

## *The Chronicle of Battle Abbey*

THE *Chronicon Monasterii de Bello* has received less attention than it seems to deserve from the historians of the Norman dynasty and of Henry II. Anonymous writings are naturally viewed with doubt, if not with suspicion. But this particular work has the value of contemporary evidence. The unique manuscript, even if a copy, is still of the twelfth century; and there is no reason for thinking that the copyist, if there was a copyist, played any tricks with his archetype. That portion of the work which relates to the reigns of Henry I, Stephen, and Henry II was composed by an inmate of Battle Abbey whose personal recollections go back at least to the early years of Stephen (pp. 45-6), and who collected local anecdotes from his seniors in the house or outside it. From the year 1138 he appears to write with personal knowledge of the events which concerned Battle. His interests centre round the law-suits in which two successive abbots were concerned. But he atones for the restricted nature of his theme by the lively and accurate descriptions which he gives us of legal arguments, of legal procedure, and of the illegal considerations which too often biased the judges of the Curia Regis. We owe to him a chapter in the history of that struggle between church and state which was gradually kindled between 1135 and 1164, which blazed into full flame between 1164 and 1172. We also owe to him a lively picture of the highest lay tribunal in the realm of England at a time when Ranulf Glanville and Hubert Walter had not yet reduced the law and practice of that tribunal to a system.

The *Chronicon* is not printed in any of the great collections of English chronicles. The only complete edition is that prepared for the Anglia Christiana Society in 1846 by J. S. Brewer, whose name does not appear in the volume. Brewer provides us with an accurate text; he utilized Petrie's transcript for this purpose. But the edition is bad in every other respect. The introduction is perfunctory and irrelevant; the notes are sometimes positively misleading; the index is incomplete. Brewer did not attempt to analyse the structure of the *Chronicon*, or to form a critical estimate of its value as a source. It was reserved for Sir T. Duffus Hardy to point out that it falls into two parts which overlap, and which are the work

of two different authors.<sup>1</sup> The first part is a fragmentary draft of a revised history, and was written by a man who considered that the author of the second part had scamped his work. The special value of the second part was perceived by Palgrave and by Eyton. The former, in his *English Commonwealth* (1832), had emphasized the importance of the Battle law-suits as illustrations of our early legal history. Eyton, in his *Itinerary of Henry II* (1878), shows no acquaintance with Brewer's edition, but makes good use, for chronological purposes, of the passages which Palgrave had printed. More recently Professor Tait and Mr. L. F. Salzmänn have laid the *Chronicon* under contribution as a source for the history of Battle and of Sussex land-measurements.<sup>2</sup> With these exceptions, the historians who have noticed the existence of the work seem to value it chiefly for the light which it throws upon the battle of Hastings.

This light is of dubious value. The local traditions about the battle are to be found in the first part of the work; and this we owe to a comparatively unskilled and uncritical writer. We may perhaps accept what he tells us of the earliest days and the first inmates of his abbey. But he wrote after 1176, and he is never to be trusted when he speaks in his own person. His work might safely be neglected, but for the fact that he reproduces documents which apparently date from the first generation after the Conqueror. One of these is a short description of the *leuga*, the privileged area of three miles in diameter, which formed a part of the abbey's original endowment. The other is a list of tenants in the vill of Battle and of their rents and services.

The description of the *leuga* (pp. 10–12) is the work of a man who had before him the text of the Domesday return.<sup>3</sup> Domesday is for him the *Liber Regis*, and he is therefore writing at a time when the returns had been reduced to the form of a book. He corrects the Domesday figures in two places, and produces a different total for the assessment—six hides and half a virgate, whereas in Domesday Book the commissioners record six and a half hides, of which half a hide is exempt. In one passage he distinctly supplements the evidence of Domesday Book concerning the vill of Bocheham :

Domesday Book, i. 17 b.

*Chronicon*, p. 10.

In his hidis tenet idem abbas in dominio Bockeham. Olbolt tenuit de Goduuino comite. Tunc et modo se defendit pro dimidia hida. Est una virgata in rapo comitis de Ou.

Ipsa <ecclesia> tenet Boccham et habet ibi dimidiam hidam. De ista hida est una virgata foris extra leugam et pertinet ad Croherste, quam Walterus filius Lamberti excambiavit pro quadam silva quae erat infra leugam, et hac ratione tenet illam.

<sup>1</sup> *Descriptive Catalogue*, ii. 407.

<sup>2</sup> *Victoria County History, Sussex*, i and ii; ante, xviii. 705; xix. 92, 503.

<sup>3</sup> Domesday Book, i. 17b.

As we learn from a subsequent passage of the *Chronicon* (pp. 17–21), the land of the *leuga* was completely redivided in the course of the twelfth century. A writer who was at work after 1176—and this, as we shall see, is the earliest date assignable to the first part of the *Chronicon*—would not be in a position to criticize the assessments of the original holdings as recorded in Domesday. Nor would he speak in the present tense (*tenet*) of Walter FitzLambert who was alive in 1086,<sup>4</sup> and of another tenant, Osbert or Osbern, who belonged to the same generation and, like Walter, appears in Domesday. We are dealing here with the work of a man who lived at latest in the reign of Henry I. This conclusion is corroborated by the next paragraph in the document of the *Chronicon*, the well-known table of measures.<sup>5</sup> It gives the equation: 1 *Hida* = 2 *Wistae* = 8 *Virgatae*. Whatever may be the correct explanation of this disputed passage, it refers to a system which was unfamiliar to the compiler who copied out this document. He takes the *wista* of his own day as equivalent to the *virgata* (p. 17). He may be wrong, but the equation which he had previously given cannot be his own; he is repeating parrot-wise the equation and the whole passage in which it occurs. Next he gives the boundaries of the *leuga* in a passage which may be of his own composition, but which looks like a mere continuation of the preceding document. We prefer the second alternative. We incline to think that the three paragraphs giving the assessment, the land-measures, and the boundaries, are the work of one hand. In the time of Abbot Ralph (1107–24) a royal commission made a new survey and measurement of the *leuga*. This was done at the abbot's own request, and the inquiry resulted in the restoration of valuable rights to Battle (p. 58). We believe that these three paragraphs (pp. 10–12) belong to a document which was drawn up on this occasion.

The hypothesis is strengthened when we turn to the remarkable burgess-list which follows (pp. 12–16). It is remarkable because it gives us a picture of a private borough in a rudimentary stage of growth; a picture which deserves to be set beside the famous Winton Domesday. The burgesses still render some light manorial services; they mow the hay-meadow, they repair the mill, and they make malt for the abbey. But their main rent is paid in money; each pays a few pence at Michaelmas. Though the rents are low, the economic status of the burgesses seems superior to that of the villein; the *misericordia* fine for a breach of the king's peace is fixed in their case at 50s.; and on the

<sup>4</sup> Domesday Book, l. c.

<sup>5</sup> I say the next, because I take the passage *omnes istae terrae . . . certa sua confirmavit* as a commentary interpolated by the compiler, who is quoting a forged charter dating from the reign of Henry II.

accession of a new abbot the community pays the substantial relief of 100s. Some of the burgesses are skilled craftsmen. The list includes two smiths, a cordwainer, a weaver, an apothecary (*purgator*), a goldsmith, three shoemakers, a bell-founder, three bakers, a cobbler (*corveiser*), a miller, two carpenters. But others have agricultural occupations; two neatherds, two swineherds, a reed-cutter (*cannarius*), a gardener, are specially mentioned. A few more are servants of the abbot or the monks, acting as sewers (*dapiferi*), *secretarii*, and messengers. Most of the names are English, but a few—Lambert, Maurice, Pagan, for example—have a foreign look.

The compiler makes it clear that he is reproducing a list which is older than his day.<sup>6</sup> One of the burgesses, Gilbert Extraneus, is mentioned later in terms which show that he had been dead for some time before the completion of the *Chronicon*.<sup>7</sup> Another burgess is Ædric, 'who cast the bells'; and, as the church of Battle was dedicated in 1094, the list can hardly belong to a later date than 1130. On the other hand it would seem to be later than 1107, the year of Abbot Ralph's accession. For it refers to the guest-house at the abbey gate ('domus peregrinorum quae hospitalis vocatur'); and Abbot Ralph is praised in the second part of the *Chronicon* as the first who made regular provision for entertaining strangers, 'ut hospites quique vel extranei non tam ad hospitandum quam ad diutius pro velle manendum ad propria adirent domicilia' (p. 52). The period of Abbot Ralph is also suggested by the presence of a goldsmith among the burgesses. One of the great works ordered by this abbot was a marvellous shrine adorned with jewels and gold and silver, to hold the relics belonging to the abbey church (p. 58). Ralph was an energetic ruler, who devoted special attention to the estates. He was not the founder of the burgess community; it was created by Gausbert the first abbot (p. 28). But it is extremely probable that Ralph caused the borough to be surveyed at the same time as the surrounding *leuga*.

Here we may leave the first part of the *Chronicon*. The second part (pp. 22–179) is the work of a more intelligent writer, whom we should suppose, from the evidence of his narrative, to have been a prominent member of the abbey and high in favour with the abbots of the reign of Henry II. He takes a narrow view of his subject, being mainly concerned with disputed privileges and proprietary rights. But within his limits he is clear and accurate. He makes good use of documents, and his narrative is largely founded upon charters, which he analyses with the

<sup>6</sup> *Chronicon*, p. 16 'His itaque certis dimensionibus mansionum villa de Bello ordinata hactenus constare videtur.'

<sup>7</sup> *Ibid.* p. 20 'Gilebertus Extraneus tenuit et heredes eius post illum.'

greatest care. But he only takes from the charters such facts as are relevant to his purpose, and he weaves his material into a story which is as consecutive as the nature of the material allows. He shows an unusual power of appreciating legal arguments. Though he tells us himself that the monks of Battle were unskilled in the civil and the canon law (p. 173), he himself knew something of the law administered in the *Curia Regis*, and he is at his best when describing the complicated litigations of Abbot Walter.

The writer's name, and the details of his career, are wholly unknown to us. We are tempted to identify him with the paralysed and stammering prior who appears at the election of Abbot Odo (pp. 149-50) in the year 1175. Our writer was, in any case, a monk of long standing at that date. He was already an inmate of Battle in the time of Abbot Warnerius (1125-38); for he was present in the chapter when Warnerius received an embassy from a foreign monastery (p. 46). The *Chronicon* breaks off abruptly, with an incomplete sentence, in the year 1176; and Sir T. D. Hardy inferred that our writer died about that date. But the second part of the *Chronicon* contains references to ecclesiastical promotions of the year 1183 (pp. 165, 172); and, unless these have been inserted by a copyist, they show that the author was writing at least seven years after the last events which he describes.

It follows, from these indications of his date, that he is most to be trusted for the events of 1125-76. But his chronology in the earlier portions of his work is generally accurate, and some of his dates suggest that he had access to local annals considerably fuller than those which Dr. Liebermann has printed.<sup>8</sup> For only in such a source would he discover the precise day on which the mantle and the reliquary of William I were deposited at Battle (p. 40); the year and the day of Abbot Gausbert's death and Abbot Henry's installation (pp. 43-4). Now and then we can detect him in an error of date. He thinks that William II succeeded to the English throne at Christmas 1087; and that the dedication of the abbey church fell in 1095, whereas the correct year is 1094 (p. 41). But these mistakes may be nothing more than slips of the pen. For events of his own lifetime he may have depended on memory; but periodically he gives a string of dates which are so curiously minute (e.g. pp. 84-104) that they seem to presuppose the existence of a diary kept by the author or by the abbot whose doings he relates. The material which he fits into the framework of his narrative is in great measure documentary; and it is to his documents that we may most profitably turn in

<sup>8</sup> *Ungedruckte Anglo-Normannische Geschichtsquellen*, pp. 51-5.

the first instance. His anecdotes of earlier times and his own reminiscences may have a considerable value. But, before we can accept them, it is necessary to ask the question if the author is writing in good faith. And it is hard to give an affirmative answer when we examine the materials for that part of his work which he regarded as the most important. The reputed charters of William I, to which he so often appeals, are still extant.<sup>9</sup> The more important stand condemned as forgeries, whether they are judged by their style or by their matter. And it seems clear that some, if not all of these forgeries were concocted in his time, for the purpose of the very law-suits which he describes.

Fortunately, our author supplies us with some data for tracing the growth of the series of forged charters. For example, he describes how the abbot of Marmoutier claimed, between 1102 and 1105, that Battle was merely a cell of Marmoutier and subject to his jurisdiction (p. 50). The claim was rejected by the Curia Regis, not because of any charter which Battle could produce, but because Marmoutier had no charter giving the rights in question. But our writer had before him a charter, attributed to William I, which expressly exempted Battle from subjection to Marmoutier;<sup>10</sup> and we can only conclude that the monks of Battle failed to produce this evidence in the time of Henry I because it had not yet been fabricated. It would seem that the forged charters were first produced in courts of law during the latter years of Stephen and the early years of Henry II. The circumstances of that time were unusually favourable for the success of such impostures. The ruling abbot, Walter de Luci, was brother to the Justiciar Richard de Luci, one of the few high officials who found favour both with Stephen and with Henry II. Richard de Luci was a man of powerful connexions, and did not scruple to use all his influence with the king and in the Curia Regis to promote the interests of Battle. The *Chronicon* dwells rather naively upon the services which the abbey received from the justiciar, and gives us quite unconsciously the impression that the Curia Regis rode roughshod over law and evidence for the benefit of favoured suitors. In the most critical suit of all, when Bishop Hilary of Chichester was pressing his claims to receive entertainment at Battle and to compel the abbot's attendance at diocesan synods, another influence came into play. Most fortunately for Battle, the bishop and his main supporter, the Primate Theobald, took up the position that the alleged exemptions of the abbey were 'contrary

<sup>9</sup> *Regesta Regum Anglo-Normannorum*, i, nos. 58, 59, 60, 61, 62\*, 113\*, 261, 262\*, 263\*. The asterisks denote forgeries.

<sup>10</sup> *Historia*, p. 27 f.; *Regesta*, i. 113\*.



to reason', and could not be legitimated by any number of royal charters. They aggravated their blunder by calling Pope Hadrian IV to their assistance. The result was that the king became a blind partisan of the abbey. He promised to maintain all the charters which had been produced, as a practical proof that the king of England could grant what privileges he pleased to his own chaplain (p. 84). He behaved, in fact, as though the royal prerogative itself must stand or fall with the liberties of Battle.

The larger issues which emerged in this remarkable case soon threw into the shade the narrower question—whether the Battle charters were genuine or forged. But incidentally we learn some facts which do more credit to the abbot's astuteness than to his honesty. We are expressly told that the exceptional privileges of Battle were generally unknown before his time (p. 68). We are also led to suspect that the work of forgery proceeded *pari passu* with the litigation. When Bishop Hilary began his attack, towards the close of Stephen's reign, the abbot faced him with a charter (p. 69) which we can identify, and which is clearly forged.<sup>11</sup> According to this charter the Conqueror had exempted Battle in general terms from subjection to bishops and others, even as Christ Church, Canterbury. The bishop failed to appear on the day when the case came up for hearing in the Curia Regis, and Stephen gave judgement in the abbot's favour. But in 1157, when the bishop was pursuing his claim with greater energy, Abbot Walter produced another charter<sup>12</sup> which specifically freed Battle from subjection to the see of Chichester (p. 97). This was at once challenged by the bishop, who affirmed that he had never seen or heard of such a charter. The king, who by that time was thoroughly incensed against the bishop, refused to entertain the objection. It is hard to resist the inference that the charter had been forged for the purpose of this very trial.

Bishop Hilary was not the only litigant who challenged a Battle charter at this time. We find a certain Gilbert de Balliol objecting to a reputed grant from one of his ancestors, on the ground that it had no seal (p. 108). The objection was summarily and rudely overruled by the abbot's brother, Richard de Luci, before whom the case was being tried. The justiciar's argument is interesting as a contribution to the history of diplomatic. Of old, he said, it was not the custom that every petty knight should have a seal; seals are for kings and persons of distinction. But he was clearly the last person from whom an adversary of Battle could expect fair play; and Balliol's argument shows that the Battle charters were not above suspicion. It is, again, significant that the abbot, with all his influence, found it no easy matter to procure, in 1155, the confirmation

<sup>11</sup> *Regesta*, i. 263\*.

<sup>12</sup> *Ibid.* i. 262\*.

of his charters. According to the chronicler, the primate and Hilary of Chichester protested that liberties of so large a kind would be a disastrous precedent. But it is highly probable that the genuineness of the charters was also in dispute (pp. 73-6). Finally, we may notice that, in the year 1175, after Abbot Walter's death, the prior and convent were stupefied with fear upon receiving a royal summons to produce the charters of William I (p. 146). Evidently they feared that these precious documents were to be more critically examined, now that Battle was robbed of its protector.

Their alarm in this case was unfounded. The charters were required as a model for grants to Christ Church, Canterbury—a foundation which also held the privileges of a royal chapel, and with which Battle had been closely connected from of old (p. 148). The privileges of Christ Church are, in fact, cited by the Battle forgers as the standard of the liberties of their own house. There clearly was a recognized doctrine or tradition concerning the liberties of royal chapels. This always formed the second line of defence when the privileges of Battle were attacked, and the royal justiciars seem to have been familiar with the doctrine. Primarily no doubt these privileges were exemptions from secular imposts and jurisdictions. The lands of a royal chapel remained as free as they had been when they were royal demesne. It was probably thought unnecessary, in the reign of William I, that such liberties should be formally enumerated in a charter; we may doubt whether the *leuga* (or the rape, as it is called in Domesday Book<sup>13</sup>) was held by any charter. But there is some reason to believe that the forged grants are substantially correct as to the abbey's secular privileges. For, when William I granted to Battle the church of St. Olave at Exeter, he undoubtedly freed this outlying possession of all earthly service, shires and hundreds, scot and danegeld and *trinoda necessitas*.<sup>14</sup> It was, therefore, unnecessary that the forgeries should be challenged by sheriffs or by the barons of the exchequer, since the king's fiscal rights were not affected. The novelty which the forgeries contained was one that prejudiced the bishop of Chichester and his metropolitan; and it is probable that, even in this respect, the forgers only put into the form of a principle the old bad customs of the past.<sup>15</sup>

<sup>13</sup> Mr. Round, *Victoria County History, Sussex*, i. 375 n., questions this interpretation of the passage which speaks of the land held by the abbot 'in suo rapo'. He thinks this may only mean 'The Rape of Hastings in which his Abbey stands'.

<sup>14</sup> *Regesta*, i. 58.

<sup>15</sup> We have a document which, if genuine, would prove that the custom of the Conqueror's time is exactly expressed by the forgeries. It is a reputed letter from Stigand, bishop of Chichester (1070-87), defining the ecclesiastical exemptions of the abbot (*Chronicon*, appendix no. vii, p. 189); but this document is for several reasons to be suspected.



In conclusion, we may call attention to some passages which illustrate the value of the *Chronicon* as a source for constitutional and legal history. They are to be found in the second part, and belong to the time of the writer's own recollection. He quotes an otherwise unknown proclamation of Henry I relating to the law of wreck: 'si vel unus e navi confracta vivus evasisset, haec omnia obtineret' (p. 66). This rule is also mentioned by Giraldus Cambrensis, who, however, supposed that it was issued 'in antiquis Anglorum legibus ab aliquo sanctorum regum'.<sup>16</sup> In the reign of Stephen an action was raised against Abbot Walter under this proclamation. The abbot argued, in the king's presence, that the proclamation was no longer valid. King Henry might alter the common law ('antiqua patriae iura') as he pleased in his lifetime; but the change would not hold good after his death, unless ratified by his barons. This is the earliest attempt to distinguish between a proclamation and a law; the abbot was supported by the barons who were present, and his plea was allowed. The abbot's argument should be compared with the reply made by Henry II to the bishop of Chichester in the suit of 1157. The bishop had argued that certain clauses in the Battle charters were null and void, as being contrary to the canons. The king answered: 'absit a regni mei excellentia ut quod ratione dictante consilioque archiepiscoporum et episcoporum atque baronum meorum a me fuerit decretum a vobis et a vestri similibus damnum esse iudicetur' (p. 96). Again, we find Henry II refusing to 'renovate' a charter of William I without a recommendation from the Curia Regis. The chief justiciar, speaking in the name of the court, gives the necessary recommendation; and the king at once orders the new charter to be prepared (p. 165). The Curia appears elsewhere as a body which is independent enough to impede the progress of a case in which the king has interested himself; he only procures the judgement that he desires when, after his return from Normandy, he undertakes to hear the suit himself (pp. 107-9). More than once we find evidence of the legal interests of Henry II; and in one case the author describes how the king modified, for the benefit of Battle, the usual form of a charter of confirmation. Apparently he framed something like the *inspeximus* of later times; but, instead of reproducing the charter which was to be confirmed, he gave its substance. He explained that he had thus made it unnecessary to exhibit the original charter in the future (p. 165).

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<sup>16</sup> *Opera*, viii. 19.