

Anyone failing to appear at the bishop's court after one summons shall pay the appropriate penalty according to episcopal law. By virtue of my authority I also forbid any sheriff or reeve or official of the king or any layman to interfere with the laws which pertain to the bishop; nor in these cases shall any layman bring another man to justice until the judgment of the bishop has been given. Judgment shall not be given except at the seat of the bishop or in some place that the bishop shall appoint for this purpose.

80. charter of William "de Warenne" founding the priory of Lewes in Sussex (1078-82)

This is the true foundation charter of the first Cluniac monastery in England. Many other charters alleged to have been granted to Lewes Priory by William of Warenne have been proved to be forgeries; see L. C. Loyd, "The origin of the family of Warenne", *Yorks. Archaeol. Journal*, xxi, 97-113; and C. T. Clay, *Early Yorkshire Charters*, VIII (1949), 59-62. This document is preserved in the original and is, for many reasons, of peculiar interest. It is included as a very notable foundation charter: note the mention of Cluny, and also the part played by King William. It is printed in C. T. Clay, *op. cit.*, pp. 54, 55, with facsimile.

Be it known to all the faithful that I, William "de Warenne,"¹ and Gundrada, my wife,² for the redemption of our souls, and with the advice and assent of our lord, William, king of the English,³ give to God and to the holy apostles Peter and Paul at the place called Cluny where the lord abbot Hugh⁴ presides, the church of St Pancras in the same land of the English with all the things which pertain to it; and 2 carucates of land belonging to us in Swanborough⁵ with the villeins attached to them; and 1 carucate of land which is named; and the village of Falmer,⁵ where there are 3 carucates belonging to us, with all the things pertaining to it, even as my wife aforesaid held it.

In the name of our Lord Jesus Christ, I, William, by the grace of God king of the English, moved by divine inspiration, and for the sake of the safety of my kingdom and the salvation of my soul, and at the fervent request and petition of William of Warenne and Gundrada, his wife, confirm with our seal the gift here recorded which they make to the holy apostles of God at the place called Cluny. With my royal authority I ratify it in order that it may remain firm and unimpaired. I grant this gift in such a manner that I may have the same rights in it as I have in the other alms which my magnates give with my assent, to wit, that I may have in respect of these alms what I have in others.

- ✠ the sign of William, king of the English
- ✠ the sign of Maud, queen of the English
- ✠ the sign of William the count,⁶ the son of the king

¹ first earl of Surrey. The absence of the title may show that he had not yet received it.

² She was, it seems, sister to Gerbod, earl of Chester. There has been much controversy over this lady, who has been falsely alleged to have been a daughter of William the Conqueror; see R. E. Chester Waters, *Gundrada de Warenne* (Exeter, 1884); and C. T. Clay, *op. cit.*, pp. 4-7.

⁴ (St) Hugh I, abbot of Cluny, 1049-1109

⁵ in Sussex

⁶ William Rufus

- ✠ the sign of William "de Warenne"
- ✠ the sign of Gundrada, the wife of William "de Warenne"
- ✠ the sign of Robert of Beaumont¹
- ✠ the sign of Henry of Beaumont²
- ✠ the sign of Robert Giffard
- ✠ the sign of Roger of Mortemer
- ✠ the sign of Geoffrey "de Calvomonte"
- ✠ the sign of Ralph the steward
- ✠³ the sign of Maurice the chancellor

81. penances imposed for various sins on Normans who took part in the invasion and conquest of England (1070)

This little penitentiary was issued by Ermenfrid, bishop of Sitten, during his visit to England in 1070. Its topical interest will be apparent, and it is important in many ways. Its homely particularity and its realism are both notable. It is printed in G. Bessin, *Concilia Rotomagensis Provinciae* (Rouen, 1717), pp. 50, 51, and in D. Wilkins, *Concilia Magnae Britanniae et Hiberniae*, I (1737), 366 (see above, p. 629).

This is an institution of penance according to the decrees of the bishops of the Normans, confirmed by the authority of the pope through his legate Ermenfrid, bishop of Sitten. It is to apply to those men whom William, duke of the Normans [? commanded],⁴ and who gave him military service as their duty.

Anyone who knows that he killed a man in the great battle⁵ must do penance for one year for each man that he killed.

Anyone who wounded a man, and does not know whether he killed him or not must do penance for forty days for each man he thus struck (if he can remember the number), either continuously or at intervals.

Anyone who does not know the number of those he wounded or killed must, at the discretion of his bishop, do penance for one day in each week for the remainder of his life; or, if he can, let him redeem his sin by a perpetual alms, either by building or by endowing a church.

The clerks who fought, or who were armed for fighting, must do penance as if they had committed these sins in their own country, for they are forbidden by the canons to do battle.⁶ The penances of the monks are to be determined by their rule, and by the judgment of their abbots. Those who fought merely for gain⁷ are to know that they owe penance as for homicide. But those who fought as in a public war⁸ have been allotted a penance of three years by their bishops out of mercy.

¹ see table 12. Robert of Beaumont, who fought at Hastings, became count of Meulan not later than December 1081. The omission of that title here suggests that this charter was issued before that date.

² see table 12

³ The cross before the sign of Maurice may have been made by Maurice himself.

⁴ The text is deficient at this point: the word *inssu*, however, appears.

⁵ Hastings

⁶ This evidence of clerks and monks fighting at Hastings is important. The comments of Odo, bishop of Bayeux (see No. 5, pl. LXXII) would have been interesting.

⁷ *tantum praemio*

⁸ *in publica bello*

The archers who killed some and wounded others, but are necessarily ignorant as to how many, must do penance as for three Lents.

Apart from the actual battle, anyone who before the consecration of the king killed those who resisted as he was going through the countryside for the sake of food, must do penance for one year for each man he so killed. But if it was not for food, but merely for plunder that he was foraging, he must do penance for three years for each man he then killed.

Those who have killed men after the consecration of the king must do penance as for homicides wilfully committed, always with this exception, that if the men thus killed or wounded were in arms against the king, then the penalties will be as before stated.

Those who committed adulteries or rapes or fornications must do penance as if these sins had been committed in their own country.

Concerning the violation of the church likewise. Let those who stole from churches restore what they stole to the church they robbed if they can. If they cannot, let them restore it to some other church. And if they will not restore it, then the bishops have decreed that they may not sell it, nor may anyone buy it.

82. allocation of the liability to pay Peter's Pence in East Kent in the eleventh century (1070-2)

This document was drawn up shortly after the Norman Conquest at the instigation of Lanfranc, and most probably represents an assessment already in force before the Conquest. The regular payment of this exceptional levy from England in the reign of Edward the Confessor is well established. This text provides evidence of its allocation among various estates, boroughs and churches in a section of the diocese of Canterbury. Printed in D. C. Douglas, *Domesday Monachorum of Christ Church, Canterbury* (1944), p. 80; translated in *Victoria County History: Kent*, III, 257.

Rome-scot from East Kent

- From St Augustine's [abbey], 50 shillings.
- From Dover, 10 shillings.
- From Hugh of Montfort-sur-Risle, 22 shillings and 6 pence.
- From Maidstone, 10 shillings.
- From Limminge, 7 shillings.
- From Milton Regis, 20 shillings.
- From Bishopsbourne, 6 shillings.
- From Chartham, 4 shillings.
- From Aldington, 20 shillings.
- From Chilham, 3 shillings and 8 pence.
- From Barham, 2 shillings and 9 pence.
- From Monkton, 7 shillings and 3 pence.
- From "Godwinesburne", 16 pence.
- From Teynham, 22 pence.
- From Westwell, 3 shillings.

- From Wickham, 12 pence.
- From Elham, 2 shillings.
- From Thanet, 6 shillings and 5 pence.
- From Seasalter, 3 shillings.
- From Brabourne, 3 shillings and 3 pence.
- From Little Chart and Pluckley, 2 shillings and 7 pence.
- From Northwood (of the archbishop), 12 shillings.
- From Wingham, 14 shillings and 4 pence.
- From Stalisfield, 12 pence.
- From Wye, 7 shillings.
- From East Chart, 4 shillings and 7 pence.
- From Ickham, 5 shillings.
- From Stowting, 2 shillings.
- From Godmersham, 3 shillings and 6 pence.
- From Westgate (Canterbury), 3 shillings.
- From Coldred, 2 shillings.
- From Faversham, 7 shillings.
- From Charing, 7 shillings.
- From Petham, 4 shillings.
- From Adisham, 12 shillings and 8 pence.
- From Throwley, 18 pence.
- From Mersham, 2 shillings and 8 pence.
- From Eastry, 11 shillings and 2 pence.
- From "Bilice", 4 shillings.
- From Folkestone, 5 shillings.
- From Preston, 16 pence.
- From Appledore, 5 shillings and 9 pence.
- From the city,¹ 20 shillings.
- From Boughton-under-Blean, 16 pence.
- From Boughton Aluph, 8 pence.

83. parochial organisation in Kent at the time of the Norman Conquest (c. 1070)

This text illustrates a transitional stage in the evolution of the medieval English parish. The churches which head the sections are the ancient baptismal churches which served wide areas. Out of the districts so served the later parishes were carved. The transition was apparently not complete in the reign of William I. Note how some of the "parish churches" are designated by their patron saints; some by the layman who apparently built them, or owns them; and others by reference to the villages they serve. The development has begun whereby the region served by a community attached to a minster church makes way for the parish served by a single priest, supported by the revenues of a single church, and normally coincident with the village of which it was the ecclesiastical counterpart. Printed and discussed in D. C. Douglas, *Domesday Monachorum of Christ Church, Canterbury* (1944), pp. 8-13, 78-9; translated in *Victoria County History: Kent*, III, 256.

¹ Canterbury