

ART. V.—*Gospatrik's Charter*. By the Rev. FREDERICK W. RAGG. M.A.,

Read at Carlisle, April 19th, 1904.

(THE TEXT AS IT STANDS IN THE COPY).

GOSPATRIK greot ealle mine wassenas & hyylkun mann freo & ðrenge þeo woonan on eallun þam landann þeo weoron Coṃbres & eallun mine Kynling freondlycc & ic cyðe eoy þ' myne mynna is & full leof þ' Thorfynn mac Thore beo swa freo on eallan ðynges þeo beo myne on Alnerdall swa ænyg mann beo oðer ic oðer ænyg myne wassenas on weald on freyð on heyninga & æt allun ðyngan þeo bȳ eorðe bænand & ðeoronðer to Shauk to Wafyr to poll Waðæn to bek Troyte & þeo weald æt Caldebek & ic wille þ' þeo mann bydann mið Thorfynn æt Carðeu & Combeðeyfoch beo swa freals myð hem swa Melmor & Thore & Sygoolf weoron on Eadread dagan & ne beo neann mann swa ðeorif (b)ehat mið þ' ic heobbe gegyfene to hem ne ghar brech seo gyrth ðyyle Eorl Syward & ic hebbe gecyðet hem cefrelycc swa ænyg mann leofand þeo welkynn ðeoronðer & lot hyylkun bȳ þar byðann geyldfreo beo swa ic bȳ & swa Willann Wall-ðeof & Wygande & Wyberth & Gamell & Kūyth & eallun mine Kynling & wassenas & ic wille þ' Thorfynn heobbe soc & sac toll & theam ofer eallun þam landan on Carðeu & on Combeðeyfoch þ' weoran gyfene Thore on Moryn dagan freols myd bode & wytnesmann on þyylk stow.

(ATTEMPTED RESTORATION OF THE TEXT, SUPPLYING IN BRACKETS SOME OF THE APPARENTLY OMITTED WORDS).

Gospatrik greot ealle mine wassenas & hyylkun mann freo & ðrenge þeo woonan on eallun þam landann þeo

weoron Cōmbres[c] & eallun mine Kynling freondlycc & ic cyðe eoy þ' myne mynna is & full leof þ' Thorfyynn mac Thore beo swa freo on eallan ðynges þeo beo myne on Alnerdall swa ænyg mann beo, oðer ic oðer ænyg myne wassenas, on weald on freyð on [] on heyninga, & æt allun ðyngan þeo byn eorðe bænand & ðeoronðer, to Shauk to Wafyr to poll Waðoen to bek Troyte & þeo weald æt Caldebek & ic wille þ' þeo mann [þeo] byðann mið Thorfyynn æt Carðeu & Combeðeyfoch beo swa freals myð hem swa Melmor & Thore & Sygoolf weoron on Eadread dagan, & ne beo neann mann swa ðeorof (b)ehat mið þæt [þæt] ic heobbe gegyfene [*hem swa he*] to hem *nahwar* brech seo gyrth ðyylc Eorl Syward & ic hebbe gecyðet hem [*swa*] freolicc swa ænyg mann leofand þeo welkynn ðeoronðer & *let* hyylkun [þe] byn þar byðann geyldfreo beo swa ic byn & swa Willann [&] Wallðeof & Wygande & Wyberth & Gamell & Kynyth & eallun mine Kynling & wassenas & ic wille þ' Thorfyynn heobbe soc & sac toll & theam ofer eallun þam landan(n) on Carðeu & on Combeðeyfoch þ' weoran gyfene Thore on Moryn dagan freols myd bode & wytnesmann on þyylk stow.

(TRANSLATION).

I Gospatrik greet kindly all my vassals and each man free and dreng that dwell(s) in the lands that (of late) were Cumbrian and all my kindred ; and I do you to wit that my will and full pleasure is that Thorfyynn mac Thore be as free in all things that are mine in Alnerdall [Allerdale] as any man is, either I or any of my vassals, on field in woodland and on enclosed land ; and in regard to all things that dwell on the earth and under, as far as to Shauk (Chalkbeck) Wafr [River Waver] Pol Waðoen [River Wampole] bek Troyte [Troutbeck*] and the open field at Caldebek [Caldbeck] ; and I will that the men that dwell with Thorfyynn at Carðeu (Cardew) and at

* Identified by Mr. F. H. M. Parker with the Wisa. See above, p. 42.

Combeðeyfoch (Cumdivock) be, together with him, as free as Melmor and Thore and Sygoolf were in Eadread's days; and let no man be so evil-disposed on account of this, that I have bestowed this on him, that he anywhere breaks the peace which Earl Siward and I have proclaimed to him as freely as any man living under heaven; and let each that dwells there be as geld-free as I am and as Willann and Wallðeof and Wygande and Wyberth and Gamell and Kunyth and all my kindred and vassals. And I will that Thorfynn have 'soc and sac and toll and team' over all the lands at Carðeu and Combeðeyfoch that were given to Thore in Moryn's days by proclamation and before witnesses* at that place.

Among the deeds—over 450 in number, to which access was given me at Lowther, when in the early part of October, 1902, I was working there for the purposes of the *Victoria History of the Counties*, were some of very great interest, throwing light on obscure points in the mediæval history of Westmorland, and also on the life and customs of mediæval times. Two only of the documents seemed to me to need being photographed for the mere purpose of elucidation. One was a copy of a deed of Gospatrik, the other was a deed of Gilbert fitz Roger fitz Reinfred. Gilbert's deed offered chiefly a problem, still unsolved, in the places mentioned: Gospatrik's was so unique and interesting that it gave me more than joy. Dr. Haswell was good enough to photograph these at my request, made through the custodian, Mr. R. H. Bailey, who I may mention deserves much credit for the way in which unaided and untrained he has worked at the difficulties of some of the muniments from antiquarian interest, though his necessary occupations do not admit of his doing systematic work at them. The other deeds at which I

* This word (wytnesman) has a technical colouring apparently.

was working are still awaiting, as was Gospatrik's charter, the publication of the *Victoria History*. For the reason that I was at work on that behalf I made no publication of the find of this deed, but handed the account of it with decipherment and translation to the editors of the *History* for their use. I discovered however late in the summer of 1903 that use was being made of it outside, and in simple self-defence, I gained consent of the editors of the *Victoria History* that I should publish in the *Ancestor* of October, 1903, a statement of the circumstances of the find; the charter, and my reading and the translation, together with such commentary as I could then put together. At so late a date the whole time available for doing this was simply a few hours.

This preface over, I now turn to the deed and the deductions from its contents which it seems to me safe to draw. I do not find myself in agreement with Mr. Wilson's paper published in the *Scottish Historical Review*, but differ in most important points therefrom. To begin with I am quite satisfied that the copy is not a first hand copy nor of the thirteenth century as he says. I certainly never saw a thirteenth century deed with the characteristics of that deed. That the script reminds one of the style of that period is in this case no evidence, when all other things tell the other way, of anything more than that the copy from which it was made was a twelfth century or early thirteenth century copy. And I have given in the *Ancestor* reasons why it must belong to a later date. In its very front, to one who is used to investigation amongst original deeds, it bears the mark of being a fifteenth or perhaps sixteenth century copy.

The transcript of the text as I have given it * differs, I see, somewhat from that which Mr. Wilson gives and there are points of grammar on which I differ. There seems

* In the paper in the *Ancestor* there are some literal errors which I much regret. Waðeen should have been Waðoen; Sygolf—Sygoolf, and Knyth—Küyth; and Waltheof in a way to me unaccountable slipped in for Waliðeof.

no need to suppose, as Mr. Wilson does, a change from third person to first in the opening. 'Gospatrik greot' is simply 'Ic Gospatrik greot' with the 'ic' understood. This is clear from other charters. The deed he quotes as authority for the change in Thorpe's *Diplomatorium*, p. 313, might, if it stood alone, support him, but there are others which do not, and notably one on p. 308 of the same work. In the word (blotted at the end) which is read by him as getyðet, and which Mr. Bevan Petman and I read as gecyðen, I believe the true reading is 'gecyðet,' the 'c,' as often, is so like 't,' that it is very difficult to decide for one against the other. The word which he gives as þehat is a most difficult word, and I do not think the initial blur represents 'þ' but 'b.' The sense wanted is 'inimically disposed, ill disposed or angered,' and the Ormulum has an obsolete word 'behate,' to hold in hatred, which suggests 'behat' as one of its kin. The blur might, it is true, disguise 'h,' but with this I can make no sense. Mr. Wilson does not seem to have noticed that 'ic heobbe gegyfen to hem' is not Anglo-Saxon construction, and that the very presence of 'to' shows that something is omitted. 'Into' (but I think never 'to') sometimes follows 'giefan' (to give) when the gift is made to a church, or the saint as representing the church, but never, I think, when the gift is to an actual person, nor does it come in any case before a pronoun. The words 'to hem' must belong to the following clause, "*nor in regard to them* let him break the peace." Upon this hint I acted in trying to restore the text.

In the text something was wanted to express 'in aquis' to go with 'in bosco and in plano' as is usual in old deeds; I think some words are lost which would supply the omission, and Mr. Wilson by translating weald as 'wood,' and rendering the other words as 'heath' and enclosures,—but adding a note to 'freyth' explaining it as 'coppice,' seems to have got a little mixed. I take weald to be like veldt (Norse völlr) the open field.

Turning now to the historical deductions I can only follow the reasoning which experience in the study of old documents in the original fosters. And here I find myself still more at variance with what appears in the *Scottish Historical Review*. What does the document in itself tell? And does what it tells fit in with what historians have held, or does it contravene their history? Does the new light baffle, or does it illuminate the scene for us?

The deed, as its own tale tells, is the confirmation to a certain Thorfynn mac Thore* (= Thorfynn Thoresön) of rights which Thore (evidently his father) had possessed in the days of Eadread and Moryn. This confirmation is granted by Gospatrik in the 'letter patent' addressed to all his vassals (I use the word for want of a better) and all men that dwell in the lands '*that were Cumbrian.*' The description marks out the extent of his rule under Siward the Earl; were he a King it would describe his dominions, and Gospatrik is evidently not overlord. Living at the time of this grant, as is clear from the wording, was Earl Siward, in conjunction with whom he has that sovereign right of proclaiming legal protection 'the peace,' answering to a 'King's peace.' No other overlord is mentioned, neither King of England nor Scotland, nor in any way implied. And Gospatrik, with apparently only the limitation which Earl Siward could impose, is in position to grant by his own authority the right of exercising justice and of receiving the profits accruing from the forfeits of the condemned.† The description of Gospatrik's territory is given as 'the lands that were Cumbrian.' This at least seems the most natural way to take that word. I believe the word to be adjectival and to represent some such word as 'Combraisc.' I cannot take it as the genitive of a personal name. Work amongst old records of the North

* Besides the illustration I gave in the *Ancestor* of this Celtic mac (= son) joining two Norse names, I can here give Sygtrig mac Olave and Godfrey O'Ivar (=Ivarson) from the *History of the Danes in Ireland*.

† Soc and sac.

of England of different centuries makes me feel that were it a genitive the genitive sign would be missing and the word 'lands' repeated. We have instances of this in this very deed in 'on Eadread dagan' and 'on Moryn dagan.'

The description would be patent in meaning 'to all whom it concerned,' and there would be a reason for its being couched in such a form. If we use this as hypothesis, and, reasoning on it together with what we learn from the scanty records still existing, find that we gain light on the darkness of old Cumberland history I think we may take this interpretation as the true one.

In 945, we are told in the *Anglo-Saxon Chronicle*, King Edmund harried all Cumberland and handed it over to Malcolm, King of Scots, on condition that he would be his fellow worker by sea and land. In 966 Thored Gunner's son, who appears to have been an under Earl in Northumbria, harried 'Westmoringaland,' which from this would seem to be in the hands of the Scottish King. In 1000 Ethelred the Unready (as we learn from another source) himself harried Cumberland because Malcolm, King there under the King of Scots, refused him payment to keep off the Danes, saying that it was Ethelred's right to claim him as his man to help him in fight but not in paying money. Later on Duncan, nephew of this Malcolm, when Malcolm was on the throne of Scotland and Duncan was ruling Cumberland under him, refused to acknowledge the overlordship of Knut, saying that he was not the rightful King of England. These attacks and harryings were all from the *English* side. Turning to Northumbria we find the attacks and harryings coming from the *Scottish* side. In the reign of Ethelred the Unready the invading Scots were defeated at Durham by Earl Uhtred; in 1018 Malcolm defeated and slew Earl Eadwulf at Carham on the Tweed; and other invasions and harryings apparently followed till Knut's march to the north in 1031 or 1032 changed the face of things. The history speaks for itself. Northumbria was English:

Cumbria was Scottish with the English King as overlord. Between Northumbria and Cumbria there was no link, and the Earl of Northumberland was not overlord over the Earl of Cumberland—if Earl of Cumberland there was. But the history also gives us another suggestion which so far as I know, the historical instinct of John Richard Green was first to begin to realize; and had he been living till Gospatrik's deed was brought to light, he would I feel certain have been able, through that deed, to go further on the track on which he started and see how the deed helps in the elucidation of the mysterious changes of the boundary between the English and the Scottish Kingdoms.

Edgar, by vague tradition or conjecture, is said to have granted Lothian to the Scots. For this statement there seems no real authority and no reason. Simeon of Durham in his account of the siege of Durham states that Earl Eadwulf, successor of Uhtred, surrendered it in order to obtain peace. But Eadwulf's defeat and death defending his territory tell a different tale. Taking into account what usually happened in such raids and the time needed to gather a defensive force together, and remembering that Carham is on the Tweed, it looks as if either Earl Eadwulf had been driven out of Lothian by the Scots and had fallen back behind the first most defensible line that he could reach, or had only been able to gather his forces in time to make use of such a position. The Scottish King may easily have held Lothian as well as Cumbria all the way to the Lune or Ribble, between the date of the defeat of Eadwulf and the hour when King Knut felt himself free to lead his army into Scotland. Malcolm and his under Kings then submitted, apparently without a blow, and an arrangement was come to about the boundary of Northumbria and Scotland, which, as Green suggests, was after that time the line of Tweed and Cheviots. Simeon's account we may take as valid so far as it represents the period of the change, though not

altogether as representing the circumstances. But is it likely that Knut, master of three kingdoms, with an unconquered army at his back, his foe at his feet, and with his wisdom in statecraft and in war, would consent to a direct surrender of a territory over which he was overlord simply because it had been taken possession of by his enemy? What seems clear is, that, grasping the immense advantage which a boundary reaching across from sea to sea would possess over the long inland line reaching from Edinburgh to the Lune or Ribble, he would take advantage of the circumstances to have Tweed, Cheviots, and the line to the Solway as a 'scientific' or 'strategic' boundary (to use modern terms for it), by allowing Malcolm to keep Lothian in exchange for Cumbria south of Solway. The transfer must have taken place, for Simeon emphatically states that Siward's earldom over '*all Northumberland*' was bounded by the Tweed; and Gospatrik's deed shows Earl Siward as overlord over Cumbria (south of Solway)—'*the lands that were Cumbrian.*' These words gain meaning thus; and natural enough would be the transfer of those lands to the Northumbrian Earls as compensation for the loss of Lothian. And one can easily understand the wisdom of placing the Cumbrian territory, which had so little of Northumbrian in it, in the hands of an under Earl.

Siward succeeded after an interval of what looks like weak ruling; his force of character, his personal strength and afterwards his connexions made him almost an independent sovereign, and in his territories the thought would hardly occur of any overlord. He could marry his daughter to one King of Scots, could defeat and drive out another, and could be called upon to deliver the English King from the power of the southern Earls of Godwine's House. This is a position tacitly implied in the deed.

Though the original deed by the only natural interpretation of its wording must thus have dated from Siward's life-time, there is room left for two under Earls of 'the

lands that were Cumbrian 'preceeding Gospatrik, viz. :—Eadread and Moryn, and it may be, others whose names are lost. For Knut's campaign was in 1031 or 1032, and Siward died in 1055. But if the charter, as seems on all accounts most probable, was granted by the Gospatrik who was afterwards Earl of Northumbria, comparison of dates tells that it could not date from more than a year or two earlier than Siward's death, when Siward was at the summit of his power.

Tostig, brother of Harold, was the next Earl. Against him the Northumbrians revolted in 1065, and Gospatrik was one of the Thanes who joined in the revolt; and much as if they had been an independent people the Northumbrians chose their Earl without reference to an overlord. Close on this followed the Norman conquest of most of England. But William though he laid Northumberland waste seems never to have crossed the hills into Cumberland even in his second expedition to the north. With an army almost in mutiny, part of which—the men of Brittany and Anjou—he allowed to return home, even he found his power crippled, and the land beyond the Stainmore Cross and the fells by Shap and the mountains north of Furness remained untouched. Tostig's earldom, as we know from *Domesday Book*, included Lancashire north of the Sands and the most southerly corner of Cumberland, and at that date these do not seem to have had any under earl.

What then was taking place in the untouched territory? We may safely reason that Gospatrik was in possession there, for he emerges in 1068, as accompanying Edgar Atheling and his sisters to Malcolm's court, and after that as leading the 'whole strength of the Northumbrians' to combine with Edgar, Waltheof and the Danes, and as helping in the slaughter of the Normans at York. Then came the great disasters and William's laying waste of Northumberland. And by some unrecorded means, except that payment is mentioned, in

1070 Gospatrik is found in possession of the Northumbrian Earldom under William and plundering Cumberland, 'which was at that time,' says Simeon, 'held by Malcolm not by right but force.' This bit of incidental evidence is valuable. Clearly enough Malcolm had taken advantage of the state of things in England to attempt to assert the Scottish overlordship over Cumbria which had ceased in 1032, and Gospatrik looked on this as an infringement of his rights as Earl of Northumberland, according to the arrangement of 1032. But the swaying of the pendulum had not ceased. A furious attack on Gospatrik's Earldom of Northumberland by Malcolm followed, which caused William in 1072 to make war with Scotland and reduce Malcolm to the state of being his 'man.' But finding fault with Gospatrik he deprived him of his Earldom and so threw him into the shelter of the King of Scots. This deprivation, as it seems to me, cost William Cumbria, the possession of which as overlord he might have had and retained, by leaving Gospatrik in possession of Northumberland. For naturally the whole weight of the influence of Gospatrik and his kin was thenceforward thrown on to the side of Malcolm, who in the interval during which Gospatrik was Earl of Northumberland had added a new tie to the old kinship by marrying S. Margaret, Gospatrik's blood-relation.

From that time on till after William's death there is no more of Cumberland. The *Doomsday* record does not touch it except in its extreme south-west corner. It seems almost self-evident that Gospatrik's family remained in possession and that it was held as under the Scottish King more completely than had been the case before Knut's time, without a reminiscence of the overlordship of the English King. In 1092 Gospatrik's son Dolfin was driven out by William Rufus, but this in the circumstances was distinct invasion. It was not in any way enforcing an hereditary right. From 1072 on, the

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possession of overlordship had been in the hands of the Scottish King as effectually as if he had held it in conquest, notwithstanding the vague possession claimed for William 'Meschin.'

Henry I. reinstated Dolfin's brother Waltheof in a part of the possessions that were once his father's. But this need cause us no surprise. Just as in after times when Edward I. made his attempt on Scotland, families were divided in their allegiance who held lands on both sides of the border; indeed just as it happened all through from Stephen's time till that time, so it seems to have been the case with Gospatrik's family.

The new claims of Scotland to Cumberland, which begin with the treaty made by Stephen, in order to secure the support of David, King of Scots, belong to later history. They were a reminiscence of the old overlordship and an attempt at resuscitation of it, but that does not alter the fact that they were really new.

With the occupation by William Rufus of Carlisle ended the old vicissitudes which I can now recapitulate in few words.

945—1032.—'Cumbria' (south of Solway) was under the overlordship of Scotland but subject to the higher overlordship of the English King.

1032—1066.—'Cumbria' was removed (in exchange for Lothian) from under the overlordship of Scotland, to be directly under that of England.

1066—1069.—'Cumbria' was in quasi independence in the midst of the confusion of William's conquest of England.

1069—1072.—'Cumbria' (except for Malcolm's raid) was under the overlordship of William, and in Gospatrik's hands as Earl of Northumberland.

1072—1092.—'Cumbria' lapsed into the overlordship of the King of Scots.

1092—1136.—'Cumbria' was in English overlordship and separated from Scottish.

One point in the charter has given me more trouble to satisfy myself about than any other. I see that Mr. Wilson has passed it over in silence. It is the word 'Willann.' Is it a verb or is it a proper name? On which it is depends a most interesting question as to the position of Gospatrik as an Earl in regard to his kinsfolk and dependents. Had he to obtain their sanction (as would be implied if Willann is 'they will') or could he make a grant without it?

At first I thought the word a personal name; but afterwards I gave way to the suggestion of Mr. Bevan Petman, not seeing clearly how to withstand the argument that all the verbs in the third person plural end in 'n' and that 'and' was absent. But I have since come back to my first conclusion. All the way through up to this point Gospatrik speaks as of his own right, willing what he chose except as limited by Earl Siward. The word too ends with a double and not a single n, as in the verbs; the 'swa' just preceding the word seems a parallel to the 'swa' which comes a few words before, 'swa ic byn.'—And Willan as a personal (or family) name is found in Westmorland records at various periods until long afterwards. Willann and Wallðeof and Wygande and Wyberth and Gamell and Kunyth are all, then, evidently 'thanes' who were geldfree as Gospatrik himself was. As to the identifications of any of them it is quite possible to be in too great a hurry. If Wallðeof were, as Mr. Wilson suggests, perhaps Waldeve, Gospatrik's son, the charter would certainly be unique in mentioning the son of the grantor in a stray way in amongst others not his sons. And if I am right in my conviction that the charter dates from Earl Siward's days, neither could this be the right identification nor could those he gives of Moryn and Sigoolf be the right ones; the names might be names of members of the families to which these men belonged indeed, but they would be of persons of an earlier generation.

It will be seen by readers of the *Ancestor* that I have altered my idea too that Eadread should read Ealdread. I take the name now, as I do Moryn, to be that of a predecessor of Gospatrik, not otherwise mentioned, in the under Earldom of Cumberland.

When I published the article in the *Ancestor*, I felt bound, in the position in which I was then placed, to reproduce the translation made by my friend and myself as it stood when originally sent to the editors of the *Victoria History* before he left for India. But in this paper I have given the results of further thought upon the matter of the text, amended readings and more definite conclusions. The prefixes mac and o' as representing son connected with Danish names in the History of the Danes in Ireland I give from Worsaae in *Minder om de Danske og Nordmændene i England, Skotland og Irland*.

POSTSCRIPT.—I have lately been informed by a friend that Burn, in his *History of Westmoreland*, mentions this Gospatrik deed, but could not make anything of it. I have not a copy of the history, nor do I know Dr. Burn's handwriting; but it seems to me very probable that it was then he who wrote the endorsement on the deed which states it to be one of Gospatrik, giving soc and sac and toll and team to Thorfin mac Thore.—July 1st, 1904.

[The deed was known much earlier; see Nicolson and Burn, ii., p. 317:—"In one of the copies of the (Denton) manuscript which Bishop Nicolson says was lent to him by Mr. Bird of Brougham in 1708, is the following pedigree:

1. *Thor*, lord of the manor.
2. *Thorpin de Cardew*."

On Mr. Bird and a document in his possession, see these *Transactions*, n.s., iii., p. 4.—ED.]
