

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

BEING

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ANGLO-SAXSON LAW AND HISTORY'  
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VOLUME III.

By

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The (11) Dating clause consists of the year of incarnation accompanied with the correct Indiction number, most regularly, and is properly situated at the end of the main text.

The (12) Witness-list starts with the attestation of the king himself, who says "I, Eardwulf, King of the Kentish people, by my own will, will confirm all the above-said, and have imprinted the sign of the Holy Cross.", whose wording is most clear, uninflatd and to the point. The next attestation is that of the archbishop. His title is good, because

'*gratia Dei*' comes before '*archiepiscopus*'. The formula '*consensi et subscripsi*' is used and he adds that this attestation was done in response to the asking of one of the parties to the lawsuit, Bishop Eardwulf, of Rochester (747—765 × 772).

The second witness is Cuthbercht, archbishop of Canterbury (740—760), so the date of this charter which Birch considered to be 747 instead of the MS. 762 (both years are 15th by Indiction) should be accepted. The MS. reading DCCLXII must be a miscopied DCCXLVII.

The third witness is '*Æthilberchtus*', the royal brother and joint ruler of Kent ('*rex Cantiae*'), using the same formula '*consensi et subscripsi*.' The next witness '*Balthard*' uses the same formula. He appears in Bi 189 (Remission by Eadbert, King of Kent, of a similar tax at Sarre, co. Kent, etc. A. D. 761 (?), probably genuine) as '*(Signum manus) Baltheardi comitis*', so he is an ealdorman. Then he appears in Bi 190 (Grant by Eadbert, King of Kent, to St. Peter's Abbey, Canterbury, of land in Mundelingham, or Mongeham, co. Kent. 25th July, A. D. 761, probably genuine), as '*(Signum manus) Balhardi*', in Bi 192 (Grant by Dunwald to the Monastery of St. Peter and St. Paul, of Canterbury, of land at Queen's-gate. A. D. 762, probably genuine), as '*(Ego) Balheardus dux (subscripsi)*', in Bi 196 (Grant by Egberht, King of Kent, to Eardurf, Bishop of Rochester, of land within the castle walls, Rochester. A. D. 765, probably genuine), as '*(Signum manus) Balhardi*,' and in Bi 228 (Grant by Egberht, King of Kent, to Diora, Bishop of Rochester, of land in Bromgeheg. A. D. 779, probably genuine), as '*(Signum manus) Balthard*.' The rest of the witnesses all use the simple formula '*subscripsi*'.

One of those witnesses, eleven in number, '*Duunualla*' must be the '*(Signum manus) Dunuualhi pincerni*' of Bi 160 (Grant by *Æthilberht*, King of Kent, A. D. 750) which we already saw. Another, '*Æthelhun*' must be the '*(Signum manus) Æðelhuni*' (Bi 160). He also appears in Bi 193 (Grant by Sigiraed, King of Kent, to Bishop Earduulf, of land in Rochester, A. D. 762, probably genuine) as '*(Signum manus) Æthilhuun*.' Next, '*Alidberht*' appears in Bi 160, as '*(Signum manus) Aldberhti prefecti*', as we saw. Then, '*Ruta*' appears in Bi 159, as '*(Ego) Ruta commites meos (confirmari et scribere feci)*' as we saw before. Now, '*Uuihtbrord*' appears in Bi 199 (Grant by Eardulf, King of

Kent, to Heaberhct, Abbot of Reculver, of land in Perhamstede, co. Kent. c. A. D. 765, genuine 'contemporary'), as '(Signum manus) Uuihtbrordis'. Then, 'Balthhard' appears in Bi 228, seen above, as '(Signum manus) Balthard', beside his superior and namesake, (the ealdorman) Balthard. Last, 'Uualhhun' appears in Bi 199 seen above, as '(Signum manus) Uuealhunes'.

The facts being so, there can be nothing wrong to be found in this text. So, this our charter, Bi 176, is considered to be 'probably genuine' although handed over to us in a far later copy.

Our next charter is so short, Bi 176 :—

176. *Grant by Eardulf, King of Kent, to Heahbert, Abbot of Reculver, of land at Perhamstede. About. A. D. 747.*

PERHAMSTED<sup>(204)</sup>

✠ EGO Eardulfus rex Cantiae tibi uenerabilis Eadberte abba, tuaequae familiae consistenti in loco qui dicitur Raculf, concedo terram unius aratri in loco qui nominatur Berhamstede, cum omnibus ad eam pertinentibus, liberam ab omnibus saecularibus seruitiis.

The (1) Royal title after 'Ego', 'rex Cantiae' is all right as we saw before. The (2) Donee is addressed in the Second Person, 'tibi', so "to you venerable abbot Heahbert and your (tuaequae) community", which is an ancient practice we see in earliest charters. Then the (3a) Location clause of the community follows—'(familiae) consistent etc., so 'dwelling in the place which is called Reculver'. The (4) *verba dispositiva* consist of just one word 'concedo'. The (5) Description of the land to be granted is given by means of 'terram' and the hidage, one ploughland, and by the (6) or (3b) Location clause, 'in the place which is named 'Perhamstede'. Then comes the 'cum omnibus' formula, 'together with all things duly belonging to her (=the land, 'terra', feminine). The (7) Immunity clause is short and vague—"free from all secular

(204) The text that follows is printed from Kemble No. MV. Cf. supra notes (200) and (199).

burdens”—and so good.

There is nothing in the text that can hinder it from being an eighth-century one. Indeed it would have almost passed as a seventh-century one, come to that. That is simply because this text is the abstract of a genuine charter which exists in its contemporary form in Bi 199 (Grant by Eardulf, King of Kent, to Heaberhct, Abbot of Reculver, of land in Perhamstede, co. Kent. C. A. D. 765). This fact gives us a lesson showing that even an eighth-century (or possibly still later) scribe could make a very conservative charter, an almost exact copy of an imaginative seventh-century text, if he wished to do so. Therefore, we should become aware that those exuberant words and minute and pompous expressions and statements that we find in (probably) genuine eighth-century charters are no playful affairs, but the results of sincere efforts to attain the more advanced, more complete modern versions in place of the old, or the more antiquated, texts which once had their own utility in those primitive days—“they had their use, but we want better ones”, was probably in the minds of those kings and ecclesiastical magnates of the new era.

Still the existence of such an abstract as we have in Bi 176, indicates that the fundamental structure of a diploma should always be upon the base of that of those ancient charters—we want more, but we do not discard the good old tradition, must have been their attitude.

Our next charter is a long one, for a change, Bi 177:—

177. *Remission by Æthilbald, King of the Mercians, to Abbess Eadburga, of half the dues on a ship. May, A. D. 748.*

Carta<sup>1</sup> Ethelbaldi regis Merciorum, Edburgæ abbatissæ qua donavit eidem dimidium vectigal unius navis et tributum quod sibi de jure spectabat.

✠ In nomine domini salvatoris nostri!

Omnem hominem qui secundum Deum vivit, et remunerari a Deo sperat et optat, oportet ut piis precibus assensum ex animo hilariter præbeat, quomodo certum est tanto facilius ea quæ ipse a Deo poposcerit consequi posse, quanto et ipse libencius hominibus recte postulata concesserit; quod tunc

bonorum omnium largitori Deo acceptabile fit, cum pro ejus amore et utilitate famulantium ei peragitur.

Quocirca ego ÆTHILBALDUS Mercionum [rex]<sup>2</sup> juxta petitionem vestram, tibi EADBURGE abbatissæ tuæque familiæ conversanti in monasterio beatæ Dei genetricis Mariæ, quod situm est in insula TANETI<sup>3</sup>, nec non et in monasterio apostolorum Petri et Pauli, quod tu ipsa non longe a prædicto monasterio construxisti, unius navis quod a Leubuco<sup>4</sup> nuper emisti, dimidium vectigal atque tributum, quod meum erat, pro intuitu supernæ mercedis, et amore consanguinitatis religiosæ abbatissæ<sup>5</sup> Mildredæ, cujus venerabile corpus a priori sepultura translatum in ipso monasterio apostolorum decenter posuisti, accipiendum possidendumque æterna donatione concedo; et cuicumque volueritis hæredum successorumque vestrorum, seu quolibet hominum, hoc ipsum de jure in re vestra perdonare liberam habeatis potestatem. Hinc igitur præcipio ac precor in nomine Dei omnipotentis, patriciis, ducibus, comitibus, theloneariis, actionariis, ac reliquis publicis dignitatibus ut hæc inoffense donatio per præsentés ac posteros percurrat; si autem contigerit, ut navis ista disrupta ac confracta sit, vel etiam vetustate detrita, aut omnino quod absit naufragio perdita, tunc quoque ad cumulum hujusce donationis hoc addo et concedo, ut alia in hujus donationis locum et conditionem construatur et habeatur: Et hoc non solum me vivente in hac vita, sed etiam post obitum meum per succedentes semper generationes præcipio, et per Christum Jhesum judicem omnium postulo fieri.

<sup>1</sup> Title omitted, K.    <sup>2</sup> [Rex] Merciorum, B.; rex, omitted C.    <sup>3</sup> Thañeti, C.    <sup>4</sup> Leubrico, K.    <sup>5</sup> Abbate, C.

Quisquis vero hæredum successorumque meorum, vel aliorum quilibet hominum, sive sæcularium, sive ecclesiasticorum, huic piæ donationi nostræ in aliqua re contraire quoquo tempore fuerit ausus, noverit se quisque ille sit audacis malitiæ suæ rationem esse redditurum coram omnipotente

domino nostro, qui iudicabit orbem terræ in æquitate, reddens unicuique secundum opera sua, Jhesus Christus filius Dei, filiusque sanctæ Mariæ semper virginis, cuius scilicet<sup>1</sup> in præfato monasterio sacris atque magnificis indesinenter die noctuque frequentatur et adoratur precibus, iudex sæculi ipse Jhesus Christus dominus noster Amen.

Igitur manente hac cartula in sua semper firmitate quam propria manu sacro signaculo roborare curavi, et testes nonnullos ut id<sup>2</sup> ipsum consentientes agerent feci, quorum nomina infra tenentur.

Actum mense Maio in civitate Lundonia. Indictione XIII<sup>a</sup>. Anno ab incarnatione Christi DCCXLVIII<sup>r</sup>.

- ✠ Ego Æthilbaldus rex Mercia<sup>3</sup> suprascriptam donationem meam signo sanctæ crucis, in hac cartula expresso, diligenter confirmavi.
- ✠ Ego Ædbeortus<sup>4</sup> rex Cantia<sup>5</sup> testis consentiens subscripsi.
- ✠ Signum manus Cuthberti<sup>5</sup> archiepiscopi.
- ✠ Signum Milredi episcopi.
- ✠ Signum Egcuulfi episcopi.
- ✠ Signum manus Obani ducis.
- ✠ Signum manus Kyniberti<sup>6</sup>.
- ✠ Signum Eoppani.
- ✠ Signum Friðurici.
- ✠ Signum Ealhmundi.
- ✠ Signum Panti thelonearii.

[A.] MS. Trin. Hall, Cambridge. f. 52b.

[K.] Kemble, *Cod. Dipl.*, No. xcviij, from [A. B.].

[B.] *Thos. de Elmham*, ed. Hardwick, p. 314.

[T.] Thorpe, *Dipl.*, p. 31; from [A. B.]

[O.] MS. Harl. 686, f. 180b.

<sup>1</sup> [Nomen] added provisionally, B.; nomen, omitted, C.      <sup>2</sup> Ad, K.

<sup>3</sup> Merciorum, C.      <sup>4</sup> Ædbeorhtus, K.      <sup>5</sup> Cuthberhti, K.      <sup>6</sup> Cyn., K.

The (1) Heading, "The Charter of 'Æthelbald', King of the Mercians to Abess 'Edburga'", to whom he granted the same half of the toll and payment of one ship which he had regarded by right to himself", is, judging from its wording, a later insertion.

The (2) Invocation wording is shortened, but is probably all right in this period. The (3) Proem has some problem. But, first, let us look at what it says: "It is necessary for all the man who lives according to God, and expects and wishes to be rewarded by God, that he should joyfully give assent by pious prayers from his mind, [to] how it is certain that, in accordance as he himself will gladly have granted what are duly desired by men, just so much more easily those things which he begged from God can come up. Because, since it is accomplished for the sake of love of Him and the benefit of those serving Him, so then it is made acceptable to God, the grantor of all things."

The first problem of this Proem is that it, or what is very much like it, is used in the spurious charter, Bi 4 (Grant by Æthelberht, King of Kent, to St. Peter, of land in Canterbury to found an Abbey, A. D. 605): "Omnem hominem, qui secundum Deum vivit et remunerari a Deo sperat et optat oportet ut piis precibus consensum hilariter ex animo praebeat: quoniam certum est, tanto facilius ea, quae ipse a Deo poposcerit, consequi posse, quanto et ipse libentius Deo aliquid concesserit." There are some changes of words here and there, but the whole intents and purposes are in fact identical between this and the Proem of our charter Bi 177, although this is shorter.

But, fortunately, a contemporary eighth-century charter has the same proem wording: "(Piis religiosisque petitionibus et maxime fideliter famulantium Deo) omnem hominem qui secundum Deum vivit et remunerari a Deo sperat et optat necesse est ut hilaliter assensum ex animo praebeat quoniam certum est tanto facilius ea quae quisque a Deo poposcerit consequi posse quanto et ipse libentius hominibus utiliter postulata concesserit. quod tunc bonorum omnium largitori Deo acceptabile sit cum pro ejus amore et utilitate famulantium ei peragitur.", from Bi 199 (Grant by Eardulf, King of Kent, to Heaberhct, Abbot of Reculver, of land in Perhamstede, co. Kent, C. A. D. 765, genuine 'contemporary'). The reader may see some different wording in the above from the Proem wording of Bi 177. Actually, the Latin

sentences here are slightly simpler and clearer in its use of words and phrases. Compared with such, our Proem wording seems to be slightly corrupt.

Be that as it may, this Proem wording is now to be accepted as a genuine type of such a wording in charters, and that an ancient type possibly going back into the seventh century. We find, thus, two more examples of this in probably genuine texts of the eighth century. One is found in Bi 193 (Grant by Sigiraed, King of Kent, to Bishop Eardulf, of land in Rochester. A. D. 762, probably genuine), whose Proem is: "Omnem hominem, qui secundum Deum vivit, et remunerari a Deo sperat et optat, oportet ut piis precibus assensum hilariter ex animo præbeat. Quoniam certum est, tanto facilius ea, quæ quisque a Deo poposcerit, consequi posse, quanto et ipse libentius hominibus recte postulata concesserit." This obviously is a shorter wording, but to the point. A second one is found in a Mercian charter, Bi 255 (Grant by Offa, King of the Mercians, to Bishop Waermund, of land in Rochester, co. Kent, A. D. 789, genuine). Its Proem is: "Omnem hominem qui secundum Deum vivit et remunerari a Deo sperat et optat :oportet ut piis precibus assensum hilariter ex animo præbeat. Quoniam certum est tanto facilius ea quæ quisque a Deo poposcerit consequi posse :quanto et ipse libentius hominibus recte postulata concesserit." This indeed is identical in wording with the previous one, a shorter type limited to the more essential words and phrases.

So, then, among the above-cited examples, the most complete wording of this type seems to be the 'contemporary' one, having, at the beginning, the words, 'For the pious and religious petitions and especially of those faithfully serving God' (Bi 199) which is missing in all the other cited Proems of the type.

In the ninth century, however, we can find still another example of this same wording and that in a West Saxon charter, Bi 855. This time the wording occurs in the middle of a longer Proem, though still without the introducing phrases mentioned before. It runs, "Et quia omnem hominem qui secundum Deum vivit. ] remunerari á Deo sperat ] optat :Oportet ut piis precibus assensum ex animo hilariter prebeat quoniam certum est tanto facilius ea que ipse a Deo poposcerit consequi posse. quanto ] ipse libentius hominibus recte postulata concesserit.



Quod tunc bonorum omnium larcitori Deo acceptabile fit 'cum pro ejus amore ] utilitate famulantium ei peragitur.'" (Grant by Æthelbert, King of the West Saxons and the Kentish people, to Diernoð, Abbot of St. Augustine's, Canterbury, of land at Meretum in East Kent. With condition of his fidelity to the King and his brothers, Ethelred and Ælured. A. D. 861, genuine?). This is a longer type, but similar to the Proem of our charter, Bi 177, and slightly more logically constructed.

It is certain that the proem is Kentish and used in Mercian and West Saxon charters which have connexion with the Kentish people. The cartularies which preserve this proem wording are not the same, either. Our Bi 177 is kept in MS. Trinity Hall, Cambridge; Bi 193 is kept in Textus Roffensis; Bi 199 in British Museum, Stowe MS., Ashburnham (Stowe), No. 3; Bi 255 in Textus Roffensis; Bi 855 in British Museum, Cotton MS. Julius D. So not one and the same scribe wrote each of those proems. And this type of proem continued to be used for the seventh, eighth, and ninth centuries, so must be an ancient one, and only because of its oldness used by the forger of Bi 4, and not the other way around, as we now know.

The next wording of our charter Bi 177 is slightly unusual. 'For which reason' is usually expressed by 'Qua de re', or more often, 'Quamobrem', and the use of 'Quocirca', a rather rare word in the classical Latin, by the way, is met with, here, for the first time in our charters. Then the king's name-form 'Æthilbaldus' is good because of the existence of 'i' in the second, unstressed syllable.

The (2) Royal title 'Mercionum rex' has not the best order of the two words, but this may be due to the carelessness on the part of the scribe—some copy even drops the 'rex' itself. The (3) 'rogatus' formula is changed here into a newer formula, the type, 'in accordance with the petition', which is often seen in this period. Then, the addressing of the (4) Donee(s) in the Second Person '*your* (petition)'....."to *you*, Abbes Eadburga, and *your* family dwelling in the monastery of the blessed Mary, mother of God, which is situated in the Isle of Thanet, and indeed in the monastery of St. Peter and Paul which *you* yourself had constructed from the aforesaid monastery". This way of addressing is of course the ancient way of charters of grant.

Now, the monastery in question was originally constructed by St.

Augustine, and so was afterwards named the Monastery of St. Augustine. St. Mildred, the once Abbess of the same monastery had rebuilt it and called it the Monastery of the blessed (virgin) Mother Mary (cf. Bi 160), and Eadburga then again rebuilt it and named it the Monastery of St. Peter and St. Paul. Therefore at the time of this grant Eadburga's monastery was the Monastery of St. Peter and Paul. Thus the above statement of the donee and her monastery is quite correct. No later forger, however, would have known such an history and so this part of our charter, Bi 177, is very good.

The (5) Description of what is to be granted is, "of the ship which was newly built by Leubricus half of the toll as well as payment, which had been mine". Then the (6) Motive of grant is "for the consideration of the celestial reward, and the love of my relation the religious abbess Mildred, whose venerable body translated from its former sepulchre you have becomingly placed in this same monastery of the Apostles". The part of this Motive which relates to Abbess Mildred is to all seeming a little too much in detail to be that in a charter. Yet those details are something that a later forger could by no means think of, so perhaps not too much wrong, although some elaboration may be done by a later scribe of the same monastery.

The (7) *verba dispositiva* and the (8) Statement of right then appear—"I grant to be acquired and possessed by eternal donation, and you are to have the free power to deliver this same thing to whomever you will have liked, your heirs and successors, or to any of men you will, from the right in your thing". So the right includes that of free alienation.

Now, the above is followed by some added statement by the king—"Hence, therefore, I order as well as beg, in the name of the Almighty God, to the princes, ealdormen, companions, tax-gatherers, [their] agents, as well as the other public dignitaries that this uninterrupted donation is to run through the present as well as future people." This statement then continues to amplify in detail the right of the donee(s)—"If indeed it should come to pass that that ship should be broken to pieces or destroyed, or even weakened by old age, or by, God forbid!, any sort of shipwreck lost, then once more, in order to accumulate this very donation, I add and grant that another (ship) in the place and

under condition of this donation is to be built and obtained.”

Now, the addition up to this part has a very similar statement found in the above-quoted early charter of the Cathedral Church of St. Paul's, London, i. e., Bodley MS., James 14. The corresponding part therein runs: “(Proinde igitur) precipio in nomine dei patris omnipotentis omnibus meis ducibusque prefectis thelonariis cæterisque publicis dignitatibus ut hæc donatio mea (mihi a deo data illique redonata), per presentes ac subsequentes illæsa firmaque perduret. Et ad augmentum huiusque donationis hoc addo ut navis ista vel veterata vel confractioe collisa ut alia (et alia) in huius donationis locum et conditionem construatur et habeatur.”

It might indeed be no wonder, because our present charter, Bi 177 concerns the church of St. (Peter and) Paul. The two charters are, however, handed over to us through different cartularies: ours is preserved in MS. Trinity Hall, Cambridge; the ‘James 14’ is, or alas was, preserved in the Cathedral of St. Paul's, London. Therefore, the close similarity is all the more to be worthy of note, and appraisal.

The addition by the king in our charter, Bi 177, still continues: “And this I order not only while I am living in this life, but even after my death, always by the succeeding generations, and I desire the judge of all things to be performed by Jesus Christ.” This is a rather strong expression and prayer, seldom met with in the text of a charter. It, however, would have been an unusually expressive scribe or clerk, if this part were a later interpolation.

The (9) ‘No Violation by me’ formula of a sort starts, then gradually beomes the (10) Sanction: “If anyone indeed of my heirs and successors or of any other men, either secular or ecclesiastical, will have dared to oppose this our (Regnal ‘we’?) pious donation in anything at any time, let that man, whoever it may be, know that he himself should be about to render account of his presumptuous malice in the presence of our Almighty Lord, who will give judgment for the balance of the earth in its evenness, giving everyone according to his deeds, Jesus Christ, the son of God, the son of Saint Mary, the eternal virgin, obviously in whose aforesaid monastery he is celebrated and worshipped incessantly by day and by night by dedicated and noble prayers, the secular judge Jesus Christ himself, our Lord, Amen.”

Now, the Sanction should end at 'esse redditurum coram omnipotente domino nostro', so the rest—the long panegyric concerning Jesus Christ as the judge of the world in inflated style and by decorative wording, can hardly be part of a formal charter, much less of the mid-eighth century one, so this part should be considered a later elaboration.

Then, however, a passable (11) 'manente' formula appears: "So then, this charter remaining in its (*lit.* her) constant stability, which I have taken care to strengthen by the sign of the Holy Cross",—the same formula gradually becomes amalgamated with the (12) Attesting word of the king which continues—"and I have gathered several witnesses in order that those consenting to the same might increase, whose names are kept below."

Last comes the (13) Dating clause of a very regular nature: "Done in the month of May in the town of London. By Indiction the 14th. In the year from the incarnation of Christ 748." Now the Indiction number does not accord with the incarnation year. Could the textual DCCXLVIII have originally been 'DCCXLVI'. which would have the Indiction number 14. The state of copying of this text being as we saw in the above, such an error would not surprise us.

The (14) Witness-list starts with the Mercian king. His name-form is good as before. The Royal title is yet not a customary one. The wording of his testimony runs: "I, Æthilbald, King of Mercia, have confirmed my above-written donation by my sign of the Holy Cross formed in this charter." It is rather unconventional, so may be retouched. The next witness is the Kentish king, obviously because the donee(s) dwell in the monastery within the Kentish kingdom. The attestation runs: "I, Ædbeort, King of Kent, a witness, consenting have subscribed. Then, Archbishop Cuthbert (740—760) uses the ancient formula 'Signum manus'. The two bishops, Mil[d]red (Worcester, 743×5—775? 774), and Egwulf (London, 745—766×772) use just one word 'Signum.'

Then, 'Oba' the ealdorman again uses 'Signum manus'—we have been familiar with him for some time. The next witness using the same old formula, 'Kynibert' may be the same man called 'abbot' in Bi 181 (Grant by Æthilbald, King of the Mercians, to Eanberht, Abbot, of land in Toccan sceaga, ? Tickenhurst, co. Kent. [*better*, Wilts.], A. D.

757, genuine), so '(Manus) Cyneberhti abbatis'. The rest of the witnesses all use 'Signum' only, of whom 'Eoppa' appears in Bi 181, as '(Manus) Eoppa.', also in some spurious charters. 'Friðuric' is otherwise unknown. 'Ealhmund' appears in Bi 181, as '(Manus) Ealhmundi'. The tax-gatherer, 'Pant', is otherwise unknown.

Now, taking all the points above-described into account, we cannot help but consider this our charter, Bi 177, to be 'probably genuine', although much interpolated, somewhat retouched and corrupt in its extant text.

Our next charter is an interesting one, Bi 178:—

178. *Privileges granted by Æthelbald, King of the Mercians, to the Monasteries and Churches of his Kingdom. A. D. 749.*

✠ Plerunque contingere solet pro incerta futurorum<sup>7</sup> temporum vicissitudine, ut ea, quæ multarum et<sup>8</sup> fidelium personarum testimonio consilioque roborata fuerunt<sup>9</sup>; ut<sup>10</sup> fraudulenter per

<sup>7</sup> Futurorum, omitted, B. D.    <sup>8</sup> Et, omitted, B. D.    <sup>9</sup> Fuerint, B. D.  
<sup>10</sup> Ut, omitted, B. D.

contumaciam<sup>1</sup> plurimorum, et machinamenta simulationis, sine ulla consideratione rationis periculose dissipata erant<sup>2</sup> nisi auctoritate literarum, et testamento cyrographorum<sup>3</sup> æternæ memoriæ inserta sint.

Quapropter ego ÆTHELBALDUS<sup>4</sup> rex Merciorum pro amore cælestis patriæ, et pro<sup>5</sup> remedio animæ meæ, hoc maxime agendum<sup>6</sup> esse prævidi<sup>7</sup>, ut eam `bonis operibus<sup>8</sup> liberam efficerem ab `omnibus vinculis piaculorum<sup>9</sup>. Dum enim mihi omnipotens Deus per misericordiam clementiæ<sup>10</sup>, absque ullo antecedente merito, scepra regiminis honorifice<sup>11</sup> largitus est, ideo `ei libenter et voluntarie<sup>12</sup> ex eo quod `accepi iterum<sup>13</sup> retribuo.

Hujus rei gratia hanc donationem Deo teste<sup>14</sup> me vivente concedo, ut<sup>15</sup> monasteria et æcclesiæ<sup>16</sup> a publicis vectigalibus,

et ab omnibus operibus oneribusque<sup>17</sup>, auctore Deo, servientes absoluti maneant, nisi sola quae communiter fruenda sint<sup>18</sup>, omnique populo edicto regis facienda jubentur, id est instructionibus pontium, vel necessariis defensionibus arcium contra hostes non sunt renuenda. Sed nec hoc prætermittendum est, cum necessarium constat æcclesiis Dei: quia Æthelbaldus rex, pro expiatione delictorum suorum et retributione mercedis aeterni<sup>19</sup> famulis<sup>20</sup> Dei propriam libertatem in fructibus silvarum agrorumque<sup>21</sup>, sive in cæteris utilitatibus fluminum vel raptura<sup>22</sup> piscium, habere<sup>23</sup> donavit: et ut munuscula ab æcclesiis in sæculare convivium regis vel principum a subditis minime exigantur, nisi amore et voluntate præbentur: Sed cunctas tribulationes quae nocere vel impedire possunt in domo Dei, omnibus principibus sub ejus potestate degentibus, demittere et auferre præcipit; quatenus sublimitas regni ejus prosperis successibus polleat in terris, et meritorum manipuli multipliciter maturescunt in cœlis.

Qui vero hæc benigna mentis intentione atque inlæsa cogitatione custodierit, æterna claritate coronetur, ornetur, glorificetur. Si quis hoc, quod absit, cujuslibet personæ tyrannica cupiditate instinctus, contra hanc donationis cartulam, sæculari potentia fretus, venire nititur, sit sub anathemate Judæ, proditoris domini nostri Jhesu Christi.

<sup>1</sup> Contumatiæ, B.    <sup>2</sup> Dissipentur, B. C. D.    <sup>3</sup> Chirogr., C. D.  
<sup>4</sup> Ethelb., B. D., Æthilb., C.    <sup>5</sup> Pro, omitted, B. D.    <sup>6</sup> Studendum, B. D.  
<sup>7</sup> Providi, B.; var. prævidi, D.    <sup>8</sup> Per bona opera, B. D.    <sup>9</sup> Omni vinculo peccatorum, B.; var. delictorum, D.    <sup>10</sup> Suæ, added, B. D.    <sup>11</sup> Honorif., omitted, B. D.    <sup>12</sup> Libenter ei, B. D.    <sup>13</sup> Dedit, B. D.    <sup>14</sup> Deo teste, omitted, B. D.    <sup>15</sup> Omnia, added, B. D.    <sup>16</sup> Regni mei, added, B. D.  
<sup>17</sup> Et oper. et oner., B. D.    <sup>18</sup> Sunt, C.    <sup>19</sup> Æternæ, C.    <sup>20</sup> Auctore Deo……famulis, A. C.; absolvantur; nisi instructionibus arcium vel pontium, quæ nulli unquam relaxari possunt. Præterea habeant famuli, B. D.    <sup>21</sup> Et agr., B. D.    <sup>22</sup> Sive……raptura, A. C.; et in captura, B. D.    <sup>23</sup> Habere……to the end, A. C.; for this B. D. read:—"Nec munuscula vel regi vel principibus præbeant. nisi voluntaria: sed liberi Deo serviant, et cætera", and end thus.

Ad confirmandum vero hoc nostræ beneficentiæ munus, hii

testes adfuerunt, et nostri magistratus optimates et duces fidelissimique amici consenserunt et scripserunt.

- ✠ Ego Ædelbald divino fultus suffragiis. hiis statutis consentiens, confirmandoque signum crucis aravi.
- ✠ Ego Huita Mercensis æcclesiæ humilis episcopus subscripsi.
- ✠ Ego Torhthelm gratia Dei episcopus signum crucis infixi.
- ✠ Ego Headberht primatum tenens subscripsi.
- ✠ Ego Eada his statutis consentiens subscripsi.
- ✠ Ego Cyneberht his gestis consentiens subscripsi.
- ✠ Ego Bercul patricius his donis consentiens subscripsi.
- ✠ Ego Friothuric consentiens subscripsi.
- ✠ Ego Eopa his statutis consentiens subscripsi.
- ✠ Ego Eadbald subscripsi.
- ✠ Ego Byrnhelm subscripsi.
- ✠ Ego Mocca subscripsi.
- ✠ Ego Aldceorl subscripsi.
- ✠ Ego Alhmund subscripsi.

Hujus scedulæ scriptio dominicæ incarnationis anno. DCCXLVIII. indictione secunda in loco celebre cujus vocabulum est Godmundeslaech. XXXIII. anno Ædelbaldi<sup>1</sup> regis peracta est.

[A.] Spelman, *Concilia*, i, 256.

[D.] W. Malm., *Gesta Regum*, ed.

[B.] MS. Reg., 13 D. ii, f. 21.

Hardy, i. 116 § 84.

[C.] Kemble, *Cod. Dipl.*, No. xcix;  
from [A. B.]

[E.] Thorpe, *Dipl.*, p. 33; from [A. B.]

Compare No. 140, which resembles B. pretty closely, but is evidently the model upon which A. is formed. The date of No. 140 is quite possibly thrown back by the omission of "tricesimo" in the words quoted in the note. See Spelman, i, 258.

We already once hurriedly looked over this text here and there in connexion with Bi 140 some time ago. But it is about time that we had

a closer examination of it anew. There is no (1) Invocation. The (2) Proem is framed in the language and style of far later age than the mid-eighth century. Let us look into its wording: "Frequently it is accustomed to befall, because of the uncertain change of the times about to be, that those things which had been confirmed by the testimony and counsel of many and faithful people should be overthrown deceitfully by the arrogance of many and the machine of false show, without any hazardous contemplation of the transaction, if they will not have been registered into eternal memory by the authority of letters and by the testimony of chirographs." The wording here is sophisticated as well as inflated, resorting to such austere words as 'cyrographus', 'machinamenta simulationis' etc. Such a way of thinking in the more difficult words and ideas is alien to the charters of eighth-century England. Actually, the same proem wording is found in Bi 981 (Grant by King Eaduuig to Abingdon Abbey, of land at Gæinge, or Ging, in the parish of Hendred, co. Berks. A. D. 956, suspicious)—"plerumque sicut notum est contingere solet pro incerta futurorum temporum vicissitudine ut ea que prius multarum fidelium personarum testimonio roborata fuerunt fraudulenter per contumaciam posterum et *machinamenta simulacionis sine ulla consideratione rationis periculo se dissipentur nisi auctoritate litterarum. ] testimonio cirographorum eterne memorie inserantur.*" So such wording and ideas belong in the tenth century indeed. It should be no wonder that they are so pompous, and, in itself, splendid.

Then (3) the name-form of the king after 'ego', 'Æthelbaldus', does not indicate the early period, i. e., the mid-eighth century. The (4) Royal title is all right, though. The (5) Motive of grant is good at first, 'for the relief of my soul', but this good formula is immediately followed by stilted wording, "I have forseen that this should particularly be done, in that I should make it free, by means of good deeds, from all bonds of sins." whose nature of elucidative harangue destroys the good impression of the simple and ancient wording in the beginning part.

The next part elaborates and enhances a similar idea in a kingly way, so to say—"While in fact the Almighty God has honourably granted me by the benignity of compassion, without any previous merit [on my



side], the royal sceptre of governing, on that account I gladly and willingly repay him from that which I have received, again. Such, indeed would be a giant address, compared, e. g., with the 'humble me' formula of the seventh-and eighth-century charters, so to be deemed an anachronistic speech in a mid-eighth-century charter. The, so to say, 'absque merito' formula is also found in the spurious charter Bi 138 in a smaller scale. The same charter also has the "exinde aliquam partem .....ad utilitatem Dei perdonarem" wording.

The (6) *verba dispositiva* are, "on account of this thing I grant this donation, God being the witness, while I am living, in such a way that monasteries and churches are to remain free from public dues, and from all works and burdens, those serving God, the creator."—the latter half constitutes an (7) Immunity clause which is about to become the 'Trimoda necessitas' clause—"except only for the lands that are to be commonly used—*nisi sola quae communiter fruenda sunt*"—may be all right, though, and those things are ordered by the royal edict to be done by all the people, that is, by constructions of bridges, and/or in necessary defendings of fortresses against enemies, have not been disapproved. But not in this it has been overlooked, because it is ascertained necessary to the churches of God: because King Æthelbald....."—here the king begins to be addressed in the Third Person, so an entirely new matter has appeared.

Before that, however, the dispositive words and the immunity clause are no good. The strange wording of the former is difficult to accept, the 'royal edict' business in the latter is effectively rejected by W.H. Stevenson, as we saw before, and we entirely agree with him. The reference to the exceptional necessary burdens is, under the circumstances, to be estimated too early in this charter. So nearly all is bad around here.

Then, after the 'quia Æthelbaldus', the citation and description of his charter which follow cannot have been done by the king, so the citation must have been done by the probably clerical scribe, the supposed writer of this charter, by way of illustration? It runs: "King Æthelbald, for the atonement of his offences and in return for the eternal reward, has granted to the servants of God to have his own liberty in the products of forests and fields, or in other useful things of rivers or

catching of fish : and that presents of the churches in the secular feasts of the king and the nobles are to be demanded in the minimum quantity, unless they are given from love and willingly : but I have commanded to all the nobles living under His power to renounce and desist from all the distresses that could inflict injury or embarrassment in the house of God, to such an extent that the loftiness of His kingdom shall be potential on the earth by prosperous results, and manipules of merits ripen in various ways in heaven.”

Now the contents of this cited part do not seem to be in complete accord really with the main dispositive part and the Immunity-exceptions clause—for the same reason I do not think that the change of the way of calling the king from the Third Person to the First Person towards the end of the above passage indicates the continuation, again, of its preceding, original passage in this charter, Bi 178, and still belongs to the quoted part, and think that the particular part is only quoted by direct narration. The very last part, then, probably was written under the influence of Aldhelm. We recognize some of the contents of this so-called quoted charter of grant by Æthelbald, but they seem, as a whole, to be gathered together from various charters of King Æthelred, thus a concoction and artificial product, having a very much turgid ending into the bargain.

The (8) Sanction begins with the Positive invocation of blessing : “If anyone indeed would have defended this by intention of bounteous mind as well as unimpaired deliberating, he is to be crowned, adorned, and glorified by eternal splendour.” The wording here is extremely turgid and decorative. Then, the Negative penal clause follows : “If in this, God forbid, anyone of whosoever men, instigated by tyrannical desire, should endeavour, relying upon secular power, to oppose this charter of donation, let him be under the anathema of Juda, the traitor of our Lord, Jesus Christ.” This is no better in its turgid wording.

But, as we saw before in connection with Bi 140, the last part ‘sit sub anathemate Judae proditoris domini nostri Jhesus Christi’ is not so bad really as Stevenson once considered and stated (as one of those ‘habere partem cum Juda traditore Domini nostri Jhesu Christi’ formulae, — added by ‘in inferno inferiori’)—the whole formula, he considered, occurs in very suspicious texts. (ibid. (Trin. Nec.) note 33.). This his

argument does not now stand in view of the later found original text, Bi 1334, having the complete wording. Still, the wording *here* as a whole is no good as an eighth-century one.

Indeed, a very similar Sanction occurs in a tenth-century charter: "Qui hoc benigna mentis intentione atque inlesa cogitatione custodierit eterna claritate cum omnibus sanctis in regno celorum sine fine letetur, coronetur ⁊ glorificetur. Si quis autem quod absit tirannica cupiditate instinctus hoc mée beneficentie munus seculari potentia fretus obviare presumerit eterne malediccioni subiaceat cum Juda proditore Christi ⁊ in inferno inferiori cum diabolo ⁊ angelis ejus eternaliter crucietur nisi digna satisfactione emendaverit quod contra nostrum deliquit decretum." (Bi 981, A. D. 956, suspicious). We now know that the latter half of such wording has its base in the eighth-century charters, still the decorative inflatedness of the first half cannot be defended and should be deemed to belong in far later centuries.

The (9) Attestation wording is "To confirm, indeed, this our gift of benefit, these witnesses were present, and our magistrates, the magnates and companions and the most faithful friends consented and wrote." This is no attestation formula of the eighth century, and the words used here are inflated and decorative too much to belong in any period around that century.

The (10) Witness-list is bad. Not the persons appearing there—the majority of them we already know of or can easily identify—but their titles and wording are bad. E. g., 'I, Ædelbald, supported by the decision of God, consenting to these statutes, and by confirming, have written the sign of the Cross.'—far later words and inflated style; "I, Huita, humble bishop of the Mercian church—the title is a post-Conquest one. The worst is the title of the royal brothe Headberht—'primatum tenens' can be nothing other than the post-Conquest 'tenant-in-chief'. Cyneberht, 'consenting to these deeds' has subscribed. Thus, the Witness-list is in fact abominable.

Now that we have examined every and all parts of our present charter somewhat in detail, we find that no part thereof has anything good enough for the date it bears, but that all parts are fetched from various questionable or even abominable sources here and there and concocted into a charter-form. That it is written by using later words

and phrases of questionable nature only is evident throughout the whole text.

In view of all the above-mentioned facts and circumstances, we cannot help but consider our charter, Bi 178, to be probably 'a forgery'.

We may add that in the (11) Dating clause which is singularly put after the Witness-list, the 'scedulæ scriptio' is later wording; on the other hand, that the incarnation year, the Indiction number, and the regnal year are all correct, but that such a good forger as could have made Bi 178, would not have betrayed himself by not thinking of such elementary matters.

This charter is not contained in H. P. R. Finberg's list.

Our next charter is very much different, Bi 179 :—

179. *Grant by King Cuthred to Winchester Cathedral, of land at Cleran, or Clere, co. Hants. A. D. 749.*

DONUM CUTHREDI REGIS TO CLEARAN.<sup>(205)</sup>

✠ REGNANTE in aeternum domino nostro omnipotente deo! Ego Cuðredus rex de terra iuris mei aliquantulam portionem, iuxta mensuram scilicet. x. familiarum, quam solicolae Cleran nominant, aecclesiae dei Petro Pauloque dicatae ciuitate Wentana haereditarie perpetualiter impendo, ita ut nullus successorum meorum ipsius terrae portionem ab aecclesia dei nunquam praesumptuosus auferat. Et haec acta sunt anno ab incarnatione domini. DCC. XLVIII. et ut firmiter supradictae donationis meae munificentia roboretur testes idoneos et ad stipulatores ad subscribendum confirmandumque praedictae possessionis priuilegium adsciuiimus quorum nomina et personae infra notantur. His limitibus praedictum rus circumuallatur. Ærest of Hildan hléwe on hunigweg; andlang wegés on Bregeswiðestán; of ðám stáne on sceapwæscan; andlang sceapwæscan on Aleburnan; andlang Aleburnan on beueres bróces heáfod; ðanon on coferan treów; of coferan treówe

(205) The text that follows is printed from Kemble MVI. Cf. *supra* notes (200) and (199). By the way, this Latin Heading includes the vernacular 'to'!

on ða brádan ác; of ðára brádan æc on stuteres hylle niðewearde; ðonon onweard setl; ofweard setle on wiðiggráfas; ðæt on scipdél; of scipdélle on cýpmanna [dél]; of cýpmanna délle andlang weges ðæt eft on Hildan hléw.

✠ Ego Cuðredus rex propriae donationis meae munificentiam signo crucis Christi confirmans roborauī. ✠ Ego Hunfrið dei gratia episcopus canonicè consentiens subscripsi. ✠ Signum manus Æðilheardi oeconomi' atque abbatis. ✠ Signum manus Cynibaldi abbatis. ✠ Signum manus Cynrices nobilis prosapiae. ✠ Signum manus Æðilfridi praefecti.

The (1) Heading in capital letters is obviously a later insertion. Kemble dropped it in his edition. The (2) Invocation of the 'Regnante' type has problems. First the 'in aeternum' is unusual: 'in perpetuum' is the usual wording in this type of invocation. But this may be the lesser and the more trivial point. Next, the last part of this formula should be 'Jhesu Christo', as in the regular wording: "Regnante in perpetuum domino nostro Jhesu Christo" (Bi 189). This 'Jhesu Christo' can either be done without in accordance with the necessity of the context (e. g., Bi 201), or can have elaborations (e. g., Bi 230). But the 'dominus noster' in this formula is Jhesus Christus, not the God himself.<sup>(206)</sup> Thus, "omnipotente Deo" is out of place in this "Regnante in perpetuum" formula. So, this Invocation is no good.

There is no (3) Proem. And directly the king appears after the inevitable 'Ego'. The (4) Royal title is just 'rex' without qualification such as 'of the West Saxons'. But such a way has its examples and is all right. Then, the (5) Identification of what is to be granted: "de terra juris mei aliquantulam portionem" is not entirely good. The "terra juris mei" is a good old formula, but the 'de' before it is not usual.

It is true that this 'de terra juris mei' occurs in Bi 73 which we saw, but there a longish explanation of the 'rightful' land immediately has to come in next and separates the land from the description of its hidage,

(206) Cf. *supra* text at and around note (189). Towards the end of the eighth century, however, the formula 'Regnante inperpetuum Deo et domino nostro Jhesu Christo' appears in a genuine charter (Bi 291, Council of Clovesho. Settlement by Archbishop Athelhard of the Monasteries of Coccham, etc. A. D. 798.).

'unum aratrum'. Such special circumstances do not seem to be found in our present charter. So the regular order here would be: 'aliquantulum terrae portionem juris mei'. Thus the formula used here is to be deemed irregular.

The next part of the text 'juxta mensuram scilicet' is utterly pleonastic and unnecessary in this period, which means inflatedness, because the directly succeeding 'x familiarum' ('of ten hides') only is enough to show the formal hidage in Genitive Plural, which was the practice in this period. Then, again, the word 'familia' presumably used in the sense of 'hide' is not usual. 'Cassatura', so Gen. Pl. 'cassatorum', or 'manens', so Gen. Pl. 'manentium', seem to be the most regular terms for 'hide' in the eighth century, and a charter seems to refer to those two terms synonymously—'in regione Cantia daret michi pro commutatione sepe præfati cenobi terram centum et decem manensium. Sexaginta cassatorum videlicet in loco qui dicitur Fleote. et triginta in loco qui dicitur Teneham, in tertio quoque loco ubi dicitur Cræges æuuelma. viginti.' ((Cynethryth) should give to me in exchange for the oft mentioned monastery land of a hundred and ten hides in the region of Kent: sixty hides, namely in the place which is called Fleet, and thirty hides in the place which is called Tenham, and in a third place which is called the source of Cray, twenty hides.), so '110 manensium' in Kent is equated to '(60+30+20=) 110 cassatorum' in Mercia or Wessex, although there may be some beneficial hidation hidden here.

On the other hand, 'familia' is the word used by Bede for 'hide', probably in the sense of 'terra unius familiae'<sup>(207)</sup>. It is not the term used frequently in charters of the eighth century. So the usage of this word may indicate a later century than the eighth. Bede would have been a great authority for a clerical scribe who has no eighth-century example of conventional charter words for 'hide'.

Then, the (6) Donee, Winchester Cathedral, is described, 'the church of God dedicated to Peter and Paul (in) Wentana civitas'. Now Peter and Paul are Apostles and usually called, in charters, '(ecclesia, or monasterium) beati Petri, apostoli', and/or 'beati Pauli apostoli', and/or 'apostolorum' and so the mentioning of their mere names bluntly is

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(207) Cf. Bosworth and Toller, *op. cit.* p. 535 'hid' for citation.

not conventional in charters of the early period, if in any at all. Charters are religious documents first of all, and no mere deeds of conveyance. So this way of mentioning them should be held irregular.

Now, the name-form of Winchester, 'civitas Wentana' is rather strange. Bede calls it '(ciuitas) Uenta, Uintancaestir', the Chronicle, 'Wintanceaster' (in 744); King Alfred calls it in his will (Bi 553, genuine) 'Wintanceaster' (the Latin translation of which renders it '(apud) Wyntoniam' (Bi 555), but through and from the English translation of the word 'at Wynchester' in Bi 554). So the writer of our charter, Bi 179, might have depended upon Bede again, though not very accurately here.

Then the (7) *verbe dispositiva* 'I dedicate hereditarily and perpetually' is a later developed wording and out of place here in the earlier eighth century. Next comes an imperfect form of the 'No Violation by me' formula, i. e., 'I myself' is lacking, but 'none of my successors' only. And here too, the wording 'the portion of land itself' is referred to, and so the dispositive wording continues: 'in such a way that none of my successors shall ever dare, full of boldness, to deprive the church of God of the portion of land itself'—a rather inflated expression.

The (8) Dating clause is peculiar, too: 'These things were done in the year of incarnation of the Lord 749'. The Plural Form is rare but exists in this period. 'These things', though, are rather grandiose for one single gift of ten hides. The (9) Confirmation wording which follows it is: "And in order that the bountifulness of the aforesaid grant of mine might be more firmly strengthened, we [the Regnal 'we'] have ordered proper witnesses and assentors to subscribe and confirm the privilege of the aforesaid possession." The inflated pompousness of this passage can deceive no one: it is a far later wording than any mid-eighth-century one. The added (10) Attestation wording even is inflated, though it is a short wording: "whose names and personages are denoted below".

But here intrudes in our text, i. e., before the (11) Witness-list, a long (12) Boundary clause in the vernacular, seven lines in Birch's printed text. And since the main text contains such later wording and features, we can hardly expect that such a boundary clause should be written at any time around the mid-eighth century as the example of the earliest vernacular boundary clause. So the writer of this charter must have

fetched it from some later charter. We have to look far and into the tenth century, but, as a matter of fact, we indeed find the same, or virtually identical, boundary clause in Bi 628, Confirmation by King Edward to Friðestan, Bishop of Winchester, of land at (Kings) clere, co. Hants. *about* A. D. 909 (dubious). We quote it<sup>(208)</sup>: —

Ærest on Hildan hléwe; on hunig weg; andlang weges on Bregeswiðestán; of ðám stáne on sceapwescan; andlang sceapwæscan on aleburnan; andlang aleburnan on beueres bróces heáfod; swá on coferan treów; ðanon on ða brádan ác; ðæt on stuteres hylle niðewearde; swá onweard feld; ðanon on wiðiggráfas; ðet on scirdél; swá on cýpmanna délle; andlang weges eft on Hildan hlæw.

Now, the above boundary clause has an introducing words just before it in Latin, which, by the way, is customary in our charters: “His limitibus hoc rus circumdatur”. Such an introducing words, however, do *not* exist in our text of Bi 179, i. e., Add. MS. 15, 350. Not here, but does exist indeed *after* the Witness-list. (Kemble moved it in front of the Boundary clause in his edition.) And these introducing words are in Latin: “his limitibus praedictum rus circumuallatur”, being put after the Witness-list, which is also in Latin.

We could think that Kemble is right in doing that. But that cannot explain why the misplacing of the introducing words took place, except perhaps that everything can happen in copying charter texts. On the other hand, we could think that the introducing words, in its present textual position, was originally there, and was once followed by some short boundary clause in Latin as would be fit in this period. We cannot, however, think then why the whole Boundary clause, the introduction with the short description had to come after the Witness-list. This would be unusual. Besides, in that case, the original short Boundary clause had to be replaced with the long Boundary clause fetched from some far later charter. But then it would be beyond us why the long vernacular Boundary clause was inserted in front of the Witness-list

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(208) The following text is printed from Kemble MXCV for the same reason as is mentioned in *supra* notes (200) and (199).



and not after the original? introducing words situated after the Witness-list. Or perhaps the fetcher tried to incorporate his snatched boundary clause into the body of the charter itself so that it might not betray itself. Perhaps. But, considering the later features we found in the above, there is a good chance that this snatcher be the body snatcher himself, i. e., the whole body of Bi 179 might then have been snatched from every possible quarter, piece by piece in our case, artificially.

Now, the (11) Witness-list corresponds to the last part of the Latin text 'infra notantur'. First, King Cuthred attests: "I, King Cuthred confirming have strengthened the bountifulness of my own donation by the sign of the Cross of Christ." The wording is pompous, but is possible in this period. The last word 'crucis Christi', however, is not conventional. Then, Hunfrið, bishop of Winchester (744—749×754) testifies. "I, Hunfrið, by the grace of God bishop, canonically assenting have subscribed." 'By the grace of God' is rightly put before the 'bishop'.

The rest of the witnesses use the traditional formula 'Signum manus'. First appears 'Æthilheardi économi (church warden?) atque abbatis'. So he cannot be King Æthelheard (726—739×740), the predecessor of King Cuthred (740—756), although they are deemed to be kinsmen. This Æthilheard appears in a dubious charter, Bi 170 (A. D. 745) as '(Signum manus) Athelheardi', also in a spurious Ine charter, Bi 102 (A. D. 701), as '(Signum manus) Æthelheardi', though *not* found in the Witness-list of a genuine Kinewulf charter, Bi 186 (A. D. 759). Is it possible that the writer of this charter put him in here because of the kinsmanship? The name Æthelheard, on the other hand, is not rare. The next witness, 'Cynibald, abbot' is found in Bi 180 (Grant by King Cuthred, A. D. 749, doubtful), as '(Ego) Cynibaldus abbas (concessi)'.

Then, the next witness, 'Cynric' is a problem. He is said here to be of noble lineage. Florence of Worcester and Henry of Huntingdon knew of him. And the Chronicle calls him 'aetheling', so he might be a son of King Cuthred, but he died in 748, so obviously cannot be a witness of our charter of 749. Our last witness, 'Ædilfrid præfectus' is otherwise unknown. Thus, the contents of the Witness-list cannot be held too good.

The evaluation of this charter is not easy, really. At first sight, it

looks genuine enough, since there are found ancient formulae and the whole text is comparatively short except for the Boundary clause which may be an interpolation. After examining more in detail, there appear several irregular features here and there both in forms and in contents, including the flagrantly later Boundary clause, from the beginning to the end. The early spelling like Æthilfrid—the ‘i’ in the second, un-stessed syllable—is a strong argument for its genuineness. It is curious, nevertheless, that the two personages who carry these names ‘Æthilfrid’ and ‘Æthilheald’ are among the obscure people in the Witness-list.

All things being taken into account, therefore, we have to consider that our charter, B. 179, to be, ‘doubtful’, although there may be some scholar who might just consider that this is a genuine charter badly copied and transferred to us in the present form. But actually it is *not* badly copied—it keeps the above-mentioned ‘i’ in personal names; so the whole thing is not so much ill-copied as ill-synthesized, which indicates unnaturalness.

Our next charter, of the same king and year, is of the same kind: Bi 180:—

180. *Grant by King Cuthred to Winchester Cathedral, of land at Druhham, or Druhtham, co. Hants. A. D. 749.*

DONUM REGIS CUTHREDI WENTANAE ECCLESIAE DE DRUHTHAM.<sup>(209)</sup>

✠ REGNANTE in perpetuum omnipotente deo! Ego Cuð-redus rex de terra iuris mei aliquantulam portionem, iuxta mensuram scilicet. VII. familiarum, aecclesiae dei Petro et Paulo dicatae ciuitate Wentana haereditarie perpetualiter impendo. v. uidelicet mansas æt Ðruhham et. I. æt Eppelhyrste et. I. æt Hwitanleage, ita ut nullus successorum meorum ipsius terrae portionem ab aecclesia dei nunquam praesumptuosus auferat. Et haec acta sunt anno ab incarnatione domini. DCC. XLIX. et ut firmius supradictae donationis meae munificentia

(209) The text that follows is printed from Kemble MVII. Cf. *supra* notes (200) and (199).

roboretur testes idoneos et adstipulatores ad subscribendum confirmandumque praedictae possessionis privilegium adsciuimus quorum nomina et personae infra notantur.

✠ Ego Cuðredus rex propriae donationis meae munificentiam signo crucis Christi confirmans roboravi. ✠ Ego Hunfridus dei gratia episcopus canonicè consentiens subscripsi.

✠ Ego Cynibaldus abbas concessi.

The (1) Heading in capitals is probably later—the place-name ‘Ðruhham’ (DB Tru(c)ham) is changed to its later form ‘Ðruhtham’. Kemble dropped it from his text. The (2) Invocation has the same irregularity as that found in the previous charter Bi 179, i. e., the Regnante formula here has the last words ‘omnipotente Deo’, instead of the regular ‘(domino nostro) Jhesu Christo’. The name and (3) Royal title after ‘Ego’ is the same as that in Bi 179. The (4) Identification of what is to be granted shares the same slightly irregular formula, including the denomination of ‘hide’ as ‘familia’, —7 hides here—and the (5) Donee is called here more shortly than there: just ‘to the church of God dedicated to Peter and Paul’ in the same unreligious way, though. ‘In Winchester’ has the same Latinized form as in Bi 179.

The (6) *verba dispositiva* have the same later developed form ‘I hereditarily and perpetually dedicate’ as is found in Bi 179. Then, the (7) Hidage is now explained in better words than in Bi 179, so ‘i. e., 5 hides (mansas) at Ðruhham and 1 (emended by Kemble from MS. L) at Eppelhyrste and 1 (emended by Kemble from MS. L) at Hwitanleage. The (8) ‘No Violation by me’ formula is identical with that in Bi 179. The (9) Dating clause is identical with that in Bi 179, even in Plural Forms—though, in this charter, the land to be granted is more minutely explained and described. The (10) Confirmation clause is identical with that in Bi 179. The wording of the order to the ‘witnesses and assentors’ to strengthen, subscribe and confirm the grant of the ‘king’s bountifulness’ and of the recording underneath their ‘names and personages’, is identical with that in Bi 179.

There is no (11) Boundary clause, nor its introducing words in Latin, in this charter. The (12) Witness-list is shorter than that in Bi 179. Only three witnesses, all of whom are in Bi 179. First the king’s attestation

has the wording identical with that in Bi 179. Second, Bishop Hunfrid's wording is identical with that found in Bi 179. Third, and last, Abbot Cynibald attests in different wording from his attestation wording in Bi 179— 'I, Abbot Cynibald, have conceded (!)'.

Although this charter is less flagrant than Bi 179, the essential diplomatic characteristics are the same as those of Bi 179, and so we consider this charter, Bi 180, to be 'doubtful'.

Our next charter is very much different, Bi 181 :—

181. *Grant by Æthilbald, King of the Mercians, to Eanberht, Abbot, of land in Toccan sceaga, ? Tickenhurst, co. Kent. A. D. 755×757.*

……[d]ubitanter conuenit de his q……[c]ommunicando tribuere. m……ibus tanto plura cotidie……os f……e ceter……a Deo constat accepisse.

[Quapro]pter ego ÆTHILBALD rex non solum Mercensium. sed etiam in circuitu populorum quibus me divina dispensatio sine meritorum suffragio præesse voluit venerabili seruo Dei EANBERHTTÆ abbati agrum. X. cassatorum in dominium Christi æcclesiæ pro redemptione animæ meæ. et pro expiatione facinorum meorum libenter concedens largior. est autem terra illa juxta silvam quam dicunt TOCCAN SCEAGA. habens in proximo tumulum qui habet nomen READA BEORG. quem etiam agrum cum silvis et prateis et omnibus ad eum pertinentibus commodis supranominato seruo Dei. benigno animo concedo, si quis vero hanc donationem violare temptaverit. sciat se in tremendo examine totius mundi Deo uniuersorum iudici terribiliter rationem redditurum.

✠ Ego Æthilbald rex propriam donationem pro Christo factam signo sacratissimæ crucis firmabo.

✠ Ego Cynulf rex Uuest Saxorum consensiens et subscribo.

✠ Manus Hereuualdi episcopi.

✠ Manus Milredi episcopi.

- ✠ Manus Cyneheardi episcopi.
- ✠ Manus Forthere.
- ✠ Manus Heardberhti.
- ✠ Manus Eadbaldi.
- ✠ Manus Eadan.
- ✠ Manus Uuadan.
- ✠ Manus Ealhmundi.
- ✠ Manus Cuutfferthi.
- ✠ Manus Ecgfrithi.
- ✠ Manus Scillingis.
- ✠ Manus Æt`h`elricis.
- ✠ Manus Eoppan.
- ✠ Manus Uuigferthi.
- ✠ Manus Ealhferthi.
- ✠ Manus Ceardici.
- ✠ Manus .Tyccæan abbatis.
- ✠ Manus Herecan. abbatis.
- ✠ Manus Cyneberhti. abbatis.
- ✠ Manus Bægloci. [a]bbatis.
- ✠ Manus .Ecggan. [a]bbatis.

*Endorsed* "Reada beorg".

[A.] Original charter in British  
Museum; Cott. Charter, viii,  
3.

Brit. Mus., Facsimiles, iv, 3.  
[K.] Kemble, *Cod. Dipl.* No. c;  
from [A.]

There once was a (1) Proem, but the larger part of the MS. (early tenth century according to W. H. Stevenson) is damaged around here as shown above, and it is hard from the several fragments left over to reconstruct the whole. The (2) king's name-form is good, keeping the earlier 'i' in the second, unstressed syllable.

The (3) Royal title "the king not only of the Mercian people, but also of the surrounding peoples, whom the divine decision has wanted me, without the judgment of merits, to govern" is a pompous and grandiose title, but Æthilbald already once used a similar title in Bi 154

(A. D. 736, genuine 'original', (nearly contemporary?))—(I. Æthilbalt, the Lord granting, the king not only of the Mercian people, but also of all the provinces which are called by the general name 'South-English'.  
(210)

Later, Offa used a similar formula: '(Ego Offa) Dei gratia concedente rex Mercensium simulque in circuitu nationum' (Bi 236, Grant by Offa, King of the Mercians, to the Monastery of Breodon (Worcester, of land at Teottingtun, or Teddington, co. Worcester. 22nd September, A. D. 780, genuine)—by the way, Bi 235 (Grant by Offa, King of the Mercians, to the see of Worcester, etc. 22nd September, A. D. 780) has also the wording 'rex Merciorum simulque in circuitu nationum,' but this charter, Bi 235, is to be considered a forgery made on the base of Bi 236.

Thus, such a grandiose Royal title was made in accordance with the historical facts, thus reflecting the gradual development of the supremacy of the Mercian power, in other words, coined up for that very purpose.

The (4) Donee is called in the Third Person, 'the venerable servant of God, Abbot Eanberht', and the Christ's Church, very naturally. The (5) Description of what is to be granted is the regular 'the field of ten hides in the ownership (of Christ's Church)'. Then The (6) Motive of grant is 'for the redemption of my soul, and for the atonement of my crimes', an apt formulae for the mid-eighth century.

The (7) *verba dispositiva* are 'gladly conceding grant' which are concise and good for the period. Then, The (8) Identification of the land is "that land indeed is near the wood which they call 'Tocca's woodland with bushes and small trees'", so near Tockenhan, Wiltshire. The description continues: "having in its proximity a mound which has the name 'Reada beorg', which farmland, too, together with woods and meadows and all the useful things pertaining to it"—the old 'omnibus pertinentibus' formula appears here most properly. Then, a second (6a) *verba dispositiva* appear, probably because the Description of what is to be granted has become so long—"I with benignant mind concede to the above-named servant of God."

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(210) Cf. *supra* text at note (183).

The (9) Sanction is not too long, with proper words and phrases of the mid-eighth century—"If indeed anyone should have attempted to injure this donation, he is to know that he himself is to render account in a dreadful way, in a terrible examination, to God of all the world the judge of the universes." The context here is rather straightforward, too.

The (10) Witness-list is long. First, the king attests: "I, king Æthilbald [716—757], will confirm my own donation made for Christ by the sign of the most sacred Cross." The Future Tense here used has precedent, as we saw before. The 'Christ' here might mean 'Christ's Church'? Anyway, the wording is simple and to the purpose. Next, Cynulf, King of Wessex [757—781], 'will consenting subscribe' probably as an underking, and because of the site of the land of donation (in Wessex).

The third witness just writes, 'The hand of Bishop Hereuuald [Sherborne, 736—766×778]. Thereafter, all the witnesses use this form 'Manus *N*'. The fourth is Bishop Mil[d]red [Worcester, 743×745—775? 774]. The fifth is Bishop Cyneheard [Winchester, 754—759×778]. Now, the sixth is Forthere, the former bishop of Sherborne, but he resigned in 737, so must be alive at this time without the title of the bishop. The seventh must be the king's brother 'Heardberht' whom we saw in the above in Bi 157 (Grant by Æthilbald, A. D. 723×737, genuine) as '(Ego) Heardberht frater regis (subscripsi)' and also in Bi 154 (Grant by Æthilbald, A. D. 736, genuine 'original') as '(Ego) Heardberht frater atque dux præfati regis (consensi et subscripsi)'.

Of the rest of the witnesses, the last five are abbots, of which three are known. Abbot 'Tyccæa' is Abbot of Glastonbury. Abbot 'Hereca' is Abbot of Malmesbury. Abbot 'Cyneberht' appears in Bi 177 (Remission by Æthilbald, king of the Mercians, A. D. 748, probably genuine), as '(Signum manus) Kyniberti'. The remaining names are untitled, but 'Eoppan' appears in the same charter Bi 177, as '(Signum) Eoppani', and appears in Bi 200 (Grant by Cynewlf, King of the Saxons or Gewisi, to St. Andrew's Monastery, Wells etc. A. D. 766, genuine), as '(Signum manus) Eopfan pr[æ]sbit[er]', so probably is a priest in Wessex? But we shall see. 'Ealhmund' appears in Bi 177, as '(Signum) Ealhmundi', and that is all. From the West Saxon side, appears first, 'Scilling' who appears in Bi 186 (Confirmation by Cynheard, Bishop (of Winchester) and Kinewlf, King of the West Saxons, of a Grant by

Coinred, A. D. 759), as 'Scilling presbter✠', and in Bi 200, the aforesaid West Saxon charter, as '(Signum manus) Scillinges pr[esbiteri]'. Then, 'Æthelric', who appears in Bi 200, as '(Signum manus) Edelrices pr[esbiteri]'. Third, 'Uuingferth' appears in Bi 200, as '(Signum manus) Wigferd pr[esbiteri]'. Then, 'Ceardic' appears in Bi 186, as 'Cerdic presbiter', in Bi 200, as 'Signum manus Ceardicis pr[esbiteri]'.

Here we become suddenly aware that all those West Saxon witnesses are priests (or Elders), which fact is rather singular on second thought. It is true that Bi 186 has the 'Schilling presbiter' and 'Cerdic presbiter', and Bi 186 is a good copy of a genuine charter, still it is contained in the fourteenth-century cartulary of Shaftesbury Abbey. Some such error as the wrong extention of *p̄r* (originally 'praefectus') into 'presbiter' is not unthinkable. And, indeed., in the case of 'Schilling', we seem to find him in the Witness-list of Bi 225 (Grant by Cynewulf, King of the Saxons, to Bica, Earl, of land at Bedewinde, or Bedwyn, co. Wilts, A. D. 778, genuine 'original'). Now, topmost among those witnesses bearing the title 'prefectus' is found 'Signum manus Scillinges.....fecti.' Unfortunately, the MS. is damaged around here—the next name, e. g., is 'Signum names Ham.....prefecti', then the four following names, all bear the title 'prefecti' after their names—the last one '.....ferdes (perfecti)' might be 'Wigferdes'. Thus, it should surprise no one to consider that 'Scilling', etc. are here recorded as 'praefectus'.

Anyway, the wrong extention theory would be easier to accept if we take into consideration the fact that our Witness-list of Bi 181 starts with kings, bishops, an ex-bishop and the king's brother, and then those witnesses without titles—about half Mercian, about half West Saxon—, a dozen of them, follow until the five abbots appear on the stage, so to say. As the order of appearance in this Witness-list stands, and that rather orderly, twelve *priests* can hardly represent the Mercians and the West Saxons, and those priests also can hardly appear before the abbots on the stage in *this* order. Thus we think we should consider those untitled witnesses to be really king's reeves (or ealdormen, at least some of them), the higher of the local officials of both countries, Mercia and Essex, the apt representatives of both the countries.

The endorsed "Reada beorg" is perhaps the archive mark.



There is no (11) Dating clause, but in view of the periods of office of the two kings, Æthilbald and Cynulf, it must be 757 in spite of Birch.

Now that we have perused the text, we can say that there is nothing improper or wrong at all in the main text, but we see, on the contrary, very apt or ancient formula or wording everywhere. The Witness-list, although long, is impeccable, too. Therefore, there is nothing to make us hesitate to consider this our charter, Bi 181, to be 'genuine', in spite of the fact that it is a very late copy.

This charter is not found in the list of H. P. R. Finberg.

Our next charter is promising too, Bi 182:—

182. *Grant by Æthelbald, King of the Mercians, to Withred and Ansith, of land at Geddinges, or? Yeading, co. Middlesex.*

In nomine domini nostri Jhesu Christi.

Nichil intulimus in hunc mundum sed nec auferre quid possumus. Ideo præmia æternæ patriæ nobis caducis cœlestia momentaneis manentia sunt mercanda.

Accirco ego ÆTHELBALDUS rex Merciorum domino dispensante comite meo WITHREDO conjugique ejus ANSITHE terram. VII<sup>tem</sup>. manencium in provincia Midelsexorum<sup>2</sup>. in regione quæ dicitur GEDDINGES in australi atque in occidente habens torrentem cujus vocabulum FICESBURNE<sup>3</sup>. et in aquilonale ulterius quam via pub-

<sup>1</sup> Secggan, K.

<sup>2</sup> Midd., K.

<sup>3</sup> Fischesb., K.

lica jacet. duorum juverum latitudine in oriente in aquam<sup>1</sup> quæ anglorum lingua Lake nominatur habens. quæ est duarum quæ ibi sunt. ulterior usque dum illam accipient sulcesque precedunt. Insuper memoratam aquam. id est Fissesburnam<sup>2</sup> ea ratione prorogans dono ut sit æcclesiastice juris potestate subdita in per [pet]uum nunquam ego ullusque<sup>3</sup> successorum

meorum contra hanc donacionis descriptionem venire temptaverit.

Quod si quis hoc præsumserit. noverit se in districto examine domino rationem reddendam insuper cum raptoribus insolubilem subire sententiam.

[A.] MS. Cott, Ang. II. 32 (xiith century copy).

[K.] *Kemblo Cod. Dipl.*, No. c1; from [A.]

<sup>1</sup> Jugerum lat. in or vero aquam, K.    <sup>2</sup> Fischesb., K.    <sup>3</sup> Null., K.

The (1) Invocation is the 'In nomine domin' type in its shorter, eighth-century form, and is good. The (2) Proem is: "Nothing have we brought in this world, nor can we take out anything. Therefore, the privileges of eternal kingdom, divine [and] permanent, should be purchased for us by what are transitory [and] momentary." This is a frequently used idea and wording dispersed in the eighth-century charters. E. g., the same wording as the first part above we already saw in the Proem of Bi 164 (Grant by Æthilbald, A. D. 716×743, probably genuine). The same wording, and also a shorter version of the latter part, i. e., the same idea as the above one, we see in Bi 206 (Grant by Osmund, King of the South Saxons, to the church of St. Peter, of land at Hanefeld, or Henfield, co. Sussex. A. D. 770, probably genuine)—'et ideo cum terrenis et caducis aeterna præmia mercanda sunt'. So this Proem is all right as an eighth-century one.

The (3) Royal title after the 'ego' is not entirely good, because the 'domino dispensante' comes after, not before, 'rex Merciorum.' The regular order, as we saw in Bi 165, is 'Deo dispensante rex Mercensium' or, again, 'Domine donante rex non solum' etc. (Bi 154), also 'divina dispensante gratia Mercensium rex' (Bi 139). So our formula here is irregular.

The (4) Donee is called in the Third Person, 'to my companion Wihtred and his consort Ansith', Then the (5) Identification and Description of what is to be granted duly appears, 'the land of 7 hides in the province of Middlesex (people), in the district which is called Geddinges [*from* 'Gyddingas', (Gydda's people)?]'—here starts the

(6) Boundary clause “having in the south and also in the west the torrent whose name [is] Ficesburne, and in the north, farther than the public way it lies long to the extent of two ‘jugum’, in the east, having (in) the water which is named in the English language ‘Lake’, that is two of those that are there, on the farther side all the way as long as that, and they will get the furrows and lead the way from above the celebrated water, i. e., Fissesburna”.

So the Boundary clause has now become a sort of the (7) Dispositive words, i. e., instead of ‘I will grant’, here is “they [the donees] will get these furrows and more, from above the celebrated water, that is, Fissesburna [Fishbourn?]. By this reckoning I enlarging grant that it be subject to the power of the ecclesiastical law for ever.”—a very apt expression representing the ancient ‘jus ecclesiasticum’ formula such as ‘ecclesiastico jure concedo’ (Bi 35, Grant by Osuuini, King of Kent, A. D. 675), or ‘in jus monasteriale (constat esse)’ (Bi 36, Grant by Hloðthari, King of Kent, A. D. 675, genuine). So both the Boundary clause, limited to the description of the four sides only and described by the ancient method by means of water near by, all in Latin, and the *verba dispositiva* ‘enlarging grant’ accompanied with the above archaic formula concerning the (8) Statement of right, are good.

Then comes the (9) ‘No Violation by me’ formula in its perfect wording: “Never will I, nor any successors of mine have attempted to contravene this description [i. e., charter] of donation.” So simply and regularly indeed.

The (10) Sanction is: “If indeed anyone will have dared this, he is to know that he himself be to render account in a severe examination to the Lord, besides submitting to the irrefutable sentence together with plunderers”. This is slightly turgid because of the last part, i. e., the part after ‘insuper’, which might be a later addition, or retouchment—after all, this whole text of Bi 182 is found as a twelfth-century copy.

There is no Witness-list found in our text.

Now, taking everything into consideration, we consider our charter, Bi 182, to be ‘(probably) genuine’, even though it may be somewhat retouched.

This charter is not found in H. P. R. Finsberg’s list.

Our next charter is different; Bi 183:—

183. *Grant by Eanberht, Regulus of the Huiccii, and his brothers Uhtred and Aldred, to Milred, Bishop of Worcester, of land at Tredingcetun, or Tredinc tun, co. Worcester, C. A. D. 757.*

TREDINC TUN.

✠ Regnante inperpetuum domino Deo Sabaoth.

Dum<sup>4</sup> certum constat omnibus orthodoxis ac catholicis viris quod istius volubilis vitæ transitoria videlicet tempora momentaneis cursibus termino adpropinquare. Et inrevocabiles esse jam præteriti dies, necnon annorum curricula cum suis mensibus in priorem statum numquam reverti a nullo credentium dubitatur. et cætera quæ restant subsequencia nullam facere moram festinando ad finem pro certo noscuntur.

Idcirco ego EANBERHTUS Deo prædistanante<sup>4</sup> regulus propriæ gentis Huicciorum simulque germani mei mecum UHTREDUS videlicet<sup>5</sup> et ALDREDUS eadem vocabuli dignitate et imperio fungentes his<sup>6</sup> ante dictis manifestissimis causis instructi quatinus cum istis sæcularibus rebus quæ citius transire constant. æterna paradisi præmia quæ sempiterna esse scimus lucrare<sup>7</sup> valeamus aliquam agelli portionem pro remedio animæ nostræ. MILREDO venerando antistite<sup>8</sup> ad sedem pontificalem et ad æcclesiam beatissimi apostolorum principis sancti<sup>9</sup> Petri ubi corpora parentum<sup>(221)</sup> nostrorum quiescunt

<sup>4</sup> Dum certum.....prædistanante, A.; Cujus concedente clementia ego Eanberht, B. <sup>5</sup> Videlicet, omitted, B. <sup>6</sup> His ante.....valeamus, omitted, B. <sup>7</sup> Lucrari, K. <sup>8</sup> Antistiti B. <sup>9</sup> Sancti, omitted, B.

quæ in UUEGERNENSI<sup>1</sup> civitate fundata<sup>2</sup> est ter dena<sup>3</sup> cassatos

- (221) From the next passage on the copying and printing of Birch's texts are going to be done by the present author himself by means of a handy copying machine he has recently obtained. Due to his physical weakness, however, the results may not be going to be as good as could be wished. The unnatural italicization might become one of the defects and he asks for the indulgence of the reader just in case.

id est vicum qui nuncupatur TREDINGCTUN<sup>4</sup>. in duabus<sup>5</sup> locis. in altero quater sena<sup>6</sup>, in altero bis terna<sup>7</sup>. juxta fluvium qui dicitur Stuur<sup>8</sup>. Isdem<sup>9</sup> terminibus adjacentibus quibus Tyrdda<sup>10</sup> comes antea tenebat libentissime<sup>11</sup> in commune largiti sumus. ut semper seu nobis viventibus seu in Christo dormientibus digna remuneratio in sanctarum orationum cum missarum sacris celebrationibus ab eadem æcclesia die noctuque Deo patrocianti fideliter reddatur.

Si quis vero quod absit hanc munificentiam nostram<sup>12</sup> pro<sup>13</sup> Deo omnipotente concessam plurimorumque consilio corroboratam quorum infra nomina ponuntur. avaritiæ estibus succensus et diabolica<sup>14</sup> præsumptione incitatus infeliciter inritam facere præsumat. sciat se ab æterna requie separatam et cum Juda impio traditore<sup>15</sup> æternis dampnationum legibus mancipatum. Si quis vero augendo multiplicare voluerit Christi instinctus<sup>16</sup> amore augeat Deus partem illius in remuneratione justorum ubi animæ sanctorum fulgent in gloria. His hinc inde subscriptis terminis præfata certissime circumgiratur tellus<sup>17</sup>.

- ✠ Ego Eanberht hanc nostram communem donationem pro ampliori firmitate signum sanctissimæ crucis libens aravi.
- ✠ Ego Uhtred ante præscriptam donationem nostram confirmans subscribo et vexillum crucis prætitulavi.
- ✠ Ego Aldred majorum meorum corroboratus exemplis almæ crucis vexillum inposui.
- ✠ Ego Milred gratia Dei episcopus his prædictis<sup>18</sup> rebus canonicè consensi et signum venerabile inpressi.
- ✠ Ego Offa nondum regno Mercionum a domino accepto puer indolis in provincia Huicciorum constitutus huic donationi eorum consensi et signum honorabile beatæ crucis conscripsi.
- ✠ Ego Totta Dei diffinitione antistes hanc prænotatam munificentiam consensi et subscripsi.
- ✠ Ego Hemele Dei gratia præsul æcclesiastice consensi et signum salutiferæ crucis prænotavi.

- ✠ Signum manus Heardberhti præfecti.  
Signum manus Aldberhti þ<sup>1</sup>
- ✠ Signum manus Tiluuini abbatis.  
Signum manus Cusan abbatis.  
Signum manus Headdan presbyteri.
- ✠ Signum Ealdbaldi. præfecti.  
Signum Eatan. þ<sup>1</sup>  
Signum Cecces.  
Signum Dunnes.
- ✠ Signum Brogan.  
Signum Pendheres
- ✠ Signum Uuales þ<sup>1</sup>
- ✠ Signum Beornhardus præfectus<sup>2</sup>

This syndan tha landgemæru to Tredingctune. Of Sture on tha stan scale thonne be ðan heafdan the on tha dunes ende ondlong dunes tha on scire mere of sciran mere tha on Brocnanbyrh of Brocnanbyrh on tha reðig ondlong riðiges on morseað of morseaðe on Siðryðe wellan of Siðryðe wellan on rydmædwān ufewarde of reodmædwān on haran stan of haran stane on tha langan dic oudlong dice tha on thone pyt of tham pytte tha on reodwellan of reodwellan tha on thone ofer ondlong ofres tha on Stanford of Stanforda ondlonges thære lace of thære lace suð be ðam heafdon tha on rahweg tha ondlong rahweges on rahdene tha thonne on Wadbeorgas of Wadbeorgan tha on thone rycweg of rycwege on hwæte dune of hwæte dune on thone stapol of thæm stapole on tha mærdic ondlong dices tha on Stures stream.

[A.] MS. Cott., Tiberius A. xiii. f.

16.

[B.] MS. Cott., Nero E. i. f. 389b.

[K.] Kemble, *Cod. Dipl.*, No. CII;

from [A. B.]. Boundaries in

vol. iii. p. 378.

<sup>1</sup> Weogornensi, B.    <sup>2</sup> Sita, B.    <sup>3</sup> Terdenos. K., xxx<sup>u</sup>. B.    <sup>4</sup> Tredingctun. B. K.    <sup>5</sup> Duobus, B.; duo, K.    <sup>6</sup> xxiiii., B.; senos, K.    <sup>7</sup> vi., B.; ternos, K.    <sup>8</sup> Sture, B.    <sup>9</sup> Hisdem, B.    <sup>10</sup> Tyrda, B.    <sup>11</sup> Lib., omitted, B.    <sup>12</sup> Hane nos, q. a. mun., B.    <sup>13</sup> Pro, omitted, B.    <sup>14</sup> Demo-

nica, B. <sup>15</sup> Proditore, B. <sup>16</sup> B. ends here abruptly at the end of the page.  
<sup>17</sup> The boundaries have been omitted here, but entered after the subscriptions, A. <sup>18</sup> Prædicatis, originally, but *a* expuncted, A.

<sup>1</sup> Praefecti, K.    <sup>2</sup> Beornhardi præfecti, K.

You see that this is a long charter. The (1) Invocation is, as we saw before, irregular as an eighth-century formula, because it has 'Deo Sabaoth' instead of 'Jhesu Christo'. The present formula is a ninth-century one, found, e. g., in a genuine charter Bi 421 (Council of Kingston, Recovery by Archbishop Ceolnoth of lands at Malling, co. Sussex, for Christ Church, Canterbury. A. D. 838, with later additions) : 'Regnante in perpetuum domino Deo nostro sabaoth.' This formula in our charter is, therefore, too early in the mid-eighth century.

The (2) Proem runs—"Since it is agreed as settled by all authodox and catholic men that his rolling life's passages, manifestly the times, approach the limit by momentary passings. And that the days now past and gone are irrevocable, and indeed that the courses of years with their months never return to the former state, is doubted by none of the believers; and those other things which resist consequences do not cause any delay, [but] are known, for a certainty, hastening to an end." Its wording is rather loose and verbose; its contents are inflated, and not too much sense is in them really, but full of easy ideas, not to speak of rather adulterated religious feeling.

The first half of the Proem is better. For, fortunately, we have a similar wording near by: Bi 200 (Grant by Cynewlph, King of the Saxons or Gewisi, to St. Andrew's Monastery, Wells, of land on the River Weluue. A. D. 766, genuine); its Proem wording starts thus: "Cun constet omnibus catholicis et recte credentibus in domino quod tempora hujus temporalis vitæ longe lateque per orbem incertis ac diversis causis quotidie transeunt, necnon homines subitanea ægritudine præventi, statim vitam finiendo deserunt, simulque omnia fugitiva amittunt (Since it is agreed by all the catholics and true believers in the Lord, that the times of this temporal life vastly and extensively throughout the orbit [*or* world] pass away every day by uncertain and different causes, and besides, men, surpassed by sudden sickness, instantly abandon by finishing his life, and, simultaneously, let go all transitory

things)”).

Now this passage can really be taken to be an apt explanation of that volatile and enigmatic first part of our Proem of Bi 183. *This* as a matter of fact, is a vivid expression of what are loosely and vaguely hinted at in the latter. And so I suspect that the latter (in our Proem of Bi 183) indeed is a very much corrupt sentence copied from some such original as the passage just quoted above. The scribe, then, must have picked up what he understood vaguely here and there and joined them together. Thus the first part of our Proem.

The second and last part of our Proem is a longish repetition of, say, “what are past and gone are so once for all”. This would have been fine if all that be connected with the benefit and salvation by God. But there is nothing of the sort. Just the transitory life is explained without any Saviour. So this part must be lacking something most important for a religious proem, and so imperfect as it stands. Thus this passage, too, may have been fetched from somewhere—some later sources containing such a logical reasoning in detail and concerning some such matter, say, as would fit for preaching. So, our Proem of Bi 183 is not good.

Then, after ‘Therefore I’, the (3) Royal title of this Hiwiccean king is rather peculiar—‘God foreordaining, the under-king of my own tribe of the Hiwicce’. Now, why ‘the ordaining beforehand’ should come in here in the case of an under-king is something difficult to understand. Could it be that the writer of this charter tried to establish the position of the under-king by the earlier nature of his Kingdom in front of the great Offa, King of the Mercians? The whole thing then would look artificial? Offa would not have liked this very much, if this part was originally there, for instance.