

A Study of the Charter-Criticism of the Anglo-Saxon Period, its Theory and Practice:

A PRELIMINARY HANDBOOK

BEING

SEPARATE VOLUMES OF 'ESSAYS IN
ANGLO-SAXSON LAW AND HISTORY'
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VOLUME III.

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There seems to be some discrepancy among the texts concerning the order of those witnesses. After Bishop Wilfrid, the next witness in our text is 'Oba minister', and then 'Æthelred' (really, Æthelric) comes in, and then 'Sigebed (*or* Sigeberd) minister' ends the List. But the MS. Cott., Tiberius A. XIII. f. 156 has the text which put Æthelric before the two thegns, and since this Æthelric is a king's son (Bi 85) we consider

that this may be the correct, and so, original order.

Anyway the witnesses are all correct ones and there is no problem in the Witness-list. And as we saw, the main text has nothing wrong in it, except perhaps that it is, even if the Tiberius texts are used to supercede some too short passages in the Nero text, still a rather laconic charter. We could think that, being not an 'original' copy, this was made in order to emphasize some particular points — possibly, the 'jure ecclesiastico' part which probably was modernized, or again the boundary part—the west side was not at issue in that period, so not mentioned?

All things, then, being considered, we think that our charter, Bi 163, although not an accurate copy of an eighth-century charter, is based on an original, and so, 'genuine'.

Our next charter is Bi 164:—

164. *Grant by Æthilbald, King of the South Angles, to Worcester Cathedral of land in Wuduceastir, or Woodchester, co. Glouc. A. D. 716 × 743.*

DE WUDUCEASTRE.

¶ In nomine sanctae trinitatis.

Ait enim apostolus. "Nichil intulimus in hunc mundum. nec auferre quid possumus". Et beatus Job. "Nudus¹ egressus sum ex utero matris. et nudus revertar in terram".

Quapropter ego ÆTHILBALDUS². rex australium Anglorum brevitatem vitæ hujus considerans³. et quod cum his caducis mercanda esse aeterna polorum regna. rogatus a venerabili UUILFRIDO⁴ episcopo terram trium cassatorum ruris silvatici. in loco qui vetusto vocabulo nuncupatur UUDUCEASTIR⁵. ad æcclesiam beati Petri apostolorum principis in UIGORNA⁶ civitate. in jus proprium libentissime concedens possidendum donabo.

His terminibus institutis. in borea roddan beorg. in oriente smiececumb⁷. in austrum sentodleag⁸. et heardanleag. negles leag. minor totus⁹ uuidan cumb. in carlesleag¹⁰. in occidente

hælsburg¹¹. haboccumb¹². in aquilone iemyð teag¹³.

- ✠ Ego Æthelbald². rex Merciorum. signum sanctæ crucis Christi imposui¹⁴.
- ✠ Ego¹⁵ Uuilfridus episcopus.
- ✠ Ego Uuilferð prefectus.
- ✠ Ego Cuðredus abbas.
- ✠ Ego Sigeberht.
- ✠ Ego Iebe Abbas.
- ✠ Ego Oba.
- ✠ Ego Æthelwaldus abbas.
- ✠ Ego Heardberht.
- ✠ Ego Aðelricus presbyter.

¹ Job i, 21, dixit. nudus, C. ² Æðilb., B. ³ Consideravi, C. ⁴ wilfrydo, B. ; wilfrido, C. ⁵ Uuducester, B. ; Uuduæstor, C. ⁶ Wio-gornan, B. ; weogerna, C. ⁷ Smecæcumb, C. ⁸ Sengedleag, B. C. ⁹ In montotus, B. ¹⁰ Ceorlesleag, B.; Ceorlesleage, C. ¹¹ Occidentale hælsburg, C. ¹² Havoc cumb, B.; heafoc cumb. wahlweg, C. ¹³ Leag, B.; gemyðleag, C. ¹⁴ Imposui, C. ¹⁵ B. reads from this point thus:—
✠ Ego wilferð præfectus. ✠ Ego Æðelric. ✠ Signum manus Iebe ab-batis. ✠ Signum manus Wilferði episcopi. ✠ Ego Oda. ✠ Ego Heardberht. ✠ Ego Cuðred abbas. C. reads as follows:—✠ Ego wilfrið præ-fectus. ✠ Ego Oba. ✠ Ego Æthelric. ✠ Ego Heardberht. ✠ Ego wilfrið episcopus. ✠ Ego Sigbed. ✠ Ego Cuðred Abbas. ✠ Ego Iebe abbas. ✠ Ego Æthelwald abbas.

[A.] MS. Cotton, Tiberius A. xiii,
ff. 169b: [B.] 55; [C.] 42b.
The crosses omitted, A.

[K.] Kemble, *Cod. Dipl.*, No.
LXXXIX; from [A.]; bounda-
ries in vol. iii, p. 377.

We directly go into diplomatic points. The (1) Heading probably is a later addition. The (2) Invocation is, as we saw before, a newer type using the Holy Trinity which probably is the first to appear in eighth-century charters. The pious (3) Proem is indeed a very apt one: "The Apostle says, "We bring nothing into this world. Nor can we carry away anything." And the blessed Job, "I was born from my mother's womb naked, and naked should I return into earth." Then, after the

usual 'Wherefrom' and 'I', the (4) king's name-form keeps the early spelling in the second, unstressed syllable: 'Æthilbaldus', or 'Æðilbaldus (MS. Cott., Tiberius A. XIII. f. 55)'. The (5) king's title 'king of the South Saxons' is all right in Æthelbald's case.

Then, the (6) Motive of grant, 'considering the shortness of this life and since with these perishable things the eternal kingdom of the heavens are to be purchased' is a very plausible, concise statement of an understandable contemporary motive, and has nothing wrong in its wording, except, perhaps, that the participle form 'considerans' might originally have been the Perfect, 'consideravi', (as preserved in MS. Tiberius A. XIII. f. 42b) since the word is too far away from the verb, 'concedens.....donabo', which is situated four lines underneath in Birch's text.

The (7) 'rogatus' formula is regular, being followed by 'a', so 'having been asked by', and the name, 'venerable Bishop Wilfrid'. Then the (8) Description of the land to be granted, beginning with 'terram' and the hidage in Genitive Plural 'trium cassatorum' is quite regular together with 'the wooded fields'. Then, the (9) Denomination of the place 'in loco qui vetusto vocabulo nuncupatur' (in the place which is called by the ancient appellation) is a very good formula. What, however, is not very good is the name-form itself: 'Uduceastir' for Woodchester, is a post-Conquest form; the form kept even in the Domesday Book is 'Widecestre', and so at least this should have been here, the ancient appellation!, as we once saw in the above in connection with the absence of the combinative back umlaut, so the keeping of 'i', or 'io', escaping the 'u' (*u*-umlaut of *o*) (cf. A. Campbell, O. E. G., § 218). We are referring to the case of Bi 157 we saw in the above. Bi 157 uses the same formula 'in loco qui vetusto vocabulo dicitur' but the name is 'Uuidutuun'.

The (10) Donee is a church, so the verb in the Third Person is natural when no mention of the name of her supervisor is given as such, so 'to the church of the blessed Peter, Prince of the Apostles [so the Cathedral] at Worcester'. Again, the name of the Cathedral 'in Wigorna civitate' is in the post-Conquest form. In the pre-Conquest period, the Cathedral should be called, as we once saw in Bi 75, '(ecclesiam beati Petri principis apostoli quae sita est) in Uueogorna

civitate'. This form fortunately is kept in the other two folios of the Tiberius A. MS., i. e., ff. 55 and 42*b*, thus 'wiogornan' and 'weogerna' ('civitate'), of our same charter Bi 164. So, here too, we know that Birch took the worst text.

The (11) Statement of right, 'in jus proprium.....possidendum (to be possessed in [her=the church's] own right)' is probably the successor of the 'jure aecclesiastico' formula of the earlier period and is to be considered authentic. The (12) *verba dispositiva* are simple, 'I will most gladly conceding grant'. The use of the Future Tense in the eighth century probably starts here in this charter.

The (12) Boundary clause—"By these fixed boundaries"—is followed by OE place-names on the east, on the south, on the west, and on the north sides, so by the four sides of the land—hill ('beorg'), valley ('cumb') and especially many are those wooded, grassy, open lands which remain untilled, called 'leag' in the venacular. So the Boundary clause is regular and short enough for the eighth century.

The (13) Witness-list begins with King Æthelbald. His name-form is again earlier in the Tiberius A. xiii. f. 55: 'Æðilbald'. His attestation wording has one merit: he uses the word 'imposui' (I have established (the sign of the Holy Cross.)), rather formally. Now, from here on, our text Bi 164 begins to differ largely from those in the other Cotton Tiberius folios, i. e., f. 55 and f. 42*b*. E. g., the next witness is Wilfrid, bishop (of Worcester) in our post-Conquest text, but Wilferð or Wilfrið, praefectus, in the two pre-Conquest texts, in both of which the bishop does appear later in the Witness-list. Let us now examine the three versions of this part of the Witness-list. Since we have the List of our charter Bi 164, i. e. that in Tiberius A. MS., folios 169*b*. in the above, we quote and arrange the other two Lists (i. e., in MS. Cott., Tiberius A. f. 55 and f. 42*b*) in the following side by side:—

(folio 55)

- ✠ Ego wilferð praefectus.
- ✠ Ego Æðelric.
- ✠ Signum manus Iebe abbat-
tis.
- ✠ Signum manus wilferði

(folio 42*b*)

- ✠ Ego wilfrið praefectus.
- ✠ Ego Oba.
- ✠ Ego Æthelric.
- ✠ Ego Heardberht.
- ✠ Ego wilfrið episcopus.

episcopi.	✠ Ego Sigibed.
✠ Ego Oda.	✠ Ego Cuðred abbas.
✠ Ego Heardberht.	✠ Ego Iebe abbas.
✠ Ego Cuðred abbas.	✠ Æthelwald abbas.

Now, at the first glance, we might think that the second of these pre-Conquest Lists, i.e., that in folio 42*b*, is richer and better than that in the first pre-Conquest List, and nearer to that in our charter, Bi 164, too, which has the witness 'Sigeberht', whose name, as we saw, is the same as 'Sigibed.' The similarity of the members of the Witness-list to those of a post-Conquest List, however, cannot guarantee too much authenticity. The forms of the names themselves should be a better guide. And anyway the order of those witnesses in the two pre-Conquest Lists, is haphazard in both cases and cannot faithfully represent the original order by any means. E. g., Bishop Wilfrid who is explicitly mentioned in the main text in the way we saw above, can properly only appear, in the Witness-list, directly after the king. It is significant in a way that in both the pre-Conquest Lists this is not the case on the one hand, and that in the post-Conquest one this *is* the case, on the other. Ameliorations of the sort can be made at a far later time.

Anyway, we probably had better start comparing the names of those witnesses as found in the pre-Conquest Witness-lists, for the order of the witnesses is not trustworthy in either of them. Now, in these secular witnesses appear directly after the king. First, 'Wilferð præfectus' is otherwise unknown in this form. A more known 'Uuilfrith. comes (consensi et subscripsi)' found in Bi 157 is similar, but we cannot be certain that it is the same name. Second, 'Æthelric' must be the same one that we found in our previous charter who appeared there as 'Æthelred', but really 'Æthelric', the son of King Oshere of the Hwicce as we saw before.

Third, '(Signum manus) Iebe' must be the 'Ibe', the abbot that is found in the charter Bi 154 and may be its writer—'Ego Ibe ac si indignus abbas (consensi et subscripsi)', also in Bi 157 he appears as '(Ego.) Eobe, abbas (consentiens subscripsi.)'. Then 'Bishop Wilferð' intrudes in this name-form, keeping the same authodox formula, 'Signum manus wilferði episcopi'. Then 'Ego Oda' is mysterious. We do

not know him otherwise. It is possible, that this is a miscopied 'Oba', but it is also possible that this (original) 'Oda' gave rise to the mistaken 'Oba', a more known name. Then 'Heardberht' must be the king's brother seen in Bi 157, 'Ego, Heardberht frater regis (subscripsi).'; he also signs in Bi 154, 'Ego Heardberht frater atque dux præfati regis [Ætdilbalti] (consensi et subscripsi)'. Last, 'Cuðred abbas' appears in Bi 162, as '(Ego) Cuðred abbas (consensi et subscripsi)', but this is a suspicious charter, as we saw, and we go to Bi 157 to find a genuine example, '(Ego) Cuthred abbas (consentiens subscripsi)'. As for the rest of the witnesses found only in folio 42*b* and in our Bi 164 can, of course, be added later in the pre-Conquest period. Nevertheless, 'Sigibed', or 'Sigeberht' as we saw, is found in Bi 163, as '(Ego) Sigibed minister', in Bi 153 as '(Ego) Sigibed comes (consentiens subscripsi)' and in Bi 154, as '(Ego) Sigibed (consensi et subscripsi)'. Then, Oba, of course, is good in itself, though we cannot be too certain that *he* was originally one of the witnesses of this charter. 'Æthelwald abbas' is found in Bi 157, as '(Ego) Æthiluuald abbas (consentiens subscripsi)'. So all the possible witnesses can be correct.

(12a) We can add the identification of the vernacular place names in the Boundary clause. 'Roddan beorg' is Rodborough, or Rodborough Common, so full of the commons or leas around the place; 'smiece cumb' is Smoke Comb. Then, 'Hazel barrow', 'Havoc comb' and 'Gemyth leah'. What we are not certain is whether all these names, a little too enumerative, or any of them, were originally there or later interpolations. The description of the four sides of the land to be granted at this time usually is more laconic.

Therefore, all things being taken into account, we consider our charter, Bi 164, to be 'probably genuine', though interpolated.

This charter is No. 14 in H. P. R. Finberg's list.

Our next charter is no less promising, Bi 165 :—

165. *Grant by Æthelbald, King of the Mercians, to Osred of the Huiccas, of lands at Eastune and Natangraf, or Cold-Aston and Netgrove, co. Glouc. A. D. 716×743. Boundaries dated A. D. 743.*

[E]ASTVN, 7 NA[T]AN GRAF.

✠ Sit nomen domini benedictum in secula.

Ego ÆTHELBALDUS Deo dispensante rex Mercensium terram. XX. cassatorum. id est. X. et. VIII. in loco quem dicunt ÆT EASTUNE et AD NATANGRAFUM. ministro meo valde fideli qui est de stirpe non ignobili prosapia regali gentis Huicciorum OSREDO in possessionem juris æcclesiastici pro redemptione animæ meæ largiens concedo quatinus eo vivente possideat et regat. et post se cuicumque voluerit hominum possidendum liberum arbitrium habens derelinquat. et ut ab omni tributo vectigalium operum onerumque sæcularium sit libera in perpetuum. pro mercede æternæ retributionis regali potestate discernens statuo tantum ut Deo omnipotenti ex eodem¹ agello æcclesiasticæ servitutis famulatum inpendat. Hæc autem testamenti traditio perpetualiter postea tradita est sanctæ Mariæ Uueogernensis monasterii pro ipsius regis salute.

✠ Ego Æðelbald² rex Mercensium hanc donationem meam subscribo.

✠ Ego Uuulfriðus episcopus.

Ego Huita episcopus.

Ego Torhthelm episcopus.

✠ Ego Cuðberht episcopus.

Ego Alhuig³ episcopus

Ego Sigebed episcopus.

This synd tha land gemæru⁴ æt Eastune the Æthelbald cyning Myrcna gebocade Utele bisceope into sancte Marian. Ærest of

¹ Ex eodem | ex eodem, MS. The repetition arises from the page ending at the break indicated by the bar. ² Æthilb., K. ³ Alhuig, K.

⁴ Gemæra, K.

Turcanwyllas heafde andlang stræte on Cynelmesstan on

Mylenweg thonne andlang hrycges on Heortford thanen andlang streames on Buruhford on foron tha spelstowe thanan on Turcandene on Seofenwyllas middeweardan of tham wyllan to Balesbeorge suðan thonne on Cealcweallas thanan eft on Turcandene andlang eft on Turcanwyllas heafod. This wæs gedon thy geara the wæs agæn from Cristes flæscnesse. DCCXLIII. on tham cyneham the is ge cyged Bearuwe.

[A.] MS. Cotton, Tiberius A. xiii,
f. 26b.

[K.] Kemble, *Cod. Dipl.*, No. xc;
from [A.]

The (1) Heading is a later addition and inexact in their forms. The (2) Invocation is a new eighth-century one, but authentic—'May the name of the Lord be blessed for ages and ages'. The indispensable (3) Ego comes in, and the (4) Royal title is good, since the 'Dispensante' comes before 'rex'. Then, the (5) Description of the land to be granted regularly starts with 'terram' and the hidage in Genitive Plural 'XX cassatorum', of which 10 and 8 hides are 'in loco quem dicunt', so 'in the place people call' and the good name-forms 'aet Eastune' and 'ad Natangrafum' follow, the places being now identified as Aston Blank and Notgrove, near Cold Aston, respectively. So all is good here. The (6) Donee comes next—'to my very faithful thegn who is of no ignoble lineage the royal family of the people of the Hwicce, Osred', so under-king Osred.

Then, the (7) Statement of right 'in possessionem juris æcclesiastici' is the good old formula as we saw often before now, and the king is here probably instituting a common. The (8) Motive of grant is the most authodox formula, 'for the redemption of my soul' which appears in eighth-century charters. The (9) *verba dispositiva* are simple: 'largiens concedo'—'bestowing grant'. Then come the (10) Statement of right and the (11) Hereditary clause—including here the right of alienation—'to the extent that he is to possess and rule [it] while he is living, and after him(self), having the free power, to leave it to whomever he will wish, to be possessed' is a rather primitive construction. This is followed by the (12) Immunity clause—"and in such a way that it shall be eternally free from all contribution of public works and secular bur-

dens, and for the reward of eternal recompense determining I ordain by [my] royal authority only so that he might devote the servitude from the same estate of ecclesiastical dominion to Almighty God". The wording here is general enough and so proper at the date of this charter. The next part, then, "This delivery of the charter has been, however, surrendered, after this, perpetually to the church of St. Mary at Worcester, for the salvation of the same king.", is, however, obviously not part of the original charter which Æthelbald gave to Osred. It is a later ('postea') interpolation pertaining to the later fortune of the land which took place after this our charter of grant was (first) issued to Osred. The present later copy refers to it in the Boundary clause, too, which we shall see later.

Since it is a copy of such a synthetic charter which we have now, the (13) Witness-list which follows cannot help being conjectured. First King Æðelbald 'will subscribe this my donation' again using the Future Tense. Then Bishop Wilfriðus (of Worcester 718—743×745) can of course be contemporary. Then 'Huita' is bishop of Lichfield (737—749×752). 'Torthel' is bishop of Leicester (737—764). 'Cuðberht' is bishop of Hereford (736—740). 'Alhig' is bishop of Lindsay (733×750). The last one, 'Bishop Sigebed', is a problem. If he were a secular retainer, we met him in the above some few times. But the copy we have says 'bishop'. Now, Bishop Sigebed is a different matter. There is a Bishop Sigga (or Sicga) in Selsey (733—747×765). His name may be a shortened form of Sigfrið. Still this is the nearest form to Sigebed. So this bishop of Selsey might perchance be the last witness of our charter. However, the 'bishop' part can probably be an error and he may be 'Sigebed comes'. Anyway, according to those witnesses our charter's terminus a quo should be determined by the beginning of the offices of Bishop Huita and of Bishop Torthelm, so 737. Its terminus ad quem should be determined by the end of the office of Bishop Cuðberht, so 740.

The (14) Boundary clause contains more serious problems. It is rather minute, and begins with the vernacular sentence, meaning, "These are the land boundaries of Aston [Blank] which Æthelred, king of the Mercians, gave Bishop Utel by charter to St. Mary's [Church]." Now in the first detailed genuine vernacular Boundary clause⁽¹⁹⁸⁾ found

in Bi 346 (Grant by Coenuulf, King of the Mercians, to Uulfred, Archbishop of Canterbury, of land at Bixlea, or Bexley on the Crægea or River Cray, co. Kent. A. D. 814.) the corresponding beginning part is written still in Latin: "(et) his liminibus hæc pars telluris circumgiri videtur." followed by the vernacular 'ærest' etc. So, our Boundary clause can be later than this. Indeed it probably is so, since 'Utel' here is bishop of Hereford (793×798—801), and this whole copy—the main text (originally written, 737—40) and the Boundary, together with the vernacular Dating clause which we shall see soon (the date, by the way, is written, 743)—must be a far later copy of unknown date, except that it is a pre-Conquest one.

Anyway, there is no doubt that here is confusion, for the original Latin charter says King Æthelbald gave the land to his thegn, underking Osred. The vernacular Boundary clause says the king gave it to Bishop Utel by charter. That the latter gift cannot be literally so, is obvious, because King Æthelbald died in 757. Therefore, the statement here must be a summary of a long story. King Æthelbald gave the land, by the charter of the year 737×740, to Osred, and it is of course possible that Osred gave or left the land to Worcester Cathedral. On the other hand, however, the church at Worcester was dedicated to St. Peter until St. Oswald (961—992) rebuilt and dedicated it to St. Mary. So obviously Bishop Utel could not give the land to the Church of St. Mary, himself. And of course St. Peter's Church became, after the donation, or testament, by Utel, became, in due time, St. Mary's Church. The research of J. Armitage Robinson (*in* St. Oswald and the Church of Worcester (British Academy Supplement Papers, 1919)), however, indicates that Osred granted the land to the church of St. Mary at Hereford which the later copyist of our charter confused with the St. Mary's at Worcester. It may also be just a pretence on the part of Osred that he was keeping the land 'in possessionem juris ecclesiastici'.

Now the description of the boundaries which follows is a typical detailed one which occurs after the date of 814, just as stated above. "First from the 'Tuccanwyllas heafod [the source of the river Turk]',

(198) Cf. Whitelock, *op. cit.* (Eng. Hist. Docum.), at pp. 338, 344.

along the highway to 'Cynelmesstan on Mylenweg (in the road to the mill)', then on the side of the ridge to 'Heortford', thence along the river to 'Buruhford' [Bourton-on-the-Water], in front of the place of proclamations, thence to 'Turcanden' [Turkdean] among 'Seofon wyllas (Seven springs)' through the midst of the springs into 'Balesbeorg', from the south thence to the 'Cealcweallas' (limestone dikes)—so the land is among the limestone range running from the north-east to the south-west of Gloucestershire and also must be within the watershed between the Thames and the Severn valleys according to the description heretofore—thence again to Turkdean, [and] again to the source of the river Turk'.

Then comes in the (14) Dating clause in the vernacular—"This was done in the year which has passed from the incarnation of Christ, 743, in the royal manor which is called 'Bearu'. Now, it is obvious that our whole text cannot be written in the year 743, so this year possibly represents merely the date when the confirmation of King Æthelred was given to Osred later in order to permit the latter, his retainer and under-king, to transfer the granted land to the Church of St. Mary? The obscure king's estate (cyneham) called just 'Bearew' (Barrow upon Humber?) makes it easy for us to think that the dating must have contained something not untrue.

The evaluation, then, of our charter, Bi 165, is not really so difficult. We have seen that it is a synthetic charter as it stands. Nevertheless, the larger part of the main text, the Latin text, i. e., before the 'Hæc autem testamenti traditio', is rather an exemplary eighth-century charter as a whole. The interpolation mentioned just now is quite unabashed and is done with good reason—the modernization. The Witnesses are all right, *mutatis mutandis*. The Boundary clause is of course a far later, rewritten one, but as such quite regular and understandable. And the Dating clause is not the sort a forger could think of.

This charter is No. 23 in H. P. R. Finberg's list.

Thus, taking everything into account, we consider that our present charter, Bi 165, is '(probably) genuine', notwithstanding the fact that it is much interpolated, confused and added to, as it stands now.

Our next charter is no less promising, Bi 166:—

166. *Grant for two lives by Unilfrith, Bishop of Worcester, to the Earl Leppa and his daughter Beage, of land [at Beagan byrig] on the river Cunuglae, Bibury on the R. Colne, co. Glouc., with reversion to the Cathedral. A. D. 721 × 743.*

BEAGAN BYRIG.

✠ In nomine domini Jhesu;

Terram quindecim cassatorum juxta fluvium cui nomen est CUNUGLAE ad metropolim Huicciorum. id est. Uuegrinancæstir pertinentem tertiam partem. hoc est. quinque cassatos; Ego Uuilfrið episcopus diocesis Huuicciorum. viro non ignobili reverentissimo comiti cui nomen est LEPPA propter veterem inter nos amicitiam libentissime in possessionem donans concedo. Ita tamen ut post terminum dierum ejus et filia suæ quae vocatur Beage; Eadem agelli pars ad episcopalem sedem præfatæ parrochiæ cum suis sumtis iterum reddatur. propter firmitatem hujus conditionis;

✠ Ego Æthelbaldus rex Merciorum. Signum sanctæ crucis inposui cum terminis.

Of cunuglan sulhforda ond long drihtnes dene on leppan crundlas. that on east hleopan.] swa on rawan berh. thonne thweres ofer ða dene on ða aldan dic æt Lec;

✠ Ego Wilfriðus episcopus consensi et subscripsi subinsertis.

✠ Ego Æthelric subscripsi.

✠ Ego Ælbred consensi et subscripsi.

✠ Ego Heardberht consensi et subscripsi.

✠ Ego Leppa consentiendo subscribo;

[A.] MS. Cotton, Tiberius A. xiii,
f. 39.

[K.] Kemblo, *Cod. Dipl.*, No. xc1;
boundaries in vol. iii, p. 378.

The (1) Heading 'BEAGAN BYRIG' is probably a later addition. Then, the (2) Invocation is a shorter form of the longer eighth-century formula, 'In nomine domini nostri Jhesu Christi', which is found in its complete form in Bi 262 (Grant by Aldwlf, Duke of the S. Saxons, to St. Peter's Church, c. A. D. 791, genuine), and is all right.

Then, and directly after the Invocation, appear the (3) land and hidage of the land belonging to Worcester Cathedral—"the land of 15 hides close to the river whose name is 'Cunuglae', belonging to the chief city of the Hwicce people." Of which 'the third part, that is, 5 hides', is the (4) Description of the land to be granted. The (5) Grantor identifies himself with the inevitable 'Ego' and the name and the title 'Wilfrith, bishop of the diocese of the Hwicce'. Next, the (6) Donee is described as 'to a no ignoble man [and] my most respected companion whose name is Leppa'. The (7) Motive, or reason, of grant is expressed, 'for the sake of the old friendship between us'. The (8) *verba dispositiva*, 'most gladly giving grant into [his] possession' are quite to the point and good. Thus all is good around here.

What follows is the (8) Condition of grant, and a new devise is here described—"in such a way, however, that after the end of the days (= lives) of his and of his daughter who is called 'Beage', the same part of the estate is to be returned again, together with their expenses, to the episcopal see of the aforesaid diocese".

The (9) Attestation wording immediately follows the description of the grant for two lives: 'for the sake of the strengthening of this condition', and the king's attestation begins in the orthodox way. "I, Æthelbald, king of the Mercians, have set the sign of the Holy Cross with the boundaries." Now the last phrase concerning the boundaries can be a later interpolation, since the (10) Boundary clause here is a vernacular, detailed one of the ninth century or later, so cannot be contemporary. The last name 'Lec' may be the river Leak, or possibly, Leach? The attestation by Bishop Wilfrid, saying, "I have consented and subscribed to what are introduced just before", is not normal. The last word 'subinsertis' probably is a retouching done at the time of the interpolation of the Boundary clause. The next witness 'Æthelric' must be the same as the '(Ego) Æthilric subregulus atque comes gloriosissimi principis Æthilbaldi' of Bi 154 we saw before. The next witness

'Ælbred' appears, in this same early form in Bi 157—'(Ego) Ælbred (consentiens sub[scripsi])'. Then, 'Heardberht' also appears in Bi 157, as '(Ego) Heardberht frater regis (subscripsi)'. The 'king's brother' part may be dropped at some time during the process of copying. The last witness, 'Leppa', may be the same name as '(Signum) Eoppani' or '(Manus) Eoppan' which appear in late charters of King Æthelbald. (Bi 177, Remission by Æthilbald, King of the Mercians, to Abbess Eadburga, May A. D. 748, probably genuine; Bi 181, Grant by Æthilbald, King of the Mercians, to Eanberht, Abbot, A. D. 757, genuine). It may be significant that his attestation wording is different from that of the others—"I, Leppa, consenting subscribe". This part might perchance be a retouching?

All the above facts being taken into account, we think we still consider our charter, Bi 166, to be 'probably genuine', although interpolated; the bare essentials are not the sort a forger could think of.

Our next charter, Bi 168, is very much different:—

168. *Grant by Hilla to Glastonbury Abbey of land in Baltons borough, co. Somerset. A. D. 744.*

BALTONESBORGHE.

Carta Hillæ Christi ancillæ de Baltones borghe.⁽¹⁹⁹⁾

✠ OMNE quidem decretum commutationis atque commercium temporalis negociationis inter mortales solet apicibus inextricabili scilicet roborari foedere, secundum antiquitus colatum, ne forte nascentium soboles delicto falsitatis ignorantes contaminentur, rursumque dampnare conentur quae fida inter se primorum autoritas sub almae Trinitatis contestatione stabili constituit iure; ob hoc autem [ego Hilla] militantium Christo humilis ancilla, sincera scilicet deuotione, placata praetio muneris accepti, exemplo prolati, cum conscientia uidelicet ac

(199) The present writer regrets to inform the reader that the following text is quoted from Kemble No. XCII. The discussion, however, is to be made on Birch's text. He has the latter at hand, but is unable to carry the heavy volume for printing due to illness. He can only use it on his desk.

regali licentia eius qui Britannicae insulae monarchiam dispensat, regalisque regni regimina gubernat, Aethelbaldi, uenrandorumque antistitum testimonio ac dignitatum consensu, pro redemptione animae meae eorumque uidelicet qui mihi contribulium ac necessitudinum nexibus conglutinati sunt, in stabilem possessionem, ruris portionem, id est, Baldheresberge et Scobbanuuirthe, sub decem manentium aestimatione certa taxatam, cum adstipulatione literarum et idoneorum testium, Cuniberhti abbatis, Bosan, Uitan, Uualcstodes, Tidbertes, sacerdotum, et Tidan praepositi, Cuthuuisisque comitis, in absida dedicata quidem patrocinio eximiorum apostolorum Petri et Pauli, sub quorum praesentia huius cartulae donationem altario dei propria manu, ultronea uoluntate, in die sexto Idus Iulii, liberali munificentia libenter tradidi; ac familiae quae in monasterio Glastingaburg sub simplicis archimandritae dispositis regulis Tunberhtes, fidei deo famulatur obsequio; ita ut ex hoc die inconuulso iure praefata possessio ipsius monasterii usibus mancipetur. Eiusdem namque numeri cassatorum calculum in locis qui prisco uocabulo Lotisham et Ledenford nominantur, reliqui dimisique arbitrio Aethelbaldi regis. Haec autem uocabula rerum diuulgant terminos, agrorum uidelicet praedictorum confinia inter possidentes propriae sortis, emenso scilicet spatio aquarum id est, etc.

Haec uero uocabulorum signa tomi stilo indita sunt, ne forte litium uel contentio seu iurgium iam ereperit inter tributarios uestros, nostrosque colonos: quod autem crebro solet fieri ubi euidentiora allusionibus literali elementorumque diffinitione, iudicia limitum metum non protenderint. Hoc pietantium cum concesso donatio, anno ab incarnatione Christi DCCXLIII. cum consensu Aethelbaldi regis atque imperio, reuerentissimique pontificis conscientia Hereuualdi, indictione XII. caraxatum est. Quapropter, si quis quouis deinceps tempore, tyrannica fretus insolentia, qualibet occasione, interrumpere atque in irritum deducere seu unius iugeris spatium placiti istius testamentum nisus fuerit, sit a consortio aecclesiae Christi anathema, extremique uentilabro examinis dispertitus, rapaci-

umque collegio combinatus uolentiae suae praesumptionem
luat in aeuum. Qui uero beneuola potius praeditus intentione
haec probare, roborare ac defendere studuerit, uoti compos
ipse altitoni gloriam ascultet indefecta perhennitate, cum fau-
stis agminibus angelorum atque omnium sanctorum.

✠ Ego Aethelaldus hoc donatium propriae manus sub-
scriptione ratum fore sanxi.

✠ Ego Cuthred annuens subscripsi firmauique, subscripsi et
confirmaui deuota mente. ✠ Ego Oua suffragator consensi et
subscripsi, deuotione subscripsi et roborau. ✠ Ego Athelhere
subscripsi et solidau. ✠ Ego Hereuuald episcopus supplex in
Christo consensi et confirmaui. ✠ Ego Dud abbas subscripsi
et confirmaui. ✠ Ego Heabeorht auxiliator uotiuu consultum
et subsidium praestans consensi.

The (1) Title 'Baltoneshorpe' is a later addition. (Kemble omitted it from his text)., The form preserved in the Domesday Book, 'Baltuneshorpe' might better represent the original word-form. The (2) Heading has a problem. Although Birch as well as Kemble prints the name of the Donor as 'Hilla', Dugdale (Mon. Angl.) prints it as Lulla, and William of Malmesbury (De antiq. Glouc. 98) records the name as Lulla. So the Heading should be bettered, 'The Charter of Lulla, the servant of Christ concerning Baltoneshorpe'. The whole wording is an obvious later insertion, needless to say. There is no (3) Invocation. The (4) Proem is most curious—"Certainly all the decree of exchange as well as trade of temporary negotiations among human beings is accustomed to establishing [them] by inextricable letters [or charters], obviously to be strengthened according to what is long since conferred, lest those ignorant ones of the born offspring should be marred by the offence of falsehood, and, on the other hand, those who are faithful among themselves to the first ones should attempt to condemn, the judgment under the bountiful Trinity set in order by suit and by constant right." Such a decorative words and inflated style in connexion with the ecclesiastic judgment of secular matters are to be deemed far later than any period around the year 744 in a Proem.

The (5) Operative part which follows is no less inflated and decora-

tive, or actually still worse in its turgid nature. Let us see how it begins : "For which reason, now, (I, Hilla, *better* Lulla,) a humble female servant of those soldiers waging war for the sake of Christ, being peaceful by truthful offering, by the reward of received favour, adduce by example ['*exemplo*' here is the emendation by Kemble from the MS '*extimplo*'] what were pronounced with good conscience, together with the royal liberty of him who carries out the monarchical rule of the British island and governs the kingdom with the royal command, of Æthelbald, and with the testimony of those reverend high-priests as well as with the agreement of the magnates." This wording is deemed to be that of the tenth century.

Then the (6) Motive of grant starts well at first with the good eighth-century formula 'for the redemption of my soul', but is immediately followed by the impossible wording, "and of those who certainly are united with me by the entwinings of fellow tribesmen and friendships". The (7) Statement of right, 'into the constant possession', is later. The (8) Description of the land to be granted begins with 'a portion of field', which is not quite regular. But what follows is worse. After the denomination of the lands, 'Balteresberghe et Scobbanwirth', the hidage is described as follows : "estimated in the fixed appraisement of ten hides with the confirmation of letters [*or charters*] and of ample witnesses, Abbot Cunibert etc." Such a queer formula obviously can not be part of a charter of the eighth-century, if of any at all.

The (9) *verba dispositiva*, rather decoratively complicated, are combined with the (10) first Dating clause in a strange way, as follows : (after the enumeration of the witnesses) "in the vault indeed dedicated to the patronage of the distinguished apostles Peter and Paul, in whose presence I have gladly delivered the donation of this charter to the altar of God with my own hand and by voluntary will, on the 10th day of July, in generous bountifulness, as well as to the community which, in the monastery of Glastonbury, serves God under the 'archimandrita' (principal of the monks) and the assigned chieftain, the faithful Tunberht, in obedience, in such a way that from this day the said possession should, by undestroyable right, be transferred to the uses of the same monastery."

Such an inflated style decorated with far later words here and there

can scarcely be one to be found in an earlier charter of grant. The decorative and pompous description of the circumstances when the land was granted and of the donee(s) are not such as are to be called for in a formal charter. The so-called delivery of the chartered donation to the high altar of God is a very poor representation of the ancient practice of the symbolic act of delivery, as found in some early genuine charters we already saw, and cannot help but make us suspicious of an intentional imitative composition made on the part of the writer of this 'charter' who, however, did not really know or understand the regular form and significance of this ancient Germanic practice.

To the above part, however, some queer explanatory sentences are added: "And in fact the same numbers of hides [were] calculated ['calculati' for MS. 'calculus'?] in the places which in the former appellation are called 'Lottisham et Ledenford'. And those left over [were] left to the decision of King Æthelbald (as extended by Kemble from MS. & Elbald)." As additions to the description of the hidage, these are quite peculiar, and possibly unique. It should be interesting to know where they come from.

The (11) Boundary clause is peculiar, too. It starts from an explanatory sentence; "These appellations of the estates, indeed, make known the boundaries of the fields, obviously the aforesaid borders among those possessing their own shares, certainly by traversed distance of the waters". And then the enumeration of the waters and river follows in detail. It is written in Latin, but is still too much verbose in early charters, especially those around the year 744.

And this boundary description is followed by another explanatory passage, instructing that "these indication of appellations are set down in writing with the pen of Tomis, lest perchance a quarrel or struggle or dispute should creep out ['erepsert', emended by Kemble from MS. 'crepsert'] among your or our farmers that, however, is accustomed to being appraised in quick succession, where, by the more manifest allusions and by the defining in writing of the rudiments, the judgments of boundaries are not to prolong ['protenderint', emended by Kemble from MS. 'porcenderint'] the apprehension". Well, it should be taken for granted that such verbiage cannot belong in any formal charter of grant of our period.

Thus, apart from the very late language, the style and construction of this document, Bi 168, are becoming from bad to worse, the more we examine the details of this so-called 'charter' of Æthelbald of the year 744.

The regular (12) Dating clause is very much peculiar, too: "Indeed this allowance together with the granted donation is put into characters in the year from the incarnation of Christ 744 with the agreement of King Æthelbald as well as with the sovereign joint knowledge of the most reverend pontifex Herewald, 12th by indiction." The most exaggerated as well as inflated style of the whole sentence probably need not be remarked any more. The 'most reverend chief-priest' having 'the sovereign joint knowledge' with the king!, Herewald, is in fact mere bishop of Sherborne really. The way of describing the incarnation year here, although written in Latin, reminds us of the vernacular way, e. g. 'thy gere the wes from Cristes gebyrde' (Bi 386, Council of Clovesho, A. D. 825, genuine OE 'original'), so not a regular way and most probably far later than any period around the year 744.

The (13) Sanction clause starts with less singularity, only including the known tenth-century formula, 'tirannica fretus insolencia', but the whole passages, as we see, is obviously composed on the base of the Sanction of Bi 451 (Æthelwulf, King of the W. Saxons, Grants to himself land "om Homme", or "Hamme", co. Dorset? [*better* Devon.] 26th December, A. D. 847, contemporary). We quote here this latter's Sanction:—

"Si quis autem hujus munificentia conlationem quovis tempore qualibet occasione cujuslibet etiam dignitates vel professiones vel gradus pervertere. vel in irritum deducere sacrilega presumptione temptaverit. sit a consortio Christi ecclesiae et a collegio sanctorum hic et in futuro dispartitus parsque ejus cum avaris et rapacibusque ponatur et communionem habeat cum Judas Scarioth qui tradidit dominum: si quis autem pia intentione potius preditus hæc roborare hac defendere curaverit amplifcet Deus portionem ejus in hereditate justorum et cum omnibus.....sine fine gaudeat,"

So, *our* Sanction in Bi 168 contains some small additions, e. g., “(or should nullify) the space of one ‘yoke’ belonging to the same order of the last will” in the Negative penal clause indeed seems to be an insertion *ad hoc*. Then, the same tendency of decorative expression and inflated style as we saw above come in still more enhancedly when our writer inserts, ‘anathematized and (divided) by the winnowing fork of the outermost multitude issuing forth’, a too much exaggerated expression of simili, inappropriate in any earlier charter, too much even for the above charter, Bi 451, a mid-ninth century charter, too, as our comparison here will show.

The last part of our Positive invocation of blessing is just as well formidable: “participating in the vow, he is to listen, himself, to the high-sounding Glory together with auspicious crowds of Angels as well as of all the saints for unfailing eternity.” The part is in splendid contrast with the far more ordinary ending of the passage of the Proem of Bi 451 quoted above.

The (14) Witness-list begins with the attestation of King Æthelbald and his wording is most peculiar. “I, Athelbald have rendered sacred this donation of my own hand by my subscription to be about to be unalterable.” It is, moreover, to be remarked that this attestation clause by the king is not found in Dugdale (*Monasticon*, I. 47), so perchance not to be trusted as part of our List? Then, the attestation by Cuthred (MS, ‘Cuddred’) must have something wrong in its wording: “I, Cuthred have approving subscribed and strengthened, subscribed and confirmed with devout mind.” The repetition might be due to some scribal error, for all we know. ‘Cuthred’ himself is probably the same person as the ‘(Ego) Cuthredus abbas’ (Bi 164), or ‘(Ego) Cuthred. abbas (consentiens subscripsi)’ (Bi 157) we saw before. The next witness ‘Ova’, intercessor, cannot be the ‘Offa’ or ‘Oba’ we have known for some time, and this Offa is a ‘minister’ (thegn). The attestation wording is: “I, Ova, intercessor, have consented and subscribed with devotion, subscribed and strengthened.” So, then, this method of repetition might be a peculiar method of this charter and not a scribal error, after all? The next witness ‘Athelhere’ (emended by Kemble from MS. ‘Athellen’) attests shortly, but the wording is still unusual: “I, Æthelhere have subscribed and made firm.” He is otherwise unknown. Then,

Bishop Herewald attests: "I, Herlewald bishop, humbly begging before Christ, have agreed and confirmed," A rather unusually humble intention for a bishop seems to be revealed here. Then a 'Dud abba[s]' has subscribed and confirmed. The last witness, 'Heabeorht' (emended by Kemble from MS, 'Hearbeorht') may be Heardberht, the brother of the king (Bi 157, (Ego) Heardberht frater regis (subscripti)), but here strangely calls himself 'auxiliator' (assistant?). So, "I, Hear(d)beorht, assistant (to the king or the bishop?), vouching for the desired plan and aid, have agreed." There is thus a most peculiar way of Attestation all the way in this List.

Now, after having examined all the detailed parts of this 'charter' with all its tremendous exuberance found all over its text and with those far later words and phrases, together with those verbose explanations unnecessary and in ill accord with the nature of a formal charter of our period, and also revealing an obvious base of a ninth-century charter, we consider that what is called a charter, Bi 168, is a 'forgery'.

Our next charter is slightly different, Bi 169:—

169. *Confirmation by Cuthred, King of Wessex, of the privileges of Glastonbury Abbey. A. D. 744, or 30 April, A. D. 745.*

CARTA CUDREDI REGIS⁽²⁰⁰⁾

✠ In nomine domini nostri Ihesu Christi. Ego Cuthredus rex Uestsaxonum uniuersa priorum regum subpetitia, Centuines, Baldredes, Caeduallan, Ines, Aethelhardes, Aethelbal-des regis Merciorum, in uillis et in uicis atque agris ac praediis, massis et maioribus, ut est pristina urbs Glastingei corroborata, sicque propriae manus subscriptione crucisque signo confirmatum hoc donatium stabili iure gratum et ratum regum praedictorum decerno durare, quamdiu uertigo poli terras atque aequora circa aethera siderum iusso moderamine uoluet. Si quis autem huius meae donationis testamentum nisus fuerit confringere, uel gressum pedis uobis Hengissingum traditum,

(200) The text that follows is printed from Kemble No. XCIII. The discussion of the text is to be made on Birch's text. Cf. *supra* note (199).

uberemque glebam extra terminos praefixos uel definitos limites seu constitutos adimere, ipse acrius multatus sit, infernalis ergastuli in poena demersus uiolentiae suae praesumptionem luat in aeuum. Amen.

✠ Ego Cuthredus rex Uuestsaxonum propriae manus subscriptione sanctae crucis designauit effigiem, ut nemo qui se regnaturum in Christo nouerit, praesumat mutare hanc donationem. ✠ Ego Hereuualdus episcopus subscripsi et confirmaui ✠ Signum manus Cumbran praefecti regis; et aliorum multorum nobilium subscriptiones in testimonium et exemplar huius largitionis. Prouulgatum est in praedicto coenobio sub presentia Cuthredi regis, quod propriae manus munificentia altario sacro commendauit, in lignea basilica, qua fratres abbas Hemgisili sarcofagum sortiuntur in die: anno ab incarnatione domini, DCCXLIV.

The (1) Heading is probably a later added one. The (2) Invocation is slightly shortened, but is all right in an eighth-century charter. Actually we already saw a still shorter one (cf. Bi 166, A. D. 724×743 probably genuine). There is no (3) Proem. The(4)Royal title after the inevitable 'Ego', 'rex Uuestsaxonum' is the result of normalization by Kemble. The MSS. forms are '(rex) Westsaxona', and '(rex) Westseaxana', so not good Latinized forms, such as '(Cynewlphus) Occidentalium Saxonum rex' (Bi 200, Grant by Cynewlph, King of the Saxons or Gewisi, A. D. 766, genuine).

The (5) Operative part is long and comprehensive, and later as a whole. First those things to be granted anew are enumerated—"under the whole gifts of former kings, of Kentwine, of Bald(d)red, of Ceadwalla, of Ine, of Ethelhard, of Æthelbald, king of the Mercians—it is to be noticed here that all those Genitive Case-endings are those of the vernacular, '-(e)s' or '-(a) n', not the Latin endings such as 'i'—in farms and in villages as well as fields and also manors in masses or in higher priced ones, so that the ancient Glastonbury—the form, '(urbs) Glastingei, is not as old as could be wished, as we considered before—has been strengthened, and, likewise, this donation confirmed by the subscription and by the sign of the Cross of (his=king's?) own hand,

accepted and established by constant right of the aforesaid kings, I ordain to endure as long as the turning of Heaven shall cause the land as well as the seas to revolve around the higher world of the constellation with the approved control." So we at last have come to the (6) *verba dispositiva* 'decerno durare'. Thus you cannot help feeling the highly turgid style in the above-quoted sentence decorated with the far later words of Greek origin, also with the window-dressing of the story of Heaven, earth and the constellation—hardly an apt description in the operative part of an earlier charter and king's formal diploma.

Actually, indeed, the very much inflated and decorative part around the dispositive words is virtually identical with the corresponding operative words found in the spurious seventh-century charter, Bi 25 (Grant by Cedualla [better, Coenwalh], i. e., Coenuuealha, King of Wessex, to Beorhtuuald Abbot (? of Glastonbury), of land at Ferramere. A. D. 670, spurious), of which the part at issue is as follows:—

"Corroboravimus nunc crucisque signo confirmato, hoc donativum stabili jure gratum et ratum decerno durare quamdiu vixero, poli terras atque æquora circa æthera siderum jusso moderamine volvet."

Thus, it is probable that the writer of our Bi 169 and that of this spurious charter, Bi 25, are one and the same, or at least our writer fetched this part of his charter (Bi 169) from the above part of the spurious charter—the two texts are both preserved in MS. Bodl. Wood I. So, by contamination, at least, this part of our charter, whose wording in itself is too much anachronistic anyway, is very bad.

The (7) Sanction is again a long Negative penal clause of a very much inflated as well as decorative nature. It says, "If anyone indeed will have a striving for destroying the charter of this my donation, or for a stepping of a foot in the town [Glastonbury] delivered to us Hengis (il)'s' congregation and for taking away soil beyond the prefixed boundaries or defined and established land-marks, he himself is to be punished more severely, depressed in the punishment of the infernal penitentiary, atone for ages and ages for his violent audacity." As before we must say that such a detailed statement with ample regard to

the factual aspects of the grant and such a high-sounding and too much decorative harangue are more appropriate in a preaching or sermon than in a formal wording of a diploma belonging to the earlier period.

The (8) Witness-list is also verbose and long in the Attestation wording. Topmost, King Cuthred says, "I, Cuthred, king of the West Saxons, by the subscription of my own hand have marked the image of the Holy Cross so that no one who will know that himself is going to be born again in Christ might dare to change this donation,"—a far too much inflated attestation clause. Then Bishop Herewald attests most usually and regularly. Then, however, follows this: "the signature of Cumbra, king's ealdorman, and the subscriptions of other and many nobles in testimony and under impression of this generosity."—a rather pompous and unusual addition.

This 'charter' then has the, so to say, (9) Dating clause of a sort. It runs, "It has been made public in the aforesaid Monastery in the presence of King Cuthred, that he has deposited the liberty [=charter of grant] on the sacred altar in the wooden basilica, in which they share the sepulchre of their Brother Abbot Hengis(i) on the day, in the year from the incarnation of the Lord, 744." The day here is explained only in the texts of MSS. Brit. Mus., Reg. 13D v and 13, B. XVII and Arundel 161 (according to Birch's footnote 15) as follows:—"pridie kalendas Maii anno incarnationis domini" (the day before the 1st of May, so 30th of April), and the same 13D has the year 'DCC^{mo}. XL^{mo}. V^{to}', so 745. So the year can be 745 really.

Thus this charter, a 'pancharta', is written in a decorative, very much inflated style, accompanied with far later words and ideas, and rich in the description of details unnecessary and very inappropriate in an earlier formal charter. Therefore, we consider this our charter, Bi 169 to be 'spurious'.

Our next charter is of a different kind, Bi 170:—

170. *Grant by Cuthred of the Geuuisi to Abbot Aldhelm [III] of Malmesbury, of land at Wdetun, or Wooton, co. Wilts. A. D. 745.*

De Wdetun quam Cudredus rex Aldhelmo praesuli Cenobio-

que Meldunensi dapsili liberalitate largitus est.⁽²⁰¹⁾

✠ Ego Cuthredus rex Geuuisorum, cogente caritatis cathena Christi, et indiuisibilis affectu dilectionis, Aldhelmo abbati familiaeque sub illius regiminis amore degenti, cum consensu atque conscientia eximii praesulis Danielis optimatiumque meorum ac dignitatum, ob recordationem scilicet orationum suarum, in redemptionem animae meae, ut in plenitudine electorum dei collocatus sim, terrae partem in inextricabilem possessionem in loco qui dicitur Uudetun, sub decem mansionum estimatione taxatam, sub contestatione sanctae Trinitatis, dapsili quidem libertate et hilariter ad Maldunense monasterium largitus sum. Spero autem felici uidelicet mercatu, tradendo temporalia et quae uidentur, ea dumtaxat quae non uidentur atque indefecta perhennitate permansura me adepturum. Sit autem praedicta possessio ipsius monasterii usibus mancipata deinceps incessabili iugitate. Si quis huius largitionis meae stipem tyrannica fretus insolentia, qualibet occasione, interrumpere atque in irritum deducere nisus fuerit ; sit a consortio piorum ultimi uentilabro examinis sequestratus, rapaciumque collegio combinatus uolentiae suae poenas luat. Si quis uero beniuola intentione potius praeditus hoc donatium ampliare uoluerit, uideat ouans bona domini cum angelorum agminibus. Exemplar huius largitionis promulgatum est anno ab incarnatione Christi DCCXLV. in praedicto coenobio sub praesentia Cuthredi regis quod propriae manus munificentia uotiuua uero deuotione altario sacro commendauit. Et hoc actum est hiis optimatibus et dignitatibus consentientibus quorum inferius nomina propriis indita sunt subscriptionibus.

✠ Ego Daniel dei plebis famulus et speculator subscripsi hanc donationem et confirmatione ratum fieri faxi. ✠ Ego Cuthred, nomine regis fungens, hoc donatium propriae manus subscripsi. ✠ Signum manus Athelheardi. ✠ Signum

(201) The text that follows is printed from Kemble No. XCIV. Cf. *supra* notes (200) and (199).

manus Cumman. ✠ Signum manus Aldhunes.

The (1) Heading, 'Concerning Wootton which King Cuthred granted in bountiful generosity to Bishop Aldhelm and the monastery of Malmesbury' is obviously a later insertion. The (2) Royal title 'King of the Gewisse' is not usual. The knowledge that the original name of the West Saxons was the Gewisse was "obsolete in England already in Bede's time, but it survived among the British peoples, and it was revived as a piece of antiquarian decoration in the charter styles of the later Old English kings." (Sir Frank Stenton *in* Anglo-Saxon England, 3rd Ed., at p. 21. note 1.). King Cuthred is nearly contemporary with Bede, and certainly not among the later Old English kings. So the Gewisse business is artificial and suspicious here. Then comes what could perhaps be called the (3) Cause of grant. Thus "the restraint of the regard of Christ compelling, and by the united desire of love," is inserted here, a rather inflated and later wording of decorative nature which we cannot help noticing as a doubtful passage.

The (4) Donee is mentioned—"To Abbot Aldhelm and the congregation living under the love of his rule", another inflated explanation. Then the (5) consent clause is of somewhat similar nature to that found in the forged charter, Bi 168—"with the consent as well as knowledge of the distinguished Bishop Daniel and of my magnates and dignitaries," a slightly too much inflated statement for this period. The (6) Motive of grant is rather detailed—"for the sake of my remembrance, obviously their prayers [for me] and for the redemption of my soul, so that I might be placed in the abundance of those selected people of God". So his desire is grandiose, too much sophisticated for the period.

The (7) Description of the land to be granted starts well by 'terrae partem', immediately to be followed, however, by the expression 'in inextricable possession' using the word 'in extricabilis' which occurs in the forged charter, Bi 168. The (8) Identity of the land by its name—in the place which is called Wdetun [i. e., Wooton Bassett, Wiltshire]—uses the regular formula, but the description of the hidage, 'valued subject to the appraisalment of 10 hides' is the same formula as that found in the same forgery.

Then the (9) *verba dispositiva* are long, because of the addition of

decorative and inflated wording, "by the testimony of the Holy Trinity, indeed in bountiful generosity and joyfully, to Malmesbury Monastery I have granted." Hereafter comes in what is in its contents something like a (10) Proem: "I expect, however, by this fruitful bargaining, that by trading the temporary things and what are seen, that those things which are not seen and are about to remain in undiminished perpetuity are about to reach me." This is rather irregular in a charter. But the writer again comes back to its original context—"The aforesaid possession, however, is to be transferred to the uses of the same monastery constantly in incessant duration". The wording here of course is too much turgid for the eighth century. And the formula 'usibus mancipata' is the same as that found in the above-mentioned forgery.

The (11) Sanction consists of Negative penal clause and Positive invocation of blessing. The former is: "If anyone on whatever occasion should have striven to interrupt or to make invalid depending upon the tyrannical arrogance this gift of my generosity, let him be separated from the community of the pious people by the winnowing fork of the outermost multitude issuing forth, and being united with the society of the ravenous people, atone for his violent offences." The reader will at once recognize that the almost entire forms and formula of this clause are identical with those of the Negative penal clause of the forged charter, Bi 168.

Then the Positive invocation of blessing here begins in the identical way with that of the corresponding part of the same forgery, but becomes less inflated in the middle part, just 'ampliare voluerit' instead of the 'probare Roborare ac defendere studuerit' of the forgery. And the latter half becomes utterly simpler than the corresponding part of the forged charter—"he, exulting, is to see the good men of the Lord together with the multitude of Angels". The wording here is still far later, though.

Strangely, the (12) Dating clause is similar to that of our previous (spurious) charter, Bi 169, or rather virtually identical up to the end of the first, and main, part, 'commendavit.', only slightly shorter, and better, although still unconventional at this date. The succeeding, last part is as follows: "And this was done, those magnates and dignitaries consenting, whose names are put underneath by their own subscrip-

tions.”, a slightly later formula.

The (13) Witness-list starts with the attestation of Daniel, bishop of Winchester (705—744). His wording is rather peculiar: “I, Daniel, a common slave of God and overseer [*for* bishop?] have subscribed this donation, and ordained it by my confirmation to be made unalterable” —a wording rather too long and full of later words and expressions. The second witness is the king himself, saying, “I, Cuthred, by king’s name discharging, have subscribed this donation of my own hand.” The wording is inflated and unusual. The last three witnesses all use the regular formula, ‘Signum manus’. So does ‘Athelheard’, who may be found in the “(Signum manus) Æthilheard (économi [*warden*?] atque abbas)” (Bi 179, Grant by King Cuthred to Winchester Cathedral, of land at Cleran, or Clere, co. Hants. A. D. 749, genuine perhaps??), ‘Cumma’, [*or* Cumbra] who appears in the spurious charter Bi 169 as a king’s ealdorman, and Aldhun who is otherwise unknown.

Now, this charter, different from the previous two charters, does have something like a construction of a formal charter. But everywhere in its component parts are abundantly found far later formulae and wording, turgid, inflated expression, not to speak of very questionable words and clauses of very much turgid nature, often found in forged or spurious documents. Therefore, we consider this our charter, Bi 170, to be ‘doubtful’.

Our next charter is very different, Bi 171:—

171. *Remission by Æðelbald, King of the Mercians, to Mildred, Bishop of Worcester, of the dues upon two ships at London. A. D. 743×745.*

LUNDEN.

✠ In usses dryhtnes noman hælendes cristes. ic ÆÐELBALD Myrcna cincg wæs beden from thæm arfullan bisceope MILREDE thaett³ ic him alefde] his thæm halegan hirede alle nedbade tuegra sceopa the thæрто limpene beoð thett⁴ ic him forgefe. tha thæm eadigan⁵ petre apostola aldormen in thæm mynstre theowiað that is geseted in Huicca mægðe in thære

stowe the mon hateð Weogernacester thære bene swyðe arfulre geðafunge ic waes syllende for minre sawle læcedome to ðon thaett³ for minum synnum hi heo geeaðmedden thaette⁴ heo wæren gelomlice thingeras wið drihten swyðe lustfullice tha forgeofende ic him alyfde alle ned bade tuegra sceopa. tha the thær abædde beoð from thæm ned baderum in ludentunes hyðe ond næfre ic ne mine lastweardas ne ða ned baderas geðristlæcen thæt heo hit onwenden oððe thon wiðgæn.

Gif heo thæt nyllen syn heo thonne amansumade from dæl neomencge liceman ⁊ blodes usses drihtnes hælendes cristes. ⁊ from alre neweste geleafulra syn heo asceadene ⁊ asyndrade nymðe heo hit her mid thingonge bote gebete.

✠ Ic Æthelbald. cing mine agene sylene trymmende ic⁶
heo wrat.

Milred bisceop thare halegan rode tacen he her on gefæstnode.

Inguwald bisceop geðafiende he hit wrat.

Wilfrið bisceop he hit wrat.

Alda cinges gefera he hit wrat.

[A.] MS. Cotton, Tiberius A. xiii,
f. 20.

[T.] Thorpe, *Dipl.*, p. 28.
Heming, Chartul., 15.

[K.] Kemblo, *Cod. Dipl.*, No. xcvi;
from [A.]

³ thaeti, K. ⁴ theti, K. ⁵ Eadigan, MS. ⁶ Hic, K.

Now, this is an Old English diploma which we meet with for the first time. Let us look at the wording. First comes the (1) Invocation, saying 'In the name of our Lord, of the saving Christ'. Then the 'I, Æðelbald' followed by the (2) Royal title 'king of the Mercians' which is good. This again is followed by (3) 'have been asked from the venerable bishop Milred'. Here we become aware that the wording of all the above corresponds closely with Latin formulae of the same contents. Thus the above Invocation would in Latin be, 'In nomine domini salvatoris Christi'. Then, 'Ego Æthelbald', and the (2) Royal title

would be 'rex Merciorum', so, at last the Latin (3) 'rogatus' formula is now about to be seen—"rogatus a venerabili episcopo Milredo'.

Then 'that I should grant him and his (the) holy community' again would be something like 'quod (concedens) donam ei (episcopo) et venerabili familiae ejus'. The (4) Description of what is to be granted is 'all the toll of two ships that are belonging there'. In Latin it would be—"totam exactionem duarum navium cum eis competentem". Then, the (5) Description of the donees is gradually given in detail: "that I should grant it to those who serve the blessed Peter, chief of the Apostles in the monastery which is situated in the country of the Hwicce people in the place which is called Worcester'. It would be shorter in Latin: "quod concedam famulas primi apostolorum Petri in cenobio quod situm est in regione Huuicciorum in loco qui dicitur Uueogerna civitas."

The (6) *verba dispositiva* are "to this request I have given very favourable consent." which would in Latin be "rogatus ab eo benignissime donans concessi." Then comes in the (7) Motive of grant: "for the salvation of my soul, on condition that they would condescend to be frequently intercessors with the Lord, i. e., pray for my sins." which would in Latin be perhaps something like: "pro remedio animae meae, ea conditione ut ob recordationem scilicet munificentia sanctarum orationum suarum et redemptionem peccatorum meorum ut in plenitudine electorum Dei collocatus sim." A second (8) *verba dispositiva*, and the whole Operative part, then appear in our text: "very gladly indeed I granting conceded him all the toll of two ships which are exacted on the ships by the tax-gatherers in the harbour of London." This again would in Latin be: "libentissime autem perdonans concessi totam exactionem duarum navium quae a theoneariis nostris in portu Lundo-niae tributaria inpetitur."

The (9) 'No Violation by me' formula then appears in our text, too: "And never shall I, nor my heirs, nor tax-gatherers dare to change this or oppose this." The same wording in Latin would be, "nunquam me haeresque meos et theonearii nostri mutare seu contra hanc cartulam esse venturos."

The (10) Sanction is Negative penal clause only. It says, "If they will not do that, they shall be excluded from participation in the body and blood of our Lord the saving Christ and shall be separated and driven

away from all the society of the faithful (believers), unless they make amends for it here by means of intercession." Now, this in Latin would be: "Qui autem contraire praesumpserint, noverint se a participatione corporis et sanguinis domini nostri salvatori Christi alienos, et a consorcio fidelium segregandos et excommunicatos, nisi hic praevenierit debitum illorum iudicium cum correctione dignissima."

The (11) Witness-list has, first, the attestation of King Æthelbald, saying, "I, King Æthelbald, strengthening my own gift, I wrote this", a rather awkward expression. In Latin it would be "Ego Æthelbald(us) rex donationem meam (propriae manus?) confirmans subscripsi." Next the donee, Milred, bishop of Worcester (743×745—775?774) gives his attestation, but here his own writing is not given. The text merely says, "Bishop Milred, he herein affixed? the sign of the Holy Cross". Then, Ingwald, bishop of London (705×716—745) is said to have signed. It is said here that "Bishop Inguwald, he consenting wrote this." Next, Wilfrid, bishop of Worcester (718—743×745? 29 April) seems to have attested. It is said that, "Bishop Wilfrið, he wrote this." The last and secular witness Alda then signed—"Alda, king's ealdorman, he wrote this." Alda is otherwise unknown, unless the last witness of the spurious charter Bi 170, 'Aldhun' can be this our man.

Now that we perused the Old English text of our charter, we cannot help but feel that the whole wording is rather stilted, sometimes even awkward, e.g. the statement concerning the toll of two ships, and full of Latin tags. The transliteration by the present writer given above is not improvised by himself, but is done by picking up Latin words, phrases, clauses and even sentences from the texts of actual charters. That such Latinization can be done in such an easy-going way, together with the above-mentioned features, rather indicates that this our text is not an original OE one, but a text translated from some Latin original. We do not have such a Latin original for this text. Although we have some late copies of probably genuine charters in Latin exempting the tolls of ships, as we saw before, none of them can be the copy of the original Latin text for this our OE charter text.

Nevertheless, we positively agree with the opinions of M. Fünster and A. J. Robertson that this text is almost certainly a translation from a Latin original. The awkwardness of the OE text at the Witness-list in

particular will indeed enhance this probability.

The absence of this so-called original Latin text indeed might be significant with respect to the genuineness of this charter. The present writer, in fact, had to become aware of some uncanny wording during his process of transliterating. Moreover, the present OE text contains words written in late Mercian dialect. If it were the translation done in the later Saxon period, the whole would have been written in the West Saxon language. The offices of the two bishops of Worcester, Wilfrid I and Milred may overlap, which is against canon law, though occasionally, a premature consecration was done, i. e., the next bishop being consecrated before the death of his predecessor. Taking into account, also, the fact that the charters exempting tolls of ships were limited to the period around the mid-eighth century, and that this charter cannot be a later translation, we consider that this OE charter, Bi 171, is 'suspicious'.

Our next charter is very different, Bi 173 :—

173. *Grant by Eadbert, King of Kent, to Deneheah, Abbot, and the monastery of Reculfe, or Reculver, co. Kent, of freedom from dues for a ship at Forduwich, or Fordwich, co. Kent. A. D. 747.*

RACULF—Vectigal et tributum unius navis in villa Fordwic.⁽²⁰²⁾

✠ ANNO dominicae incarnationis . DCC. XLVII. ego Eadbertus rex Cantiae cum consensu optimatum meorum, Bregowini archiepiscopi et caeterorum principum meorum, concedo aecclesiae quae est apud Raculfe, et tibi Deneheah abba tuaeque familiae, pro salute animae meae, uectigal et tributum unius nauis in portu ac uilla quae dicitur Forduic, ad opus, ut praefatus sum, familiae sanctae Mariae quae in iam-nominata aecclesia deo seruiunt. Simulque praecipio in nomine omnipotentis dei praefectis, praepositis, et actionariis, et omnibus fidelibus qui in illo portu habent uel habituri sunt aliquam

(202) The text that follows is printed from Kemble No. MIV. Cf. *supra* notes (200) and (199).

potestatem, ut haec mea donatio sit stabilis et firma imperpetuum. Quod si aliquis, quod absit, hoc meum donum uiolare praesumpserit, a deo et sanctis eius separatus, diabolo et angelis eius sit coniunctus. Quod si una nauis praedictae familiae perierit collisione, fractione, aut uetustate, iterum restituant aliam, et eadem conditione habeant, et sic in perpetuum.

The (1) Heading, 'Laculf', the place-name, and the 'toll and payment of one ship in the estate Fordwich' is probably later put. The only peculiarity of this rather conservative charter is the place of the (2) Dating clause, i. e., put at the head of the main text. This may be due to the change caused by some far later scribe who could have thought that in view of the lacking of the (3) Invocation and the (4) Proem something should be put at the beginning, before 'Ego', in order to put the precious text in good order. So "In the year of the incarnation of our Lord 747" is put here. The year 747 is, unfortunately, wrong. Because in the next passage, after the king says 'I, Eadbertus, king of Kent'—this (5) Royal title is good as we saw before—, the (6) Consent clause comes in: "with the consent of my magnates, Bregowine, archbishop and the other chiefs of mine", and Bregowine is archbishop of Canterbury during the office of 761—764. So the date 747 is obviously impossible. The king's reign is from 725 (accession) to 762, if not longer, although the Anglo-Saxon Chronicle records his death in the year 748. So the two personages can be contemporary all right.

Then come the (7) *verba dispositiva* which consist of just one word 'concedo', so simply. The (8) Donees are the church or monastery at Reculver and its abbot Deneheah, and it is to be remarked that Deneheah is here called in the Second Person—'tibi (Deneheah)' which, as we saw before, is an ancient practice found in early charters, 'and your community', too. The (9) Motive of grant, 'for the salvation of my soul' is good in this period. The (10) Description of what is to be granted follows: 'the toll and payment of one ship in the port as well as town which is called Fordwich', which, as we already saw before, is quite all right.

So, then, we come to the (11) Statement of right—"for the work, as

I have said before, of the community of St. Mary which in the church named just now serves God.", including the (12) Immunity which the church enjoys by order of the king. So the Immunity clause runs: "And at the same time I order, in the name of the Almighty God, to those ealdormen, reeves and [their] agents and all faithful people who have, or are about to have, any power in that port, that this my grant is to be constant and firm for ever".

The (13) Sanction here is Negative penal clause. It runs: "If anyone should have dared to injure this my grant, let him be separated from God and his holy men. He is to be united with the devil and his angels".

Last, an added passage to the Statement of right is given: "And had one ship of the aforesaid community been ruined, by dashing, by breaking or by old age, a second time they are to reconstruct another. And they are to have [it in] the same condition and in this way for ever." There is no extant (14) Witness-list.

Now, the whole text of this charter is concise, to the point, and full of good formulae. Actually we can find nothing wrong, excepting the Date, which must be 761—762 × 764 or 765—could it be that the year 'DCC. XLVII.' is a miscopied 'DCCLXII.'?—and the contents are limited to bare essentials with no trace of inflated style or turgid wording. So we consider that our charter, Bi 173, is to be deemed 'probably genuine', although a far later copy.

Our next charter is very different, Bi 174:—

174. COUNCIL OF CLOVESHO. *Beginning of September*, A. D. 747.

This text is bad from the beginning. It begins with an (1) Invocation of the 'Regnante' type but has some questionable additions, which are a shorter version of the invocation wording of the spurious document, Bi 358 (COUNCIL OF CELICHYÐ. *Acts of the Council of the bishops of the Province of Canterbury, under Archbishop Uulfred, and Coenulf, King of the Mercians. 27th July. A. D. 816*). Now, the latter's Invocation runs: "Regnante ac gubernante Deo. et domino nostro Jhesu Christo. qui dispensat orbem terrarum in æquitate: *Quique caelum et omnem creaturam suo virtute penetravit, necnon cuncta patris imperio ac pariter*

sancti spiritus gratia sursum atque deorsum mirabile in modum perficiet atque discernit:” The italicized parts are taken verbatim into our Invocation. Another spurious charter, Bi 683 (Grant by King Æthelstan to St. Mary’s Church, Abingdon, of land at Searingaford, or Shillingford, co. Berks. A. D. 931) has the same shorter version as that of our charter, i. e., “*Regnante in perpetuum domino nostro Jhesu Christo, qui imperio patris cuncta disponit. simul sancti spiritus gratia vivificante.*” The reader will at once recognize the italicized parts of this tenth-century invocation are virtually identical ones as ours.

Now, directly after such an Invocation, comes the statement as a sort of (2) Heading: “What are given undeneath [are] the acts of the council”—a very curious wording, uttered, seemingly, as if by way of mentioning that the writer is going to give what happened at the council in his own words. Such would not be in accord with the formal way of a charter, or chartered document. The narrative, however, goes on, referring to a sort of (3) Dating, to say that “In the beginning part of the month of September, near! the place which is called Clovesho these have been carried out—a sort of (4) Location clause. But we cannot help feeling that the whole passage up to this is verbose and inflated in its Latin wording.

Then, “being present at this [assembly]—so the(5)Donors—, the bishops (‘presules’) beloved by God, of the churches of Christ, that is ……”—a most inflated wording in Latin which is alien to any charter of the first half of the eighth century. The enumeration of bishops in Ablatives follows next—the Latin sentence here has of course the Ablate Absolute construction. Thus, first, ‘the honourable Archbishop Cuthbert’, then, ‘the reverend Bishop’ (‘antistis’) of the church of Rochester, Dunn, as well as the most reverend bishops (‘episcopos’) of the Mercians, [Bishop] Totta [of Leicester], [Bishop] Huuita [of Lichfield], [Bishop] Podda [of Hereford], but also the most honourable bishops (‘presules’) of the West Saxons, [Bishop] Hunfrith [of Winchester] and [Bishop] Herewald [of Sherborne], and the venerable priests (‘sacerdotes’)!, [Bishop] Eardwulf [of Dunwich] of the East Angles and also [Bishop] Ecgwulf [of London] of the East Saxons, and [Bishop] Milred [of Worcester] of the Hwicce people, but even of the honourable bishops [episcopi], Alwig [bishop] of Lindsay province and

also Sigga [bishop] of [Selsey] of the South Saxons.

We, however, find in the above passage so much confusion as well as congestion which are due to unnecessary as well as improper decorative devices in Latin. Those names are, as we showed above within square brackets, all those of regular bishops having their own dioceses. But they are denominated by different appellations, 'presul', 'antistis' and 'episcopus' apparently without any discrimination. They are also qualified by similar but different adjectives showing their honourable positions as bishops without any purpose other than showy decorativeness. E. g., 'honorabilis' of course is not improperly added to the title 'archiepiscopus', but 'reverentissimus' should have been more properly applied to the archbishop than to the 'bishops of the Mercians'. Superlative adjectives seem especially to be liked by the writer and applied to local bishops—'probatissimis presulibus', apparently without any real significance being attached to them. All such useless decorativeness is out of place in a formally chartered record of a council, especially of the earlier Saxon period.

The name-forms of the bishops, such as 'Herdulfo (*for* Eardwulfo), 'Hunferdo' (*for* Hunfritho), and 'Egtulfo' (*for* Ecgwulfo), are very corrupt and seem to reveal the far later age when this text was written. Also, we must point out that such titles as 'the bishop of the Mercians (episcopus Mertiorum)' are post-Conquest products.

The (6) Dating clause then starts: "in the year of the incarnation of the Lord 747, 15th by Indiction, indeed in the regnal year of Ethelbald, king of the Mercians, who at the time was present with his magnates and ealdormen, 33rd." Now this way of dating is irregular in charters, as we saw before. The word order of the regnal year in Latin should either be 'anno regni N primo etc.' or 'anno primo regni N'. So when the name of the King N is followed by long qualifications, the second type should be used. Thus our wording should properly have been* 'anno XXX^{mo}. III^{mo} (autem) regni Edelbaldi, regis Mertiorum, qui tunc aderat cum suis principibus ac ducibus." Thus the writer of this document is utterly ignorant of this Dating formula of the Saxon period.

Then what could be called the (6) Operative part begins: "When, therefore, the aforesaid bishops of sacred office assembled together with

worthy men of lesser rank from different provinces of Britain"—here we cannot help but remember the charter Bi, 66 (Grant by Egfrid, or Ecgfrith, A. D. 685, spurious), where various bishops and 'antistes' assembled from all over England and where the Witness-list contains post-Conquest titles such as 'Merciorum episcopus'—"and when the writings of the venerable Pope Zacharias in two letters had been read out, by which he admonished the English people to live more restrainedly and threatened to excommunicate the despising ones.", which reminds us of the last part of the text of this aforementioned spurious charter, Bi 66—"Haec donatio scripta est tempore Agathonis papæ". So in both our charter and Bi 66 the authority of a Pope is added. And so we remember the words of Kemble, "as the truth always feels itself to be strong, but a lie always feels itself to be weak, the great pains taken to make us believe something, lead us naturally to suspect a consciousness that that something was in reality not worthy of belief" (Codex Diplomaticus, I, pp. lxxxix f.)

Therefore, all things being taken into account, it is difficult to think that there can be genuine Saxon document and record of the council behind this post-Conquest composition, our 'charter', Bi 174—the last part containing the enumeration of 31 canons is a matter outside our charter-criticism.

Our next charter is very much different, Bi 175:—

175. *Grant by Earduulf, King of Kent, to the Church of St. Andrew, Rochester, of pasturage for swine at Holanspic, etc.*
A. D. 762 (for 747).

De Pascuis porcorum. XII. gregum.⁽²⁰³⁾

✠ IN nomine dei summi! Multi quidem in hoc seculo constitutionem et narrationem antiquorum pro huius uitae fauore et concupiscentia deprauiare conati sunt, qui istius aeterni seculi laudem quaerunt, et multo magis hominibus placere quam deo diligunt; sicut ipse procurator, nomine Uualh-hun, contra episcopum Hrofensis ecclesiae sine intermissione

(203) The text that follows is printed from Kemble No. XCVI. Cf. *supra* notes (200) and (199).

congressum discrimini fecit, circa porcorum pascua in silba quae appellatus est Caestruuarouualth. Iccirco. ✠ ego Earduulfus rex Cantuariorum conflictionem eorum ad nichilum redigo, quia coram testibus et optimatibus meis concedo ad ecclesiam sanctae Andreae, pro remedio animae meae atque meorum patrum, XII. greguum porcorum ad serbandum in publicis locis, id est ut incoli nominandi dicunt, Holanspic, alius Paetlanhrygc, tercius Lindhrygc. Hoc autem numerus XII. gregum in istis tribus partibus singulariter in uno quoque teneatur. Si quis uero, quod absit, heredum meorum hanc donationem infringere aut minuere praesumat, sciat se ab omnipotenti deo et a sanctorum angelorum consortio separatum, et in aeterna perditione damnatum, manente hac donatione mea in sua nichilominus firmitate perseueret.

Anno ab incarnatione Christi, DCCLXII. indict. XV.

✠ Ego Earduulfus rex Cantuariorum, supradicta omnia uolens confirmabi, et signum sanctae crucis impressi. ✠ Ego Cuthberchtus gratia dei archiepiscopus ad petitionem Earduulfi episcopi consensi et subscripsi. ✠ Ego Aethilberchtus rex Cantiae consensi et subscripsi. ✠ Ego Balthard consensi et subscripsi. ✠ Ego Duunualla subscripsi. ✠ Ego Aethelhun subscripsi. ✠ Ego Aldberht subscripsi. ✠ Ego Ruta subscripsi. ✠ Ego Folcuuine subscripsi. ✠ Ego Uuiiohtbrord subscripsi. ✠ Ego Balthhard subscripsi. ✠ Ego Badoheard subscripsi. ✠ Ego Beagnoth subscripsi. ✠ Ego Uualhhun subscripsi.

The (1) Heading, 'Concerning the pasturage of 12 flocks of swine', is probably later put in. The (2) Invocation, 'In the name of the highest God' is a good eighth-century formula, as we already saw before. Then the (3) Proem is concise and quite to the point—"Many in this age have attempted to spoil the arrangement and history of the ancient people for the sake of the praise and earnest desire of their own life, who seek fame of their distressful age, and approve of pleasing men much more completely than God, just in the way the provoker of suits in ecclesiastical courts by the name of Walhhun himself has made the fight of crime

against the bishop of Rochester Church without interruption concerning the pasturage of swine in the forest which has been called 'Caestruuarouualth'." The language is plain and clear and the contents are limited to the essentials.

Then the king's name, preceded by the inevitable 'ego', comes in. And the (4) Royal title is the authodox 'rex Cantuariorum.': the king says 'I, king of the Kentish people bring back the conflict into nothing, because before the witnesses and my magnates I grant—the (5) *verba dispositiva* are just one word 'concedo' so simply,—to the church of Saint Andrea—which is the (6) Donee. The (7) Motive of grant is then expressed—'for the relief of my soul and also of my forefathers'—so they share one soul. Then the (8) Description of what is to be granted comes in—"12 flocks of swine in order to serve in public places which the inhabitants call by naming 'Holanspic', another 'Pætlanhryge', a third 'Lindhryge. In this, however, the number 12 is the flocks in those three parts, separately to be held in each single one."

The (9) Sanction is the Negative penal clause slightly tinged with the 'No Violation by me' formula: "If any, indeed, God forbid! of my heirs should dare to weaken or diminish this donation, let him know that he himself be separated from the Almighty God and from the society of the saints and Angels, and condemned in the state of eternal ruin." The wording is simple and good.

Then, the most regular (10) 'Manente' formula appears, "this my donation remaining in her no less stability should abide.", which should properly accompany all Negative penal clauses in order to supplement the positive effects of a donation, grant or concession in their original, life-size, so to say, magnitude.