

CAPITALE

This word occurs in the Latin version of the Anglo-Saxon Laws known as *Quadripartitus* (A. D. 1114) as the rendering of the Anglo-Saxon « ceap » in its three senses of « cattle » « chattel », and « price » or « value claimed ». But in three passages in the Laws of Ine it represents the Anglo-Saxon « ceace » the kettle used for the boiling water ordeal.

I quote the three passages from Liebermann's *Gesetze der Angelsachsen*, vol. I (Halle a. S. : 1903) :

Ine 17 (p. 97)

Cyrliscus homo, qui sepe fuerit accusatus de furto et deinceps inuonietur reus in captali uel in alia manifesta culpa, truncetur ei manus uel pes.

Ine 37 (p. 105)

Cyrliscus homo, qui fuerit sepe inculpatus de furto et tunc postea culpabilis inuentus in captali uel in aliter manifesto reus, amputetur ei manus uel pes.

Ine 62 (p. 117)

Quando aliquis homo fuerit accusatus et ad captale pertrahitur (fauces coartatur) nec habet idem aliquid ad dandum ante certamen, et uadit alius et dat suum captale pro eo tali pacto, ut idem transeat ei in manum, donec captale suum possit illi intimare : si iterum accusetur alia uice et ad componendum pertrahatur, si ei nolit preesse, qui captale suum pro eo dedit antea et hoc anticipauerit, perdat captale suum quod ante pro eo dederit.

In the first of these passages there is no Anglo-Saxon original corresponding with the phrase « reus in captali » which must therefore be interpreted in the same sense as in the second passage, from which it appears to be borrowed. In that it corresponds with A.-S. « synnigne gefó in ceace », i. e. « find guilty in the kettle-ordeal ». The same meaning appears in three phrases of Ine 62 : « ad captale pertrahitur », « ante certamen », and « ad componendum pertrahatur », where the A.-S. text reads « bedrifed to ceace », « beforan ceace » and « bedrifp to ceace ».

The matter is complicated by the fact that the family of MSS represented by the Cambridge MS. C. C. C. 173 (Liebermann's E.) reads « ceape » in all these cases. But the variant reading « fauces coartatur » (implying A.-S. ceace : cheek) implies that the original from which the *Quadripartitus* was translated read « ceace » in that passage at all

events, and on this, as well as on palæographical grounds, Liebermann could not accept « ceace » as a corruption of « ceape », and his glossary is inconsistent in rendering « captale » in Ine 17 as equivalent to the « manner », or rather, to speak more accurately, « reus in captali » as « handhaft », while accepting « captale » as the equivalent of « ceace » in Ine 37.

On the other hand « componendum » in Ine 62, shews that the original of *Quadripartitus* read « ceape » in that passage, There must therefore have been considerable confusion between the two words, and I am led to conclude that « captale » is a rough Latinisation of « cytel » or kettle, and that this has become confused with the French « catel » or chattel, the normal equivalent of « ceape », and that the corruption has spread backwards into the Anglo-Saxon text.

I should be grateful for the opinion of more competent scholars on the possibility of this suggestion.

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