they may do there as they wish in all matters, as their will is. Moreover they are to take all their estovers and other necessities in all their places which they have or may acquire, without objection, hindrance or interference by anyone, to the south of the Ure, high and low, below ground and above ground, with the whole pasture for all kinds of animals which they have or may acquire in the future. I will retain nothing there for myself or my heirs except for wild animals and jurisdiction of the forest. I have also granted and conceded to my said monks in perpetuity pasture through the whole of my new forest near Richmond for all the flocks which they may have, without objection on my part or those of my heirs. And I order that they are to have mastiffs to keep in check the wolves in their pastures. Moreover I wish and concede for myself and my heirs in perpetuity that the said monks may freely and without objection enter my fee wherever they wish to receive lands and to acquire and buy possessions. And if any of my barons or men shall wish to give the said monks lands, possessions or anything else for the love of God, I freely concede and

^a Printed in *EYC*, IV, no. 67. The charter indicates that Conan had assumed the role of founder and patron of Jervaulx. The first witness is Conan's wife, Margaret, sister of King Malcolm IV of Scotland whom he married in 1160 (*CP*, X, 793). The second, Alan the constable, is Alan son of Roald, restored to the office of constable by 22 September 1158 (*EYC*, V, 90). The charter was accordingly granted not in 1156, as suggested by the text, but between 1160 and 1171.

confirm their grants in free alms, to have and obtain, saving my service. They are not to be harmed, nor their flocks taken nor distrained nor interfered with, for default of service by anyone else, or on anyone else's order. They are to live well and in peace, praying incessantly for me. Moreover I grant my body to the abbey for burial wherever I shall die in England. I and my heirs will warranty and defend all the above with all their appurtenances and easements on behalf of the said monks against all men in perpetuity. Witnesses: Countess Margaret, Alan the constable.

Afterwards, that is in the year of our Lord 1156, Earl Conan caused Abbot John and the convent to transfer from Fors with all their moveable goods to the said place in the region of East Witton, with the permission of the general chapter and the good will of Hervey son of Acaris.

Letter of permission from the general chapter

To the most beloved father and lord Roger, by the grace of God archbishop of York,^a and to the abbot of Fountains, and to all the reverend abbots of the Cistercian order, Brother L[ambert] of Cîteaux^b and all the abbots of the Cistercian order meeting in chapter, perpetual greeting in the Lord. First, we offer many thanks to our lord archbishop of York, because, as we have heard, he has offered grace and protection to the brethren of our order with the greatest fatherly care. Because, indeed, it is necessary for us

^a The archbishop of York to whom this is addressed is Roger de Pont L'Evêque (1154–81). The 'grace and protection' referred to in this confirmation may be an allusion to his 1155 confirmation for Byland: see above pp. 33–4.

^b The name of the abbot of Cîteaux is here given as 'Lucas' but this is an error, perhaps arising from an incorrect extension of an initial letter or of an abbreviated form of the name Lambert. Lambert succeeded Gosuin in 1155 and resigned in 1161: *GC*, IV, 986–7.

that the favour that has been begun might be preserved, we seek his prayers for our brothers and especially for our fellow abbot of Jervaulx, who has greatly praised his kindness among us. We wish to make it known to you that all the abbots aforesaid together grant permission for the abbot to move his house and transfer it into the region of East Witton on the river Ure, within the boundaries as they appear to him. We establish and by this present writing confirm that no-one should henceforth presume to overturn what has been ordained by us.

Grānt by Lord Hervey son of Acaris^a

To the archbishop of York and to all the sons of holy mother church, Hervey son of Acaris, greeting. Because I am aware that the monks of Jervaulx are unwilling to maintain their abbey on my fee at Fors on account of the poverty and barrenness of the place and the inclement weather, I consent, with good will and love, that they should transfer their abbey from Fors into the demesne land of my lord, Earl Conan of Richmond, at East Witton, saving to them all their lands and tenements which they hold of me, wherever they may be, freely and in peace, that is, one and a half carucates of land in Fors and three carucates of land in Worton to construct a grange there, with all things that belong to the said land, in free, pure and perpetual alms, in wood and plain, in watercourses, fields and pastures, high and low, below ground and above ground. I keep nothing for myself or my heirs from any of this, so that I and my heirs shall warrant, acquit and defend all the aforesaid to the monks, as has been said, against all men in perpetuity. And all men who are now living and those who are to come should know that the barony of Witton begins downstream at the water of Ure, stretching as far as 'Staynlupanegil' and on the western side of Thornton Rust as far as the centre of the hill of Addlebrough, and from

^a This is the consent of the son of the founder of the abbey at Fors, who was now patron of the monastery, for its transfer to the site now occupied by its ruins. The former site of the abbey was reduced to a grange. For the place names in this charter see *EPNS North Riding*, pp. 2, 262-9.

there to Greenber and across Green Scar and as the spring falls below into Keld Bottom, and as the small stream flows and runs into Blean Beck and as the water of Blean Beck runs into Semer Water, and again along the Bain into the Ure. The witnesses of this matter are Hervey the priest, Walter the clerk of St Rainald.

In his other confirmation not all this is specified. However it says there, 'I concede and confirm the transfer of the said abbey on this condition, that I shall lose nothing from the advowson in respect of the alms granted by my father and by me. I shall share in the prayers and good deeds that are performed in the church of Jervaulx in perpetuity, and the monks will take away with them and reverently keep together the bones of my father and mother.'^a Witnesses as above.

When the said Abbot John and his convent had transferred from Fors to the region of East Witton they began to lay the foundations of and to build a great church, which is in the process of construction. In that place charity and brotherly love and the pursuit of holy religion forever grow and increase to the praise and honour of God and the salvation of many souls. Earl Conan was succeeded by his daughter, the most noble lady called Constance,^b whom our king's son – whose name I do not know – married. Like her ancestors this Constance bestowed many goods on the abbey of Jervaulx, but we do not have any written proof or title among our transcripts, as we have of the grants of her ancestors and many others.

When Abbot Serlo of Savigny departed this life Abbot William succeeded him.^c William duly confirmed the grant that his predecessor made to our house concerning the abbey of Jervaulx, as follows.

make lodges by view of the steward of the earl of Richmond for their vaccaries on the edges of the forest': *Mon. Ang.*, V, 576, no. XXI.

^a Abbot Serlo of Savigny resigned in 1153 and died in 1158 (see above, p. 9, note d). He was succeeded by William, and this source (and the charter of Abbot Richard following) are the only references provided in *GC*, XI, 546. William's date of death is given there as March 1154; see above, p. 28, note b. The catalogue of the Byland cartulary (BL MS Egerton 2823) made by Peter le Neve in 1702 indicates that charters of the abbots of Savigny were included in the cartulary at fol. 227v (now a lost portion of the cartulary). 'Carte diverse abbatum monasterij Savinay in Francia per quas subiecerunt abbatiam de Wandelesdale vocat(am) Iorvall monasterio Byland sicut comes Alanus de Richmond dedit et heres eius Alanus [*sic*, for Conan] confirmavit. fol. 227b'.

Confirmation of Abbot William of Savigny

To all the sons and faithful of the holy [church] of God, William, called abbot of the monastery of Savigny, greeting. You should know that we have conceded and by this charter confirm to the church of Byland our abbey of Wensleydale which is also called Jervaulx, with all the appurtenances which it has or may have, with this condition and consideration, that the church of Jervaulx shall be subject to the aforesaid church of Byland as a daughter to a mother, and obey it in all things according to our order, as is contained in the charter of our predecessor of holy memory, Abbot Serlo of Savigny, which it has concerning the grant of Jervaulx.

To all the sons of the holy church of God, Richard, called abbot of Savigny,^a greeting in the Lord. You should know that we have inspected certain charters of our predecessors of blessed memory, Lord Serlo and Lord William, abbots of Savigny, concerning our abbey of Wensleydale that is also called Jervaulx, which they gave and conceded to the beloved sons of our church of Byland in perpetuity, with all the appurtenances that it has or may have. These we confirm, ratify and approve with this condition and consideration, that the church of Jervaulx shall be subject to the church of Byland as a daughter to a mother and, according to our order, obey it in all things as is more fully contained in the charters of our predecessors. Farewell.

When Lord John, first abbot of Jervaulx, and his twelve monks set out from our house for Jervaulx,^b they rested the first night of their journey in a certain vill – I have often heard the name but it has now slipped from my memory. There the following vision came to Abbot John while he was asleep. It seemed to him that he was in our house of Byland and that our

9962), 106 (no. 9991)). A charter of Hugh, archbishop of Rouen, dated 1153, was addressed to Abbot Richard of Savigny (*CDF*, no. 811). In 1157 Henry II confirmed to Richard all the lands held by the abbey (*ibid.*, no. 824). *GC*, XI, 546 notes that Richard succeeded William who died in March 1154 and that he resigned in 1158. He was succeeded by Alexander of Cologne, abbot of Grandselve. Dugdale printed this charter both from the *Historia* (*Mon. Ang.*, V, 573) and from an original in St Mary's Tower, York (*ibid.*, V, 576).

^b The remainder of the narrative is taken up by a story of how the convent sent out from Byland under John of Kinstan in March 1150 was miraculously led to the site for their monastery. The prominent role assigned to the Blessed Virgin Mary reflects Cistercian devotion to the Virgin, to whom all Cistercian houses were dedicated. For comment see above, pp. xxxiv–xxxvi.

abbot, Roger, had ordered him to set out with many of our monks for a far-off region, to take up the monastic way of life.^a As he went out through the cloister he saw there, in the centre of the cloister, a most noble woman, clothed and adorned, and her beauty was greater than all human beauty. By her left hand she held a most lovely boy whose face was like the light of the moon. The boy took a very fair branch from a small tree that stood in the centre of the cloister, and so they departed and vanished from his sight. The abbot went on to the gate, and there found his colleagues ready, and they left.

As they journeyed along together Abbot John said to his colleagues, 'Do you know well the way to the place to which we are going?'. They answered, 'No'. He said to them, 'I thought you knew it, and look, we have now entered a very dense and thick wood, and if we get lost who is going to lead us out?'. One of them replied, 'Let us go forward courageously, because we cannot go far wrong, I hope'. And when they had gone a little further it seemed to the abbot as if they were all firmly trapped among the thorns, brambles and great rocks. There appeared to be no track nor path to go forward; nor could they find any way of going back.

While they stood like this for a long time, at a loss about what to do, they despaired of their lives, and each one with great distress of heart appealed to and challenged the other to help. But no one could move from the place in which he stood, or offer assistance. Then Abbot John said, 'We must think carefully about what to do, but in the meantime let us say the canonical hours and our gospel lections'. They did this and when they had finished speaking suddenly, as if she had followed them, came that beautiful woman with her son whom Abbot John had seen in the cloister. He said to her, 'O beautiful lady, young and delicate, what are you doing in this wilderness with your son, and where are you going?'. She replied to him, 'I am often in desert places. I have just come from Rievaulx and from Byland, where I have been speaking with those abbots and with some of their monks. I am a very special friend to them, a member of their households and much loved. And now I am going to a new monastery so that my special abbot and his monks may be a little cheered by my arrival there.'^b Then said Abbot John, 'Since you are one alone, how is it that one friend is not sufficient for you although you may have many and some distance between them?'.^b She replied, 'Truly I have one friend who has chosen me for himself, and I am never parted from him in body or will. I strive to seek other friends for myself who may faithfully love me after

^a The meaning of the Latin phrase 'quasi ad ordines recipiendos' is not clear; 'ordo' has a variety of meanings, including clerical orders. Here I have taken it to represent the taking up of the monastic way of life at Jervaulx.

^{b-b} The Latin here (Tu una ... distantes) is unclear.

and other friends whom he may love after me, since our love, which is always very great, never diminishes but is increased.'

Then Abbot John replied to her, 'Good lady, I humbly entreat you to lead me and my companions out of this confined and unknown place in which we are wandering about and put us on the road that leads to that city where these monks ought – with God's help – to be established. This I seek for the love of your friends who are at Byland, of which we are all monks.' Then she said, 'You say truly that you are of Byland, but you are bound as a part to the whole, or as a limb to the head. You were until recently monks of Byland but now you are monks of Jervaulx.' And when she mentioned the name of Jervaulx the abbot was amazed and said, 'Good lady, tell us the way to Jervaulx for that is where we are going'. Then she looked at her son and said, 'Most dear son, for that love by which you have always loved me, be the guide of this our convent – they are greatly dismayed by this obstacle. For I am summoned elsewhere and I must hurry there.' And when she had said this she departed.

The boy held out the branch that he had in this hand and that he had plucked from the cloister at Byland, and said with a clear voice and pleasant countenance, 'I am going forward. Follow me courageously.' And as he went forth they followed him along hard and difficult paths, but they were not harmed. For small white birds without number, like sparrows, of a radiance that cannot be imagined, alighted on the branch that he carried in his hand, and there they sang repeatedly the entire hymn, 'Bless the Lord all the works of the Lord'.^a This hymn so restored them that they experienced no hardship on their journey.

At last they came to a very dreadful and uncultivated place.^b The boy entered as far as the centre and there he drove the said branch into the ground and planted it. And they all sang as he said, 'Here after a short space of time God will be worshipped and will dwell'. And, as it seemed in just a moment, the branch grew into a very beautiful tree completely full of white birds. 'Rest beneath this tree, and the path that leads from here will become clear enough to you.' With these words the boy disappeared. Not immediately but a short time afterwards Abbot John awoke and carefully turned all these things over in his mind. He marvelled at them greatly and was much comforted by this vision, but he was unable to sleep any more that night. This was because he understood from the boy's words that they would not remain long at Fors.

Early in the morning Abbot John arose and when he and his monks had said their prayers they set out while the moon and stars were still shining. And as they journeyed

^a *Benedicite Omnia Opera* is the Latin canticle derived from Daniel 3.57–90. It formed part of the office of Lauds for Sundays and feast days.

^b The 'very dreadful and uncultivated place' is the site of Jervaulx to which the monks were to move in 1156. This is a variation on a phrase commonly found in Cistercian narratives to describe a Cistercian site. See Introduction, p. xxxiv.