

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

BEING

A SEPARATE VOLUME OF 'ESSAYS IN
ANGLO-SAXON LAW AND HISTORY'
(2 Vols, 1989–1995)

By

HIROSHI HAYASHI, LL. B.
Professor of Western Legal History in Gakushuin
University; Sometime Research Student of
Fizwilliam House, Cambridge University

(under instructions from the late)
(PROFESSOR D. WHITELOCK)



So we can see that the earlier—actually the earliest in so far as we know of—words of the exceptions of 'trimoda necessitas' are rather vague and has a, so to say, 'taken for granted' form, which is another corroboration of Stevenson's theory that 'The absence from the early charters of the three great burdens may be explained' in this way that their immunities and their limitations were so well-known by common law or ecclesiastical law that it was not necessary to mention them'. (Trin. Nec. p. 699). He adds that such an explanation 'might be covered by the *ius ecclesiasticum* and the like definitions of tenure in the early charters'. (*ibidem*). This I consider to be a great and remarkable observation from the diplomatic point of view. For, indeed, we saw in the above that a number of early charters contain the very sort of phrases that he mentions in the passage just quoted above: 'ecclesiastico jure concedo' (Bi 35, a. 690, Oswini, King of Kent); 'in jus monasteri-

ale constat esse largitum' (Bi 36, a. 674, Hloðhari, King of Kent); 'monasteriali servituti subjeci' (Bi 40, a. 688×690, Oswini, King of Kent)—a very primitive wording; 'monasteriali potestati atque regulariter viventibus subjecerem' (Bi 41, c. 690, Swabert, King of Kent); 'Jure æcclesiastico ac monasteriali……perdonamus' (Bi 42, a. 676, Swæbhard, King of Kent).

So, what W. H. Stevenson so ably demonstrated amounts, from the formulary point of view, as I believe, to the following—(1) in the earliest charters there are no mention of either churches' immunities or their exceptions (the limitation by means of 'trimoda necessitas'), because all those were so well-known and taken for granted (Stevenson, Trin. Nec. p. 699); (2) when the immunity was explicitly mentioned for the first time in so far as we know of, the wording of the exception or limitation was added (Bi 148, a. 732), yet such a wording of the limitation was still vague and has, so to say, a 'taken for granted' form, as we saw just now; the latter wording, therefore, could even be dispensed with (Bi 248, a. 785), but then was to become gradually definite and took the form of the 'trimoda necessitas' type (Bi 293, a. 770, or Bi 274, *prob.* 793×5, an 'original', i.e., contemporary copy), although even after those dates there were charters 'without the exception and in some cases without the immunity clause' (Stevenson, Trin. Nec., at pp. 697f.); (3) the early idea of immunity can be expressed by exemptions from the royal dues or tributes (*ius regium*, or *tributum regale*) (Stevenson, *ibid.* 696.); (4) in the earliest charters, such words as *ius ecclesiasticum*, *ius monasteriale* represented those immunities from the royal dues etc. and their exceptions. (Stevenson, *ibid.* p. 699).

According to such achievements by Stevenson we can probably trace the formulary development concerning the immunities and their exceptions as follows, roughly chronologically: from (1) the 'ius ecclesiasticum' formula (7th century⁽¹³⁹⁾), and perhaps even the 'libera potestas' formula as found in Bi 81, *prob.* a. 685×7. (also 'libera licencia' in Bi 34, a. 673×5. Fritheuuald, Under-king of Surrey, *before* the words were changed to '(sint) liberæ ab omni jugo terrenæ

(139) A later use of the formula is found in Bi 163 (Æthelbald, King of the South Saxons, a. 716×743—the text, though not an accurate representation of an eighth-century text, is based on the 'original').

servitutis' etc. in Bi 33 by a later interpolator to make up an immunity clause), through (2) the 'ius regium' formula having the 'taken for granted' wording as found in Bi 148, a. 732., or the 'tributum regale' formula of Offa, still having similar vague wording (Bi 247, a. 785; Bi 248, a. 786), to (3) the regular immunity clause and the exception wording containing the 'trimoda necessitas', such as 'præter instructionibus pontium vel necessariis defensionibus arcium contra hostes', 'ut si aliquid nisi specialiter pretium pro pretio ad terminum ad penam nihil foras' (Bi 202, Uhtred, Regulus of the Hwicci, a. 767), or the very explicit 'preter expeditionalibus causis et pontium structorum et arcium munimentum quod omni populo necesse est, ab eo opere nullum excussatum esse' (Bi 274, King Offa, a. 793×5, an 'original', i.e., contemporary, copy). There are doubtless oscillations found here and there, but the general trend of the formulary development is to be clearly traced in accordance with what Stevenson demonstrated.

So, then, we are ready to come back to where we started from, the charter Bi 91 with its rather peculiar immunity wording interpolated. As we saw before, the particular wording *before* 'nisi' is the sort of ordinary immunity clause as found, e.g., in Bi 162 A, a. 742, 'tam in libertate secularium servitiis quamque etiam in omnibus causis majoribus minoribusque secreta permaneant' (*before* it was changed in the thirteenth-century text in order to include the 'trimoda necessitas' as exception from the immunity⁽¹⁴⁰⁾) or, in the still earlier form '(in possessionem juris ecclesiastici libertatisque tradidi ita ut etc.) ea tamen conditione in omnibus rebus donabo illi noti ignotis regis sive principis libera permaneant' (Bi 139, Æthelbald, King of the Mercians, a. 718)—here the existence of the older 'jus ecclesiasticum' formula enables the wording of the immunity yet very short enough. This latter wording is quite interesting because it reveals the process of transition of the immunity clause from the first (1) 'jus ecclesiasticum' type to the second (2) 'ius regium' type, being the mixture of the developed first type and of the still undeveloped second type.

(140) Cf. Birch, C.S. I. p. 236. Note 11. Also see Stevenson, *ibid.* (Trin. Nec.), p. 697. Note 40. The reader may notice that the immunity clause itself is there far shorter than that in MS. Cotton Domitian A. viii. f. 47.

Now, we examine the immunity clause of our Bi 91 and find rather the wording of the second type here, yet the part after 'nisi' could read as if the immunity of the church itself were not quite firmly established here, the danger of untraditional and 'bad' custom even being referred to. Thus I rather think the immunity clause of Bi 91 was inserted in the text by an interpolator in the period when such a danger was being felt and warned against.

W. H. Stevenson, it is true, considered that the charter, or rather its MS. 'seems.....to be copied from an earlier original as old as the beginning of the ninth century' (Trin. Nec. p. 699, Note 48). He must have concluded so also from the similarity of its immunity clause to the 'Mercian-Kentish clauses of the early part of the ninth century'. And indeed the general similarity, in meaning, of the immunity clause of No. 91 to those of Bi 370 (Ceolwulf, King of the Mercians, a. 822) or Bi 373 (King Ceolwulf, a. 823) is apparent, until *before* the 'nisi' comes in in the former. The part after the 'nisi', however, seems to break this resemblance. For, indeed (a) Bi 370 has, after the same word 'nisi' the wording of the three (actually four, here) necessary requirements: 'nisi is quattuor causis que nunc nominabo, expeditione contra paganos [h]ostes et pontis constructione seu arcis munitione vel destructione in eodem gente et singulare pretium foras reddat', while No. 373 lacks the part of 'trimoda necessitas', obviously taken for granted. Then, (b) the wording of the preceding immunity itself is in the latter a little more developed than that found in Bi 91, even though the fundamental idea of immunity might be common. The reader may see it if we compare the formulae of No. 91 on the one hand and those of No. 370 and No. 373 on the other, side by side; 'ab omnibus difficultatibus secularium servitutis, a pastu regis (etc.) necnon ab operibus majoribus minoribusque gravitatibus et ab omni debitu, vel pulsione regum censuris liberat eos esse (perpetua libertate statuimus nisi)' (Bi 91), 'ab omnibus laboribus operibus et oneribus, sive difficultatibus, quit plus minusque numerabo vel dico, ab omni gravitatibus magioribus minoriis, notis ignotis undique liberata (permaneat in æfum nisi)' (Bi 370); 'sit liberata ab omnium secularium rerum vel cen`súm numc et deinceps, hinc et inde magiorum minorumve causarum notis ignotis per cujuscumque personis potestatis difficultatibus liber et segura

(perseverat in ævum)' (Bi 373) —the former (in Bi 91) being more factual and straightforward, the latter formulae more verbose and elaborated, even though their meanings do not differ much.

Thus the derivation of the formulae in the immunity clause of Bi 91 from those in the immunity clauses of Bi 370 and Bi 373 (both c. 822) is not quite so much obvious as Stevenson once considered. Besides, the part in the former after 'nisi', which in the latter group must have constituted (or implied) the 'trimoda necessitas' clause, entirely destroys any parallel which might have existed between the former and the latter.

Now the latter half (*after nisi*) of the immunity clause of Bi 91 which contains the reference to its apprehension of the danger of untraditional or bad custom, as we saw before, seems to indicate its derivation from the material somewhat earlier than 822. And it happens that Stevenson himself has given us a key to the solution of this problem. He says, 'St. Boniface, in a letter to Cuthbert, archbishop of Canterbury 740 to 762, mentions among English irregularities the compulsory labour of monks upon royal works and buildings' citing 'De violenta quoque monachorum servitute operibus, quae in toto mundo Christianorum non auditur factum nisi in gente Anglorum' (Epistolae Melovingici et Karolini Aevi, ed. Dümmler, i. 356 (M. G. H., Epp., Tom. iii). He also mentions another letter of his 'written to King Æthelbald of Mercia, about 745—6' and states that 'he [Boniface] reproves him [Æthelbald] for withdrawing many *privilegia* from churches and monasteries, and complains that the king's ministers exact greater *violentia* and *servitus* from the monks than had been usual', quoting 'Praeterea nuntiatum est nobis, quod multa privilegia ecclesiarum et monasteriorum fregisses et abstulisses inde quasdam facultates.....Et dicitur quod prefecti et comites tui majorem violentiam et servitatem monachis et sacerdotibus inrogant quam ceteri ante Christiani regis fecissent'. (*ibid.* [Dümmuler, i., M. G. H., Epp., Tom. iii] p. 343), adding that 'As Boniface, who was born in England probably between 672 and 675, left this country finally in 718, he is obviously speaking from personal knowledge'.⁽¹⁴¹⁾

(141) Stevenson, *ibid.* (Trin. Nec.), p. 700, and Notes 52, 53. I omitted here his reference to the passages of Boniface concerning the history of the *privilegia* of the churches in England from the conversion under St. Gregory until the commencement of the eighth century for obvious historiographical reasons.

So, then, the apprehension of the danger of untraditional and bad custom expressed in our charter Bi 91 seems to be appropriate for the dates of the above letters, so around the middle of the eighth century. Therefore, I consider that this rather peculiar wording of the immunity clause of Bi 91 was inserted in the text around this period, which would, in the history of the development of the immunity formulae above-mentioned, be toward the beginning of the second (2) period, i.e., after such wording as 'in omnibus rebus donabo illi notis ignotis regis sive principis libera permaneat' (Bi 139, a. 718), or 'tam in libertate secularium servitiis quamque etiam in omnibus causis majoribus minoribusque secura permaneat' (Bi 162, a. 742), but before the more definite wording including the 'trimoda necessitas' clause appeared in a. 770 (Bi 202, Bi 203). We should remember here that after all Stevenson says that the MS. of this Bi 91 seems to be copied from an earlier original 'at least' as old as the beginning of the ninth century.

(9) Now there is a problem about the Sanction which directly follows the interpolated immunity-exception ('trimoda necessitas') clause. For one thing, its wording can only be far later than that of the seventh century, with all its inflated verbiage. Second, on the one and the same sheet of parchment, 'assigned by Birch to the twelfth century, but probably dating from the middle of the eleventh' (Stevenson), is written, directly after Bi 91, another record of the council at Clovesho which constitutes the confirmation of our Wihtrred charter, Bi 91, by King Æthelbald of Mercia. Its main wording is short and to the point and has the date—the incarnation date 716 and the indiction number XIII, which must be a miscopying of the original XIV, the first regnal year of King Æthelbald of Mercia. The incarnation date must be an interpolation. It, however, has then a Sanction of considerable length—for a short text of confirmation, of the later eighth-century type, not so much inflated, however, as that in the main text of Bi 91.

Then, I consider that the Sanction passages in the confirmation part was put in there before the Sanction of Bi 91 was inserted after the interpolated immunity-exception ('Trimoda Necessitas') clause, because, unless the charter Bi 91 had had no Sanction, the Sanction in the confirmation part would not have been necessary. It should obviously be unreasonable to think that there had originally been two Sanctions in

Bi 91 and its confirmation— indeed, W. H. Stevenson says, ‘As the text [on one sheet of parchment, probably dating from the middle of the eleventh (century)] has two anathema clauses, it is probable that the passages relating to Christ Church and Rochester are interpolations’. He seems to imply that the Sanction clause which follows the passages, i.e., the first Sanction, is an interpolation too.

So, it should be worth while to compare the litary features of the two Sanctions to see if there are any features in them which make us determine which is earlier in the probable dates of each of them. And, since we are thinking of the probability of interpolation of the Sanction in the Wihtrud main text, I think that it may be a better course to change here and examine the shorter confirmation by Æthelbald, in contrast. The concise statement concerning ‘the strengthening and confirmation of the (above) privilege established by Wihtrud, King of Kent, to God’s churches in the older part’ in the synod of Clovesho in July of 716 A.D. is all right except for the miscopying of the indiction number XIII for the correct XIV, and the interpolation of the incarnation date 716, which is the first year of Æthelbald, King of Mercia.

Then the Sanction has the ‘*tyrannica potestate inflatus*’ formula which is a problem. For, this formula properly belongs to the tenth century and those examples found in the seventh-century charters are not genuine, i.e., the charters having the formula are mostly spurious or dubious ones, as we saw before, except Bi 72 (Ceadwalla, King of the Saxons, a. 688, genuine) having ‘*per tyrannidem*’. The formula itself indeed originates probably from the writings of Aldhelm—‘*tyrannica fretus potestate*’⁽¹⁴²⁾, and we find a few probably genuine similar examples in some early eighth-century charters. E.g., we find ‘*si quis frangere aut irrita facere tyrannica potestate temptaverit*’ (Bi 113, King Ine, a. 705, probably genuine); ‘*Si quis vero contra hoc decretum tyrannica fastu [venire] temptaverit*’ (Bi 132, Nunna, of the South Saxons, a. 714, probably genuine); ‘*si quis tyrannica potestate infringere voluerit*’ (Bi 146, Æthilbald, King of the Mercians, a. 718 for 727, genuine); ‘*Si quis autem hanc donationem violare temptaverit, sciat se in tremendo examine tyrannidis ac præsumptionis suæ*’ (Bi 154, Æthilbald, King

(142) Cf. *supra* text after note (93), dealing with the forged charter-text of Bi 37, having the date of a. 675.

of the Mercians a. 736, written in uncials, probably genuine original, MS. Brit. Mus., Cotton Ch. Augustus II. 3.). So, probably our formula 'tyrannica potestate inflatus' found in the confirmation part of Bi 91 is all right, though the last word 'inflatus' could be a later interpolation.

The rest of the wording includes familiar words such as 'infringere minuere temptaverit', 'nisi digna satisfactione', but the remainder is not found elsewhere in Sanctions of the charters of the period around and before the date of a. 716 in the same and identical wording as in here. Still, the phrase 'vivens et moriens' or '(qui ei) viventi vel morienti', e. g., shares a similar idea with such wording as 'vel quibus placuerit *vel se vivente et obeonte*' (Bi 157, Æthilbald, King of the Mercians and South Angles, a. 723 × 737, a transcription by an unusually careful hand, so proper to the eighth century, MS. Brit. Mus., Cotton Tiberius A. xiii, f. 103). A similar idea is recognized in the wording of Sanction, 'Si quis in hanc donationem augere voluerit ampliet Deus partem ejus in regione *viventibus*. Si quis e contrario minuere temptaverit, *evellet* Deus dominus e *regno suo*' (Bi 122, Ædilheard and Ædilweard of the Hwiccas, a. 704 × 709, genuine).

In the Positive invocation of blessing, too, a similar idea is to be found, 'quisquis igitur id quod pio animo donavi ita ut donatum est illibatum permanere permiserit, habeat communionem beatam *cum presente* Christi ecclesia atque *futura*. (Quisquis autem non permiserit, separatur a societate non solum sanctorum *hominum*, sed etiam *angelorum*.)' (Bi 149, Æthelbald, King of the Mercians, a. 732 × 733, probably genuine).

Other parts of the Sanction have no exact parallel in any of the Sanctions of the period in question. It must, however, be taken into consideration that the Sanction clauses were, different from other clauses and formulae of charters, apt, from the beginning, to oscillate in their wording or phrasing even though their general intents and purposes were similar. In the earlier ones, e. g., we find 'Si quis contra hanc donationis meæ cartulam venire temptaverit, sciat se rationem redditurum in die iudicii, et condempnatum esse cum ipsis qui ad sinistram ituri sunt'. (Bi 28, Uighard, a. 670 × 671, perhaps genuine), but then, in 'Quod si contra hanc donacionem meam et confirmacionem venire temptaverit: sit hic separatus ab omni societate Christiana et a cœlestis

regni participatione privetur'. (Bi 34, Fritheuuald, subregulus of Surrey, 673 × probably 674, probably genuine), a very different wording seems to have been devised; then a still other wording is used, 'quisquis hanc donacionem mente malivola disrumpere temptaverit sciat se coram Deo et sanctis angelis ejus æterno anathemate reum: (quisquis vero bene addendo custodierit sit benedictus in sæcula)' (Bi 35, Osuini, King of Kent, a. 690, perhaps genuine); a yet other wording of sanctin is to be found in, '[quisquis] aliquid disrumpere aut immutare vel irritum facere temptaverit, sciat se sine dubio omnipotenti Deo fraudem facere, et proinde coram eo et Sanctis angelis ejus æterno anathemate reum'. (Bi 36, Hloðhari, King of Kent, a. 674, a transcript of a genuine charter); also in, 'omnis quicumque ausus fuerit aliquid ex ea temerare aut minuere vel etiam transmutare sine voluntate possidencium, sciat se alienam a participatione regni coelestis effici et a cœtu fidelium segregatus nisi regulariter emendaverit'. (Bi 40, Oswini, King of Kent, a. 688 × 690, probably genuine); a shorter, but different one is found in 'si aliquis ausu nefariæ temeritatis aliquid ex ea auferre vel mutare voluerit, noverit se alienam a Deo in resurrectione justorum'. (Bi 41, Suabert, King of Kent, c. 679, perhaps genuine); then the identical wording with that of Bi 36, a transcript) is found in Bi 42 (Æthilred, King of the Mercians, a. 676, genuine); a quite different type of wording then is found in '(a nullo contradicitor (*better*, contradicitor) quod absit. neque a me neque a parentibus meis neque ab aliis) si aliquis aliter fecerit a Deo se damnatum sciat, et in die iudicii rationem reddet (*better*, reddat) Deo in anima sua'. (Bi 45, Lotherius, King of Kent, a. 679, a contemporary text, MS. Brit. Mus., Cotton Augustus II. 2); a very short wording then is found 'Si quis vero contra hanc donationis meæ cartulam venire temptaverit, sciat se rationem redditurum in die iudicii'. (Bi 57, Æthelmod, a. 681, genuine); another different one is found in '[nunquam me heredesque meos vel successores contra hanc donationis meæ cartulam ullo tempore esse venturos.] Quod si aliquis præsumpserit, sit separatus a participatione corporis et sanguinis domini nostri Jhesu Christi' (Bi 67, Eadric, King of Kent, a. 686, probably genuine); a rather different wording is further found in 'Quod si quis superba præsumpserit inruptione infringere aut minuere per tyrannidem hanc a me actam donationem sit separatus ab

omni societate Christiana' (Bi 72, Cedwalla, King of the Saxons, a. 688, genuine); then the next example is a simple development of the 'No Violation by me' formula, so 'Quicumque vero, tam ego quam posterii mei, qui in loco meo successerint contra hanc largitatis meæ cartulam quolibet tempore venire præsumperint, sint separati a corpore et sanguine domini nostri Jhesu Christi' (Bi 73, Osuini of Kent, a. 689, probably genuine).

Then, again, towards the end of the seventh century, a slightly sophisticated wording appears: 'Si quis autem pertinacium contra hanc donationem fractoris animo venire temptaverit, eamque infringere conatus sit, sciat se sub tremendo examine pœnas debitas luturum' (Bi 76, Æthilred, King of the Mercians, a. 692 × 693, probably genuine), also 'Si quis hanc donationem attributam tibi, in maxime aliquo vel in modico minuere ausus sit, sciat se in districto omnipotentis Dei iudicio pœnam præsumptionis suæ incurrere'. (Bi 78, Noðelm, King of the South Saxons, a. 692, probably genuine), and⁽¹⁴³⁾ also, 'Si quis hanc donationem minuetur sciat se redditurum rationem in die iudicii, et partem ejus esse cum peccatoribus et cum Juda traditore cruci(ci)atus sine fine in inferno cum diabulo'. (Bi 85, Oshere, of the Hwiccas, c. 693 × 704, genuine), so, too, 'Si quid, quod absit, contra hanc cartulam a me factam, vel hæredes mei contraire præsumperint, noverint se a participatione corporis et sanguinis domini nostri Jhesu Christi esse alienos, et a cœtu fidelium segregandos hic et in æternum'. (Bi 86, Wyhtred, King of Kent, a. 694, probably genuine).

Still we see the revival of an earlier concise clause: 'Si quis autem hanc donationem meam minuerit, sciat se separatam esse a societate sanctorum omnium' (Bi 88, Wyhtred, King of Kent, a. 696, probably genuine), but then again we see a developed wording: 'Quisquis vero contra hanc largitatis nostræ donationem quolibet tempore contraire præsumperit, noverit se, quisquis ille sit, a participatione corporis et

(143) Although Birch assigned the date of a. 692 × 693, and Sir Frank Stenton a. 691, to Bi 81, we consider it to be of far earlier date. Cf. *supra* text at notes after (54) until before (61). The Sanction clause, too, shows an earlier wording than that of the end of the seventh century: 'Si quis contra hanc donationis cartulam venire temptaverit aut corrumpere Ante omnipotentem Deum et Jhesum Christum filium ejus et Spiritum Sanctum Id est inseparabilem trinitatem Sciat se condemnatum et separatam ab omni societate Christiana'.

sanguinis domini nostri Jhesu Christi alienam, et a consorcio fidelium segregandum' (Bi 90, Wihtred, King of Kent, a. 696, probably genuine); 'Qui autem ausus fuerit aliquid aut auferre aut transmutare sine licentia possidendium, quod absit, reddet rationem Christi genitricis Mariæ in die iudicii, in qujus suffragio perdonavi'. (Bi 96, Wihtred, King of Kent, a. 697, probably genuine), yet again we see something like an earlier wording appear in 'Quod si aliter temptatum fuerit a qualibet persona sub anathematis interdictione sciat se prævaricari' (Bi 97, Wihtred, King of Kent, a. 697, genuine: Bi 98 same king, same charter, a. 697 a probably genuine original); but a curiously verbose type is found, too 'Si quis vero episcoporum seu regum contra hanc definitionis cartulam propria temeritate, vel potius sacrilega debacacione venire temptaverit, inprimis iram Dei incurrat, a liminibus sanctæ ecclesiæ et separatus, et quod repetit, vindicare non valeat'. (Bi 107, Coinred, a. 704 (Birch) for the correct a. 670×676)—the earlier date probably is revealed by the use of 'cartula' here, and the verbose style probably explained by the Frankish influence through Bishop Leutherius.

Thus, we have seen that even in the seventh century, the Sanction clauses are divergent to a considerable extent, although a certain amount of development begins definitely to be noticed towards the end of the period. Now, in the eighth century, such a development at first is not so conspicuous: '(Si quis in hanc donationem augere voluerit ampliet Deus partem ejus in regione viventium.) Si quis e contrario minuere temptaverit, evellet eum Deus dominus e regno suo et partem ejus ponet cum peccatoribus'. (Bi 122, Ædilheard and Ædilweard of the Hwiccas, a. 704×709, genuine); 'Si quis vero contra hoc decretum tyrannico fastu [venire] temptaverit. noverit se in tremendo examine coram Christo rationem redditurum' (Bi 132, Nunna of the South Saxons, a. 714, probably genuine); 'Si quis autem hanc donationem meam violare temptaverit sciat se in tremendo extremi iudicii Dei examine rationem Deo redditurum'. (Bi 139, Æthelbald, King of the Mercians, a. 718, perhaps genuine). But then a new formula and wording appears: '(Quisquis igitur successorum heredumque meorum hoc tantillum et primitivum donum meum integrum illibatumque esse *permiserit*, mercedem benevolentia suæ et ipse a Deo, qui largissimus

non tantum piorum actuum verum etiam et voluntatum bonarum remunerator est, habeat.) Si quis non *permiserit*, ipse ab eodem domino qui justissimus impiorum et voluntatum et operum ultor est, vindictam percipiat, nisi prævenerit debitum illius iudicium cum correctione dignissima'. (Bi 141, Æthelbert, son of King Wihterd, a. 724, genuine) —the 'permiserit' formula is to be noticed here, together with a most sophisticated verbosity of wording so far unprecedented.

Then, after the shorter, but important Sanction clause 'Hanc autem donationem si quis tyrannica potestate infringere voluerit sciat illum in examine Deo rationem redditurum' (Bi 146, Æthilbold [King of the Mercians], a. 718 for 727, genuine), again appears the 'permiserit' formula in '(Quisquis igitur id quod pio animo donavi ita ut donatum est illibatum permanere permiserit, habeat communionem beatam cum presente Christi ecclesia atque futura.) Quisquis autem non permiserit. separetur a societate non solum sanctorum hominum, sed etiam angelorum' (Bi 149, Æthelbald, King of the Mercians, a. 732×733, probably genuine), but we may notice that the wording here is less sophisticated as a whole than that found in Bi 141 and the contents are also deviated and noticeably shorter than before. The next example of the same period, on the other hand, shows a more traditional but developed Sanction wording: 'Si quis hanc donationem a nobis perdonatam infringere, vel in maximo vel in modico temptaverit. sciat se alienam a nostra communione. et maxime a cœtu sanctorum manere'. (Bi 150, Æthilbald, King of the Mercians, a. 732×733, authentic, but the greater part of its text, especially in the former part, seems to be rather abridged in copying, the Sanction and the Witness-list being all right, though).

The next, big, charter, however, again uses the 'permiserit' formula: '(quisquis igitur id quod pro anima mea donavi aut [donatu]m est inlibatum permanere permiserit habeat communionem beatam cum presente Christi ecclesia atque futura,) si quis autem non permiserit separetur a societate [non solum] sanctorum hominum sed etiam angelorum'. (Bi 152, Grant by Ethilbald, King of the Mercians, a. 734, with confirmation by Berhtuulf, King of the Mercians, a. 844×845, genuine; our existent text, MS. Brit. Mus. Cotton Charter, xvii, is contemporaneous with the date of confirmation by Berhtuulf). The

next charter, then, though a very short one, still has a Sanction clause, 'Si quis temptaverit hanc donationem fraudere, sciat se reddere rationem in die iudicii' (Bi 153, Æðelbald, King of the Mercians, a. 273, or 272, or 735, or 740, genuine; our extant text, Brit. Mus. MS. Cott., Nero E. i. f. 388b is from the Worcester cartulary of c. 1000.).

But the next charter has a more developed Sanction clause 'Si quis autem hanc donationem violare temptaverit, sciat se in tremendo examine tyrannidis ac præsumptionis suæ Deo rationem terribiliter redditurum. (Bi 154, Æthilbalt, King of the Mercians, a. 736, genuine, probably 'original', MS. Brit. Mus., Cotton Ch. Augustus II, 3.). A slightly more verbose Sanction clause is found in a charter of two years later: 'Si quis vero, quod non credimus, contra præceptum meum huic donatione meæ malibolo animo contraire temptaverit, sciat se in die iudicii rationem redditurum' (Bi 159, Eadberht, King of Kent, a. 738, genuine). We know, however, that we reach the summit of the development of the Sanction clause of the first half of the eighth century, when we find, '(Verum quia cavendum est ne hodiernam donationem nostram futuri temporis abnegare valeat et in ambiguum devocare presumptio, Placuit mihi hanc paginem condere per quam non solum omnibus meis successoribus atque heredibus set etiam mihimet ipsi interdico ne aliter quam á me constitutum est ullo tempore quippiam agere audeant) quod si qui forte observare neglexerint et absque digna satisfactione presentis vitæ impleverint dies sciat se omnipotentis Dei iram incurrere et a societate sanctorum omnium segregatum, Quoniam sanctissimam beatissimeæ virginis Mariæ locum deonestare conatus est'. (Bi 160, Æthelberht, King of Kent, a. 741 or 750⁽¹⁴⁴⁾)

(144) The extant MS. of this charter, Brit. Mus. Cott., Augustus II, 101. is accepted by Professor Lowe as 'original' (C.L.A XIII), but the indiction number (III) does not fit in with the incarnation date, a. DCCXLI. So the extant copy, though old enough, cannot be the original. The miscopying, at this date, after Bede, can either be in the indiction number or in the incarnation date which can be original. The indiction III can indicate either 735 or 750, but 735 is too early for Archbishop Cuthbert (740—760). So, if the indiction number is correct, the incarnation date should be 750. The number, however, could be the miscopying of the original IV, which could indicate 741, as in the text. We do not know why Kemble, and Birch, ascribed the date 740 to this charter—Indiction VIII is too much to be miscopied III, especially in such an early copy as one in this MS. Cf. Kemble, COD. DIPL., I. p. 103. Note 1.

genuine).

Now, the reader may gather, from the above examples, how much various and divergent the wording of the Sanction clause can be in the early period, especially in the early eighth century. Therefore, I consider the wording of the Sanction in the confirmation part can be original or contemporary on the whole—except for the word 'habitu' which is often used in the tenth century and so might be a retouching.

It is, however, another matter with the Sanction in the main text of Bi 91. The enumeration of the possible infringers at this length is not usual in this period. It is true that some primitive and undeveloped form can be found in the seventh century. E. g., 'regum sive principum aut etiam ecclesiasticarum dignitatum gradibus' (Bi 36. Hloðhari, King of Kent, a. 674, transcript of a genuine charter) and 'Si qui vero episcoporum seu regum' (Bi 107, Coinred, a. 670×676, genuine). But the first example of enumeration of secular officials such as those found in Bi 91 is found only in the latter half⁽¹⁴⁵⁾ of the eighth century. The first one is: 'Quicumque vero sequentium regum vel episcoporum, aut aliquis sæculari potestas fretus' (Bi 190, Eadbert, king of Kent, a. 761, probably genuine). The next one, 'Quicumque vero sequentium regum aut principum aut aliquis sæculari fretus poteste' (Bi 195, Offa, King of the Mercians, a. 764, probably genuine, in spite of some of its 'highly rhetorical harangue', (Stenton in E.H.R. 1918) for there is no obvious motive of forgery), indeed, emphasizes the secular officials. Then, the next charter whose text is contemporary has 'Quisquis igitur ex quolibet vel ex ecclesiastico gradu vel ex sæculari dignitate' (Bi 199, Eardulf, King of Kent, a. 765, genuine, MS. Brit. Mus. Ashburnam (Stowe) Ch. No. 3. B.), regaining the balance between the ecclesiastical and the secular dignitaries, as possible infringers. Then, in the next genuine charter, the secular element again seems to turn the balance: 'Si quis vero regum, quod non credo, seu principum, sive quilibet a subjectis eorum' (Bi 207, Offa, king of the Mercians, a. 772). There is no formulary development until we reach Offa's undatable but genuine charter, Bi 275 (perhaps c. 789?), containing 'Si quis vero hanc præ-

(145) An earlier example of similar wording is found only in Bi 162 (Æthelbald, a. 742), which is dubious, although written in an eighth century hand—'Si quis autem regum successorum nostrorum seu epis[coporum] vel principum'.

dictam liberalitatem extraneorum sive regum sive iudicum vel etiam principum'—mere 'iudex' here might be used to include 'præfectus' besides ecclesiastical judge (cf. 'iudicium episcopi'). Indeed, the next charter enumerates thus: 'Si quis vero regum vel principum seu præfectorum' (Bi 316, Kenwulf, king of the Mercians, a. 804, a very late copy, but authentic perhaps). So the tendency to enumerate seems to become stronger towards the end of the eighth, and at the beginning of the ninth century. Therefore I think some retouching may be done around here later. E. g., the explicit mention of 'comes' in the Sanction clause appears only in the middle of the ninth century: 'hsi quis vero heredem successoremque meorum regum principum ducum optimatum sive exactorum hanc meam donationem servare voluerit servetur ei desuper benedicto sempiterna hsi autem absit quod non optamus alicujus personis homo diabolica temeritate instigatus surrexerit qui hanc meam donationem vel libertatem infringere vel minuere aut in aliud conbertere quam a nobis constitutum est temptaverit sciat se ante tribunal summi et eterni iudicis rationem esse redditurum nisi ante digna hsatique placabili factione Deo et hominibus emendare studuerit' (Bi 507 (1), Eðelbearht, King of the W. Saxons and Kent, a. 863, a genuine and contemporary text)—the turgid and decorative wording and formulae here, however, have otherwise not much in common with those of the far simpler type in Bi 91. Two unusual words 'ex communicatum' and 'remissio(nem)', then, might also be later. So, after all, the Sanction clause in Bi 91 probably is an interpolation of the later eighth or the early ninth century by and large.

(10) The 'manente' formula also is probably of this period.

(11) What could be called an 'epilogue' ending this important and longish charter—even apart from the rather long interpolation—beginning with 'Hæc lex inviolabilis', then, is original, and continues directly to the last part of the Statment of rights, 'Hæc omnia interdicimus sicut ante diximus, ut nullus habitus—the word 'habitus' might be a retouching of the tenth century—ex numero laicorum ad se pertrahat vel suscipiat ullum monasterium de his prenominatis', and has no wording in it that should be inappropriate in a rather exceptional epilogue in an early charter; e.g., 'inviolabilis usque ad consummationem sæculi permaneat' is 'should remain inviolable for ages and ages to the end of

the world', a very apt expression, as all the rest also is.

(12) There is no attestation clause.

In the (13) Witness-list, the Royal title is the regular seventh-century one, 'auxilio Christi rex'. Werburha was Wihtred's queen for a short period, from after March 696 to before July 697⁽¹⁴⁶⁾. So, the first witness, Wihtred is confirming by subscription 'these laws (or rights) established by me' together with their son Alric, later joint King of Kent (Bede?). The second witness Archbishop Berhtuuald (693—731) speaks of the laws as 'established by us (a nobis constitutis)' probably meaning the ecclesiastical and lay representatives—a rather authodox view of the church, certainly. From the third witness on, the 'signum manus' formula is used, which is an archaic practice. The third signature is given by Wihtred's eldest son Æthelberht, also representing his brother Eadbert. The fourth witness is Tobias, who is bishop of Rochester (693—726). The rest of the witnesses, abbesses and priests we have no means to identify; e.g., we might say that Abbess Mylðryðe be the daughter of Merewal(d), son of Penda, but the name—modern 'Mildred'—is no unusual one; besides, her sisters, Mildburge, Mildgythe and Merefynn, do not appear in the Witness-list. It is possible that she is the same abbess that is the grantee in Bi 88, too. On the other hand, Albinus can be found in another genuine charter of Æthilberht, Bi 148, a. 732—'Ego Albinus abbas jubente piisimo rege Æthilberhto subscripsi'.

The fact that the name of so many abbesses and priests (and an abbot) appear in the list is entirely natural, considering the nature of Offa's grant.

Entirely the same applies to the Witness-list of the confirmation part. The first witness, still Berhtwald, is quite all right, in the wording, too. Then, from among all the bishops that follow, Hædda, bishop of Lichfield (691—716×727), Ecgwine, bishop of Worcester (693—717), Forðhere, bishop of Sherborne (709—737), Daniel, bishop of Winchester (705—744), Acca, bishop of Hexham (709—732), Inguuald, bishop of London (705×716—745), Hærdred, bishop, who can be Eardred, bishop of Dunwich (693—731), Nothbert, bishop of Elmham (693×706—716×731), Torhthere, bishop of Hereford (710—727×731),

(146) Cf. Hayashi, *ibid.* (Ess. in AS Law and Hist.) II. text at notes (894—897)

Tobias, bishop of Rochester (693×706—726), and Eadgar, bishop of Lindsay (?693—716×731), are contemporary. Wor, episcopus (721—737) gives his consent to Æthilbald's genuine charter, Bi 146 (a. 718 for 727). Then, Eadberht must be Ealdbeorht, bishop of Dunwich (716×731—731×747). And so all is well in this part of the List. Then, as for the lay witnesses, it is rather difficult to identify them as a whole, since many of the extant Mercian charters of around this period, the early eighth century, are either spurious or doubtful (e.g., Bi 120, Kenred, a. 708, doubtful; Bi 123, Offa, a. 704—709, doubtful; Bi 124, Kenred, a. 709, obvious forgery; Bi 125, Kenred, a. 709, spurious; Bi 127, Cheolred, a. 710, doubtful; Bi 130 (Kenred), spurious; Bi 131 (Kenred), a. 714, spurious; Bi 134, Æthelbald, a. 716, doubtful; Bi 135, Ethelbald, a. 716, spurious; Bi 138, Ethelbald, a. 716×717, spurious; Bi 140, Ethelbald, spurious; Bi 147. Æthilbald, a. 729, spurious; Bi 155, Æthelbald, a. 726—727, very dubious; Bi 162, Æthelbald, a. 742, doubtful though written in an eighth-century hand, (*sic* also Stenton and Stevenson); Bi 168, (Athelbaldus), a. 744, forgery). Still, we can identify 'Beornheard' in Bi 159 (a Kentish charter, but King Æthilbert corroborates it a. 738, genuine, —the Witness-list immediately after the king has 'Ego Beornheard testis subscripsi'). Then, 'Adulf' probably is the 'Eadwlf minister' in Bi 137 (Æthilbald, a. 716×717, probably genuine). Next, 'Ald wulf' must be the 'A[l]duulf' in the Witness-list of Bi 157 (Æthilbald, a. 723×727, a transcript copied with unusual care)—'Ego A[l]duulf consentiens subscripsi'), and perhaps, the 'Aldwulf' in the Witness-list of Bi 162 (Æthelbald, a. 742, dubious text written in an eighth-century hand). Further, it is possible that the 'Tuna' here is the shortened form of the 'Tunuald' (Bi 146, Æthilbold, a. 718 for a. 727, genuine), also that the 'Pohta' here is the 'Peot' there connected with 'Tunuald'. 'Tuna' also is found in Bi 159 (Eadberht, King of Kent, with confirmation by Æthilberht a. 738, genuine)—'Signum manus Tunan', signed directly after Beornheard mentioned above.

So, all in all, this charter, Bi 91 and its confirmation by Æthelbald, are 'genuine', although they have much interpolation.

Here, we have, belatedly, to take up Bi 72 again, for on the previous occasion we looked mainly in the dating and the Witness-list only. For the convenience of the reader, I quote the text again from Birch:—

72. *Grant by Cedwalla, King of the Saxons, of land at Fernham. or Farnham, co. Surrey, for a Monastery. A.D. 688.*

✠ In nomine domini nostri Jhesu Christi salvatoris.

Quotienscunque aliquid pro opere pietatis Christi membris impendimus nostræ animæ fore prodesse credimus quia sua illi reddimus non nostra largimur.

Qua de re ego CEADWAL, dispensante domino rex Saxonum pro remedio animæ meæ terram vobis ad construendum monasterium in postestate confero cujus vocabulum est FERNHAM, in cassatos. LX. id est Cedde Cisi Criswanq[ue]. quorum. x. in Bintungom. II. in Cert. ceteros autem propriis locis et nominibus adsignantur. hoc est. Cusanweoh. Cum omnibus ad se pertinentibus. campis. silvis. pratis. pascuis. piscariis. fluminibus. fontanis. libertam a me habeatis licentiam donandi commutandi, et in arbitrio vestro sit posita. Numquam ego heredesque mei ullo tempore contra hanc donationis cartulam venire temptaverit.

Quod si quis superba præsumserit inruptione infringere aut minuere per tyrannidem hanc a me actam donationem sit separatus ab omni societate Christiana: manentem vero in sua nichilominus firmitate.

Actum in loco cujus vocabulum est Be singa hearh. Anno ab incarnatione domini nostri Jhesu Christi. DC. LXXXVIII. indictione. I.

Signum manus Cenwal regis et donatoris.

Ego Wilfridus episcopus hanc donationem subscripsi.

Ego Herconwaldus episcopus ejusdem donationis subscripsi.

Ego Hedda episcopus donationem a rege factam subscripsi.

Ego Aldelmus indignus abbas hoc cyrographum subscripsi.

Ego Hugon abbas.

Ego Eadbertus abbas.
 Ego Wadda presbyter.
 Ego Guda presbyter.
 Ego Buda presbyter.
 Ego Bicca presbyter.
 Ego Welisc presbyter.
 Signum manus Wuddan.
 Signum manus Headdan.
 Signum manus Eadbert.
 Signum manus Coænes.
 Signum manus Rewes.
 Signum manus Teodan.
 Signum manus Oswine.
 Signum manus Snoccan.
 Signum manus Moccan.

[A.] Brit. Mus., Add. MS. 15,350,
f. 57b.

[B.] Kemble, *Cod. Dipl.*, DCCCXCIV.

(1) The Invocation is the age-old type, the same as that in Bi 81 and a better one than that in Bi 34, because this formula here does not lack the 'nostri' which is not found in Bi 34. (2) The pious Proem is the same type that is used in Bi 34 or Bi 81, but the 'et' in Bi 34 is really not necessary, to say the least, and so does not appear either in Bi 81 or in here. (3) The Royal title, 'dispensante domino rex (saxonum)' using the Ablative Absolute *before* 'rex' is all right in a seventh-century formula—e.g., 'Christo donante rex' (Bi 75, Æthelred, a. 691×692, genuine); 'christo largiente rex' (Bi 76, Æthilred, a. 692×793, probably genuine). The word 'dispensante' and 'domino', even though they are not usual in the seventh century, must have come from some authodox formulary book and are quite appropriate here. (4) The Motive of grant is the good old one. (5) The Dispositive words are 'vobis ad construendum monasterium in potestate confero', and calling the donee in the Second Person is the old way and the wording also is simple and limited to the essentials. (6) The Identification of the land to be granted is quite authodox—'terram...cujus vocabulum est' etc.

and the hidage and the place-names. We would have liked 'meæm' after the 'terram', but this may have been dropped by the copyist. The names, Cedde, Cisi and Criswan are *personal* names really, and so do not make sense as place names, which fact is the sort of things no forger would think of and so a strong point of this later text— W.H. Stevenson says in his note that this text is copied from a MS. written in a minuscule hand of from the eighth to the ninth century, with open 'a's resembling 'u's. The wording 'ceteros autem propriis locis et nominibus' is rather awkward and primitive, too. In the (6) Statement of right, the 'cum omnibus' formula has a correct form 'pertinentibus', only the order of this word before the enumeration looks overhasty and unaccustomed, too. The same order is indeed found in Bi 81, too, but there, after the 'pertinentibus', a second 'cum' makes the sentence more grammatical. Then, the wording 'libertam a me habeatis licentiam donandi commutandi, et in arbitrio vestro sit posita'. is in the Second Person and is old enough, but not so old as the '*tam tu quam posterii tui* (teneatis possideatis Et quæcumque volueris de eadem facere terra liberam habeatis potestatem)', Bi 81; 'quemadmodum a me donata sunt et concessa et confirmata teneatis et possideatis. et quodcumque volueritis de eisdem terris facere *tam tu quam posterii tui* liberam licentiam habeatis'. (Bi 34). Then, the 'No Violation by me' formula, which is not found in Bi 81, is nearly the same as that in Bi 34 except that the verb in the latter is '(Nunquam me.....heredesque meo contra hanccartulam) esse venturis [*better, ventura*]', while in our charter it is '(contra hanc cartulam) venire temptaverit [*better, temptaverint*]'. They are both possible and archaic. (7) The Sanction has slightly developed phrases—'superba.....inruptione', 'per tyrannidem', 'infringere aut minuere'— against the simpler 'contra hanc donationemvenire' (Bi 34) or 'contra hanc donationis kartulam venire' (Bi 81) which is the older formula, so might be retouched, but not in a much later period. Or again it may be due to the influence of Aldhelm who seems to be the writer of this. The main part of the Negative penal clause, the 'sit separatus' formula, on the other hand, is simple and good, The 'manente' formula with its Accusative Forms is old, but, strangely, the Subject, such as 'hanc kartulam' (Bi 81), is dropped, and the sentence construction becomes defective, probably due to a careless

scribe.

(8) The Location wording has a peculiar place-name—'Besinga hearh', which must once have been a heathen temple, and, for that matter, the 'Cusanweoh' in the Identification of land, too, must have been a similar temple. Now the fact that both of those originally heathen places are about to be dedicated for the foundation of a Christian monastery might indicate that Ceadwalla may have some reason to thank God for his becoming king—the wording referred to in the above, 'dispensante domino' may have a somewhat more concrete meaning than mere 'God willing', his name suggesting a British strain.

(9) The Dating clause is presumably later. The incarnation date is impossible at this date. The Indiction is correct for the year 688. Nevertheless, the date of this charter should be 687, as we saw on the previous occasion.

(10) In the Witness-list, some of the name-forms are interesting: 'Herconwaldus episcopus' must be Erconweald, bishop of London (675—693). 'Hugon' is really Hagona (Bi 81), the 'u' is a miscopied 'a' (open). 'Guda presbiter' is found in Bi 81, too. The probably secular name Wudda in '(Signum manus) Wuddan' is important in its form, really 'Wadda' with an open 'a' in the first syllable, for this word was originally Widda in West Saxon, but became, due to back mutation (*a*-umlaut), 'Wiodda', at the end of the pre-historic period of Old English; but then the 'io' in the stressed syllable changed, through the labialization of the preceding 'w', became *eo* > *a* > *u*. So 'Wadda' is an earlier spelling than 'Wudda', found, e.g., in Bi 71 (Baldred, a. 688, passibly genuine)—'Ego Uuudda subscrpsi'—, who may be the same man. So the spelling 'Wadda' in Bi 72 text is another indication that this text represents an archaic one.⁽¹⁴⁷⁾ From among the rest of the secular witnesses of Bi 72, Coæn appears in a dubious charter Bi 108 as Coen, Teoda appears in a synthetic but genuine-based charter Bi 89,

(147) Cf., e.g., BRIGHT'S OLD ENGLISH GRAMMAR & READER (THIRD EDITION, by FREDERIC G. CASSIDY and RICHARD N. RINGLAER, 1971). pp56f.; OLD ENGLISH GRAMMAR BY A. CAMPBELL (1959). pp. 85—93. It was Dorothy Whitelock who taught me this point. It is, by the way, deplorable that contemporary charter texts, such as Bi 45 (a. 679), as well as trustworthy text like Bi 72, have not been duly taken into consideration by Anglo-Saxon grammarians.

the same with Snocca—Mocca perhaps being his brother according to the name-form. 'Guda presbiter' also appears in Bi 81 (c. 687, genuine).

So, this charter, Bi 72, with its archaic and primitive features and good Witness-list, should be considered 'genuine'.

The next charter we are going to examine is another of the typical Wihfred charters, a fourth, actually: Bi 96: —

96. *Grant by Wihfred, King of Kent, to Abbess Eabba, of land at Haeg. 2nd April, A.D. 697.*

Carta ejusdem Withredi regis Eabbe abbatissæ de terra vocata Hæg. xl. manencium.

Ego WIHTREDUS rex Cantuariorum, consentiente regina Ædilburga⁶, atque [Berctualdo]⁷ gratia Dei archiepiscopo, non solum consentiente sed etiam persuadente, una cum omnibus provincialibus principibus, anno regni mei sexto, secunda feria Aprilis, terram nominatam Hæg, quadraginta manencium, pro anima mea atque meorum, absolutam ab omnium secularium dominorum [servitio], in Dei tributum, abbatissæ EABBE in propriam possessionem atque monachilem regulam perhenniter perdonavi, ut Deo servientium preces sine mutatione pro vita mea protelentur.

⁶Æthilburga, K. ⁷omitted, A.B.

Qui autem ausus fuerit aliquid aut auferre aut transmutare sine licencia possidencium, quod absit, reddet rationem Christi genitricis Mariæ in die judicii, in cuius suffragio perdonavi. Quam perdonationem cum signo crucis ornatam omnium præsentium manus adfirmant, ut qui sine voluntate Dei refrugerit audax, crux Christi super eum in vindictam veniat, nisi regulariter emendaverit.

✠ Archiepiscopi Berctualdi.	✠ Wihgari.
✠ Agesmundi.	✠ Gefredi.

✠ Wihtrédi regis.
✠ Grmani.

✠ Cynyadi.
✠ Guhtardi.

[A.] MS. Trin. Hall, Cambridge, f. 48.
[K.] Kemble, *Cod. Dipl.*, No. XLII.

[B.] MS. Harl., 686, f. 164.
[O.] Thomas of Elmham,
ed. Hardwick, p. 291.

We can compare the diplomatic details of this Wihtréd Charter with the former three typical ones, Bi 86, Bi 88, Bi 90. Now, the heading or preamble added by his cartulary is the shortest in this present charter than those of the three others. The bare essentials only—actually no two of those preambles are the same, but the present one is a mere heading literally. They did not do their work mechanically.

And there is no (1) Invocation. (2) The Royal title is the authodox 'rex Cantuariorum' as in Bi 88. Then (3) the Consent clause, using the Latin Ablative Absolute (concerning Queen Æthelburha and Archbishop Berctuald, whose title using the 'gratia Dei' put before is all right, too), is rather elaborate really—'not only consenting, but also persuading on their part' and that 'in one voice with all *provincialibus principibus* (probably, 'aldermen')'—in a rather straightforward and convincing way. (4) The dating clause follows: 'anno' and 'sexto' are separated, which, as we saw, is quite all right in expressing the regnal year, and 'secunda feria' (simply meaning the second *day*) of April. And since Wihtréd's date of accession is after 17th, July, 691 according to Bi 86, the 2nd of April in his sixth regnal year should be in 697. (5) The Identification of the land to be granted is done by the ancient way of the name and the hidage only. There is no 'terra juris nostri' formula as in Bi 86 and Bi 90, but just 'terra (m)' here. (6) The motive of grant is slightly elaborated as is often the case with his charter, but the wording is new, apart from the usual 'pro anima mea atque meorum', so 'ut Deo servientium preces sine mutatione pro vita mea protelentur'—Wihtréd wishes that 'the prayer by those serving God should be prolonged without change' for his life, which is simpler in wording than the similar wish of his in Bi 90. (7) The Statement of right, even lacking the enumeration, is rather simple and to the point—'absolutam ab omnium secularium dominorum [servitio], in Dei tributum, abbatissæ EABBE in

propriam possessionem atque monachilem regulam perhenniter—the last word ‘eternally’ probably implies hereditary right and ‘monachilem regulam……perdonavi’ means ‘ius ecclesiasticum’ in a new guise; for Offa has said ‘dabo et concedo…… in regimini monasterii’ (Bi 88, a. 696). (8) There is no Boundary clause as such. (9) There is no ‘No Violation by me’ formula which is found in Bi 86 (Offa, a. 694). (10) The Sanction consists only of Negative penal clause, but is more complicated than those of the three Offa charters referred to in the above. The two verbs ‘auferre’ and ‘transmutare’ are new; so is ‘sine licencia possidencium’. The ‘Christi genitricis Mariæ’ (to) whom the offender should render account in the day of (Last) Judgement means ‘the church of St. Mary, the Virgin mother of Christ’ over whom the donee, Abbess Eabba, presides. Then again a Negative penal clause, a newly contrived one, presumably, is added, ‘ut qui sine voluntate Dei refregerit audax, crux Christi super eum in vindictam veniat’, so if any violent one should have destroyed the sign of the cross, ‘the cross of Christ shall fall down upon him in vengeance’ unless etc. is quite to the point and is all right. We saw some time ago how the Sanction clauses were divergently developed in those days. This is one of the authodox ones and must have been taken from some formulary book such as Markulf. (11) There is no ‘manente’ formula. The Confirmation formula also does not exist as such, unless the latter part of the Sanction, a newly devised wording as above-mentioned should play the part of confirmation (‘manus adfirmant ut’ etc.) in a sense. (12) There is no Attestation clause, no ‘rogavi’ formula as found in Bi 86. (13) The Witness-list has something peculiar. First, the signature of Archbishop Berctuald comes first, i.e., before the King’s; this happens in Offa’s charters, but it is usually accompanied with a ‘rogavi’ formula such as ‘rogatus consensi et sulscripsi’ (Bi 98, Wihtréd, a. 697, genuine ‘original’), so probably the formula was dropped by the copyist. But then comes the signature of an ‘Agesmundi’ who is otherwise unknown, which is not rare in itself in the case of a layman, but the fact that he signs before King Offa is ununderstandable; probably some sort of confusion took place during the process of copying. Then the King’s name is not accompanied with that of his queen, which is not usual in the case of Wihtréd, but not unprecedented, e.g., Bi 88 (a. 696). The

rest of the probably secular witnesses are difficult to identify, though 'Gefred' probably appears in Bi 89, a synthetic charter, under King Sigheri, as 'Signus crucis Gebredi' and 'Guhthard' probably appears in Bi 42 (Swæbhard, a. 676)—'Signum Gudhardi', and in Bi 45 (Hlothar, a. 679)—'Signum manus Gudhardi', and those two must be old retainers by the time of our present charter (a. 697). The other secular witnesses are otherwise unknown. We might just as well expect the name of the almost ubiquitous witness 'Ecca' (Bi 36, Hloðhari, a. 674; Bi 42 (Swæbhard, a. 676; Bi 73, Osuini, a. 689) or 'Acca' (Bi 40 (Osuini, a. 688 × 690) or Æcca (Bi 41, Suabert, C. 690?) or 'Aehcha' (Bi 97, Wihtréd, a. 697; 98, Wihtréd, a. 697, genuine 'original'), here too, but cannot find it. Of course there is nothing wrong in the Witness-list.

So, we cannot but consider this charter, Bi 96 to be 'probably genuine', all considered.

Now we already discussed the charters Bi 97, 98. So our next charter is Bi 99:—

99. *Grant by Wihtréd, King of Kent, of privileges to the churches of Kent. 8 April A.D.699.*

(1) The Invocation is good. But that is nearly the only thing that is good in this 'charter'. (2) The Royal title is the shorter form and is all right, as we saw. (3) The Motive of grant is no good—"being mindful of my soul in future and of that foresight as to the menacing hostile disasters to the churches of God and of the monasteries which exist in this land of Kent (consulens animæ in posterum hanc providentiam pro diversis calamitatibus imminentibus æcclesiis Dei atque monasteriis quæ in hac CANTIA consistunt)" is too much inflated as well as pompous for this period. (4) The Consent clause 'cum consensu principum meorum quorum nomina subterscribenda sunt' is the wording of the later period. (5) The Dispositive words are really introducing an immunity clause with pompous wording much too early in the seventh century. (5) The 'No Violation by me' formula, too, is full of pompous words of later ages such as 'hac pia definitione permaneant decerno', 'recte indulta sunt concutiantur' and 'domino gubernante

custodiantur'. (6) The Confirmation formula begins well, but the subscription as well of the Archbishop, Bishop Ge[b]mund, as of 'venerable priests' and 'pious abbots' in the presence of four most illustrious abbesses, being asked, is not the proper 'rogavi' formula of the seventh century, with so much decorative pomposity as is found here. (7) The Dating clause is interrupted, so to say, by the regnal year, which is unusual in a seventh-century charter.

The text so far, consisting of so much later matter, can hardly be accepted as even representing a seventh-century charter which should lurk behind. (8) In the Witness-list, Wihtred's signature is all right, with his 'pro ignorantia' formula. Berhtwald's 'testis subscripsi' is not a formula of the seventh century. The same with Bishop Ge[b]mund's. Now, next comes 'Tobias priest' who is the successor bishop of Gebmund. But it is very much doubtful whether Gebmund was alive in 699 or not. The Hadrian signature contains (indignas) 'monachos' which is a far later word in charters.

So, as a whole, we consider this charter, Bi 99, to be 'dubious'.

100. *Confirmation by Ini, King of Wessex, to the Abbot Hean, of lands at Bradanafeld or Bradfield, co. Berks, etc. 5 July, A.D. 687 for 699.*

Now this somewhat charter-form material preserved in a twelfth-century copy has no (1) Invocation, nor (2) pious Proem, but begins directly from 'Ego Ini rex Westsaxonum', and then (3) the Motive of grant, 'ob indulgentiam criminum meorum', is a bad formula as such. The wording sounds as if Ine wishes to go on with his crimes by the granted privilege of indulgence, i.e., the church's remission! In the (4) Dispositive words, 'ad munificentiam libenter' is inflated in the seventh century. The 'Dispensante.....domino' must have 'rex' after it, otherwise Abbot Hean is to have this honourable title. (5) The Description of the lands to be granted is a bit too minute in this period. The wording 'quæ scilicet donationes ut firmitus ac tenatius reliquum durarent in ævum' is not appropriate in this period. On the other hand, 'etiam coram summis pontificibus id est Brihtwallo (*better*, Brihtwaldo) archiepiscopo et Daniele episcopo peractæ sunt' necnon et cespites

horum locorum pro ampliore firmitate libro suppositi quem ipsi duo præfati episcopi in manibus suis tenuerint' is indeed referring to the very ancient Germanic conveyancing formula, now being Christianized, and so is a strong point of this text, which, as a whole, framed in far later language and wording. Then (6) the Attestation wording, again, is very much turgid and not appropriate in the seventh century—'Porro ut firmior præfatæ donationis largitio inextricabili tenacitate jugiter servaretur'. (7) There is no Statement of right as such, no enumeration formula either. (8) The Sanction is turgid too, 'hæc nostræ diffinitionis decreta', 'propriæ temeritatis pertinacia fretus violenter venire nisus', so the Negative penal sanction starts with a decorative, inflated wording, and continues with 'in tremendo ultimæ discussionis examine' and 'æqua discretionis lance singulorum facta librante', ending by 'rationem redditurum (noverit se)'—such an elaborate wording, even in the eighth century, would be exceptional—as we saw a while ago, the Sanction wording is sometimes contrived and framed in new formulæ, but our present one, in its intents and purposes, sticks to the older formulæ, only the words used are decorative and inflated, so perhaps later re-written? E. g., Bi 159 (Eadberht, King of Kent, a. 738, genuine) has 'Si quis vero, quod non credimus, contra præceptum meum huic donatione meæ malibolo animo contraire temptaverit, sciat se in die iudicii rationem Deo redditurum', still somewhat short of our wording in Bi 100, though. (9) There is no 'manente' formula. (10) The Witness-list begins with Ine, king of Wessex (688—726), then comes Ethelred, King of Mercia (674—abdic. 704), the third witness 'Ethelfrith' must be the same man as Ædilfrid of 'Signum manus Ædilfridi' (Bi 98, Wihtred, a. 697, 'original') also 'Signum manus Ædilfridi' (Bi 97, Wihtred, a. 697, genuine). The fourth witness, 'Daniel', may be the later bishop of Winchester (705—744), he calls himself as 'servent of servants of God' as yet. The Dating clause is all right except for the later inserted incarnation date 687, when Ine was not yet king, and whose indiction number is 15. The 'DCLXXXVII' should then be considered to be the miscopying of DCLXXXIX and the indiction number becomes correct (XII). Then, last comes in an unusual attestation: 'Ego Winberctus hanc cartam scripsi et subscripsi,' so Winberht says he writes this

charter and subscribes it. Now it is not among the practices of Anglo-Saxon scribes to write his own name thus. It is true that Winberct once did do this in Bi 107 (Coinred, a. 670—676, genuine), but that was when a Frankish bishop, Leotherius, was in office and the Frankish way of the scribe showing his name obtained. Our present charter Bi 100 cannot be so early. So this part must be a later interpolation.

Now, the estimation of this text is a problem. W. H. Stevenson considered this charter a forgery, and as the text stands now, it still is a possible judgement. On the other hand, we saw some unmistakable ancient trait, and the place-names are all identified: BRADANAFEL is Bradfield, Berkshire; Bestlesforda is Basildon, Berkshire; Stretlee is Streatley, Bedfordshire; Æaromundeslee is a place later called Appleton, Berkshire. So, perhaps we can say that the text as it stands is a later-framed, rewritten or revised charter, but made on the base of some authentic material and conscientiously at that. We are also aware that this Bi 100 may have a common base with Bi 74.

101. *Grant by Ini, King of the Saxons, to the Abbot Hean, of Lands for the Monastery of Abingdon. A.D. 699*

This charter-text is from a thirteenth-century cartulary, and bad from the very beginning: the (1) Invocation is the 'In nomine domini' type and has the necessary words, but the important idea of 'our Saviour, Jhesus Christ' is entirely lost, because the 'salvatoris' was put at the end, instead of after 'Dei', thus 'In nomine domini Dei nostri Jhesu Christi salvatoris' cannot make a valid formula. (2) The Proem is that of the eighth century, but even as such, the wording is rather awkward: the first half is all right, but after 'tamen' the meaning is only barely to be traced in a rugged style. (3) The Royal title is not the most authodox one. (4) The identification of the land to be granted lacks the necessary formulae, either the 'terram juris mei' or even 'terram meæm', or again even 'terram quæ dicitur', not to speak of 'aliquam terræ particulam' but has 'terram' and 'juxta Abbendune' only. And the clause qualifying the land that comes in later is an enigma: the 'Cissa rex' cannot mean any West Saxon king, other possibly than

'Cenred' in a shortened, corrupt form, Ine's father and 'subregulus' while 'Cillan sorori suæ' might be 'Ceolswiðe' (Bi 74) then, but we really do not know. The narrative says that some such king had once given the land to her. And the rest of the narrative concerning Ine's restoring the land to Hean is so turgid and later in wording that it can have no place in a seventh-century charter, if at all. Then a second appearance of the Royal title '(Ina) monarchus Saxonizæ' is centuries later than the seventh century, which only constitutes the beginning part of the following turgid passage which redoubles! what has just been described, adding the counsel of many more, and narrating how Hean did accomplish as he was told.

The narrative continues, in the same turgid style, to the time nearly five years later, as the story says, and how a problem of hereditary succession suddenly was raised and how he [presumably King Æthelbald?] again restored all the land and the monastery. Then the Description in minute detail of the land and its history begins, referring to Under-king Cuthred and King Ethelred of Mercia as well as to King Ini of Wessex. The lands in question are denominated: Bestlesford, Bradenfeld; and the mention of the name of Conred (Coinred?) together with Ini is found. The presence of Bishop Hedde (Hædde, of Winchester? 676—705?) and Abbot Aldhelm (before 705?) as well as of other ecclesiastical personages is described. So many famous names, and so much land, 303 hides in all, if the reader should compare it with the modest! 125 hides which is said to include Stretlee and Aaromundeslee, besides Bestlesford and Brodenfeld described in Bi 100! And the whole narrative cannot fit in with any charter-form! And the Sanction again is too much inflated even in the eighth century—'(hoc) decretum abbatatus', 'donationes regum religiosorum', 'tyrannica fretus potestas' (from Aldhelm?), '(rationem in) ultimo vivorum et mortuorum (examine)'. The Dating clause has some tenth-century wording—'(hæc) cautionis singrapha'. In the Witness-list, King Æthelbald (716—757) and Bishop Daniel (Winchester 705—744) cannot be in 699, the date of this charter. Some of the secular names, Stranglic, Oba and Selred are found in Mercian charters of King Æthelbald (Bi 137, a. 716×717, probably genuine; Bi 150, a. 732 or 733, genuine, etc.).

The fact being so, we cannot help considering that the whole text of Bi 101 is a concoction made up far later than 699, and, as a charter, 'spurious'.

102. *Grant by Ine to Winchester Cathedral of land at Alresford, co. Hants. A.D. 701.*

This is another of the rather flagrant texts of Ine's. From the beginning (1) The Invocation is abominable. As an eighth-century formula, the regular wording is 'Regnante in perpetuam domino nostro Jhesu Christo!' (Bi 189, Eadberht, King of Kent, probably genuine), as we once saw in connexion with Bi 33 (Wulfhere, a. 624 for 674?, spurious), when we saw how strictly exact the order of each word should be; especially 'in perpetuum' should always precede 'domino'. So our present wording does not make a valid invocation formula of the eighth century. Actually, entirely the same wording is found in a spurious charter Bi 398 (Egbyrht, a. 802—839). (2) The Proem is not of the eighth century, if at all. The wording here is found verbatim in Bi 473 (King Athulf, a. 854, spurious). A similar idea is expressed in 'Luce constat clarius quod hujus vitæ terminus volubili varie discurrens orbita jamjamque imminere dinoscitur' (Bi 1158, King Edgar, dubious) (3) The Royal title after 'Quapropter ego Ine' appears verbatim in the same ninth-century forgery until 'dignitate', also in Bi 941, (King Eadwig, a. 956, doubtful)—'Ego EADWIG largiflua summi tonantis providencia rex'. Then (4) Identification of the land to be granted, which begins with 'quandam rurus partem', accompanied with the hidage and the name described as 'in loco qui ab incolis huius patriæ. ALRESFORD nuncupatur' which formula is also often used in the tenth century by King Eadwig. (e. g. Bi 725, a. 956). (5) In the Statement of right, the 'cum omnibus' formula which follows is regularly used by King Eadwig, too (Bi 935 a. 936; Bi 937, a. 956; Bi 941, a. 956, doubtful; Bi 942, a. 956; Bi 943, a. 956, Bi 945, a. 956, contemporary, etc.). Then, the history of the land is stated, such as is often narrated by King Eadwig (e. g., Bi 936, a. 955×959— '(v mansas.....) quas patruelis meus Æthelstanus rex obtulerat æcclesiæ beati Petri apostolorum principis. quæ sita est BATHONIS civitate. jam nuper tyrannide

abstractas (reddere)', or Bi 922 a. 956—'est terra que data fuit ad monachos Malmesburienses vestiendos. XXXII hidas continens que ante tempus regis Edwii eisdem ad vestituram collata fuerat.' In the narrative, the words 'predecessor meus' is naturally used by King Eadwig occasionally, and the wording 'Cynewalh divino.....adactus instincto' is the same sort as 'rex divina ductus amore' (Bi 948, Eaduuig, a. 956). (6) The consent formula 'cum omnium consensu procerum' is very often used by King Eadwig too; e. g., 'cum consensu meorum sapientium archontumque' (Bi 964, a. 956), 'cum consensu meorum optimatum' (Bi 976, a. 956), 'Coram idoneis testibus atque dignis proceribus' (Bi 949, a. 956) etc. (7) The wording of the 'No Violation' formula is most peculiar and the language is far later than 701. The same wording is found in Bi 473 (King Athulf, a. 854)—Hanc donationum cum omnium mei temporis consensu procerum tali curavi renovari assertione ut nulla meorum perona successorum diabolicæ ástu: callidatis insolescens eam umquam in aliud transferre præsumat.' ,but this is a spurious charter and, so the wording becomes suspicious. (8) The wording of the immunity clause and the exceptions, the three necessary requirements ('trimoda necessitas'), is repeated word for word in Bi 120 (Kenred, King of the Mercians, a. 708, doubtful), also in Bi 473 and Bi 477 (both, Adulf, King of the West Saxons, a. 854, both, spurious), and probably taken from such as Knut's charter (Kemble, COD. DIPL. TOM. IV. No. DCCLI) of a. 1032—'Sit autem prædictum rus omni terrenae seruitutis iugo liberum, tribus exceptis, rata, uidelicet, expeditione, pontis arcisve restauratione.' (p. 46), or, Edward's charter (Kemble, COD. DIPL. TOM. IV. No. DCCXCVII) of a. 1052×1053—'Sit autem prædictum rus omni terrenae seruitutis iugo liberum, tribus exceptis, rata, uidelicet expeditione, pontis, arcisve restauratione.' (9) The Boundary clause in the vernacular is of course much too early in 701. Besides, the same boundaries are, word for word, except for the addition of three more lines, given in Bi 398 (King Egbyrht, 802×839) which is a spurious charter, so the same boundaries seem to move around in charter texts to satisfy their needs. (10) The Dating clause which is written in a grand scale, calling out the Lord God and St Peter, using solemn words such as 'sc[h]eda', 'jus hereditariam', 'scribere curavimus', and has the

incarnation date, is false from the beginning to the end.

Thus, this charter-like document, Bi 102, as a whole, is found to consist of bits of wording and formulae of far later dates which are probably transcribed word for word from either far later genuine charters or from later dubious sources in order to make up a so-called charter of grant of a. 701 by a known generous king, Ine, and so should be estimated 'spurious' without hesitation.

103. *Grant by Ina, King of the Saxons, to Aldhelm, abbot of Malmesbury, of land at Isendon, or Garsdon, co. Wilts. A. D. 701.*

(1) The Invocation is the 'In nomine domini' type, but the 'nostri' should come before Jhesu Christi, so bad and ineffective as an Invocation formula. (2) The Royal title is not the most perfect one; the usual order would be 'regnante domino' and 'rex Wetsaxonum'. (3) The motive of grant consists of (a) 'cogitans vitæ æternæ præmium, verens penas inferni perpetuas' which seems a little too sophisticated for such a laconic charter. and (b) 'pro remedio animæ meæ et relaxatio criminum meorum' which is a standard wording of the period. (4) The dispositive words 'donare decrevi' (I have given an order to grant) is not the way a charter should be written. 'I (hereby) would order (decreverim) to grant' is the correct way, or 'I have granted' is. (5) The Description of the lands to be granted is slightly complicated: first 'aliquam terræ particulam' is all right, but then, later, the 'Id est' and again 'Id est' is not appropriate in such a brief text. The wording 'in locis ab accolis infra nominatis' is not quite proper in such a short charter, and, actually, the rest of the brief text, about half its length, is occupied by the enumeration of the places to be granted. (6) The Dating clause having the incarnation date is anachronistic in this period. (7) The Witness-list has something wrong, for Wynberchtus says that he has subscribed after writing it (dictans subsripsi). Now, in the Anglo-Saxon practice, the writer does not show himself as a writer of a charter, except when it was otherwise during the office of the Frankish bishop, Leotherius (670—676)—cf. Bi 107 (Coinred a. 670×676, where Leotherius himself signs and the same Wymberht appears as

a writer and subscriber). This could not happen in 701. The list may have been copied from some genuine charter. So, all in all, this charter, Bi 103, should be held 'dubious'.

Our next charter happens to be Bi 107, of which more shall be taken into consideration:—

107. *Grant by Coinred, to the Abbot Bectune, of land on the R. Funtamel, Fontmell, near Shaftesbury, co. Dorset. About A.D. 704.*

In nomine domini nostri Jhesu Christi Salvatoris !

Ea quæ secundum ecclesiasticam disciplinam ac sinodalia decreta salubriter definiuntur, quamvis solus sermo sufficeret, tamen, pro evitanda futura temporis ambiguitatem¹ fidelissimis scripturis et documentis sunt commendanda. Quapropter ego COINREDUS, pro remedio animæ meæ et relaxacione piaculorum meorum, aliquam terræ particulam donare decreverim venerabili viro BECTUNE abbati, id est. xxx. manentes, de aquilone rivus nomine FUNTAMEL, ex meredie² habet terram beatæ memoriæ Leotheri episcopi; nam earumdem supradictarum cespites pro ampliori firmitate evangelium super posui, ita ut ab hac die tenendi, habendi, possidendi, in omnibus liberam et firmam habeat potestatem.

Si quis vero episcoporum seu regum contra hanc definitionis

¹ Ambiguitate, B.

² Meridie, B.

cartulam propria temeritate, vel potius sacrilega debacacione venire temptaverit, inprimis iram Dei incurrat. a liminibus sanctæ ecclesiæ et separatus, et hoc quod repetit, vindicare non valeat.

Ego Coinredus qui hanc cartulam donationis meæ per omnia in manu propria signavi, et ad roborandum fidelibus testibus tradidi ✠.

Ego Leotherius, quamvis indignus, episcopus hanc cartulam donationis subscripsi ✠.

Ego Cunibertus abbas subscripsi. ✠.

Ego Hadde abbas subscripsi ✠.

Ego Uuimbertus presbiter qui hanc cartulam rogante
supra effato abbate scripsi et subscripsi et ceteri. ✠.

[A.] MS. Harl. 61, f. 19 b (Shaftesbury
Cartulary, xivth century).

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

(1) The Invocation is the 'In nomine domini' type, but the 'salvatoris' is in the wrong place. It should come before 'nostri'. The Capitalization, however, is good. (2) The Proem is the early appearance of that of the later flourishing type, reappearing in, e. g., Bi 308 (Settlement by Deneberht, Bishop of Worcester, a. 822, genuine), also in Bi 381 (Archbishop Ulfred, a. 824, genuine 'original'), and is all right. (3) The name 'Coinred' is the early form of the later Coenred, father of King Ine, but here has no title, not even that of 'subregulus'. (4) The Motive of grant is written in the good old way, couched in the known formulae. (5) The Description of the land to be granted by means of 'aliquam terræ particulam' and the hidage, and the Identification by the name of a river (on the north side) and by the specification of the land in the proximity (on the south side), is a simple old way. The 'beatæ memoriæ' put before the name of Bishop Leotherius is probably a later interpolation, inserted when the scribe was informed of the demise of the bishop. Then, (6) from 'nam' to 'posui', the formula, which we already met with in the earliest charters, that expresses the ancient Germanic symbolic act of conveyance, is a very good indication of the archaic nature of this text. (7) The Statement of right, which follows as showing the result of the symbolic act, shows the free and firm power in its earliest formula of 'holding, having and possessing from this day'. (8) The Sanction, which is Negative penal clause, couched in rather pompous expressions, shows the Frankish influence caused by Bishop Leotherius, so is all right here. (9) The Witness-list consists of clerical witnesses only, except the donor, Coinred, who uses here a 'tradidi' formula, instead of the 'rogavi' one. First, Leotherius is Bishop of Winchester (670—676). Second, Cunibertus seems to appear otherwise only in the spurious charter of Liutherius, Bi 37 (a. 675) as 'Cunubertus abbas'. Then 'Hadde abbas' is probably the later bishop of

Winchester, Haeddi (676—705). Last, 'Uuimbertus presbiter' appears in the possibly genuine charter of Baldred, Bi 71, as simply 'Uuinberchtus' (a. 688) together with Bishop Headdi, and in the spurious charter of Liutherius, Bi 37 (a. 675) as 'Wymberhtus presbiter'. He says he has, being asked by Hadde abbot, *written* this text, which is all right during the office of Archbishop Leotherius. Thus, this charter Bi 107 is considered to be 'genuine', and of the date of 670 × 676.

Our next charter is that of Ine, Bi 108:—

108. *Grant of Privileges by King Ine to the Churches of Wessex. 26th May, A.D. 704.*

In nomine domini Dei nostri salvatoris !

Ego INI³, regnante domino rex, cum consilio et decreto præsulis nostri Aldhelmi⁴, simulque cunctorum Dei sacerdotum suggestione⁵ et monachorum petitione qui in parrochia Saxonum⁶ conversantur, hanc libertatem æcclesiis impendo, et hanc privilegii dignitatem monasteriis confero, ut sine impedimento secularium rerum et absque tributo fiscalium negotiorum liberis mentibus Deo soli serviant, et monasticam cenobii disciplinam, Christo suffragium largiente, regulariter exercent, ac pro statu et prosperitate regni nostri et indulgentia commissorum criminum⁷ ante conspectum divinæ Majestatis preces fundere dignentur, et orationum officia⁸ frequentantes in ecclesiis pro nostra fragilitate interpellentur.

Si quis vero contra hujus decreti singrapham venire temptaverit, sciat se coram christo novemque angelorum ordinibus in tremendo examine rationem redditurum. Hoc vero decretum a nobis libenter concessum taliter servari et confirmari⁹ decernimus, ut tam nobis, vita comite, propitia¹ divinitate regni gubernacula regentibus, quam futuris successoribus hereditatis jure regnandi monarchiam tenentibus² inextricabili lege firmiter roboretur. Nam pro ampliore firmitatis testamento, principes et senatores, iudices et patritios³ subscribere

fecimus⁴. Actum publice et confirmatum in loco qui appellatur Eburleagh⁵,. vii^o.⁶ kalendarum Juniarum die, indictione. ii^{da}., anno ab incarnatione Christi. DCCIII^o. feliciter.

³ Yna, B. E. ⁴ Aldelmi, B. D. ⁵ Sugestione, B.; suggestione, E.

⁶ Uuest Saxonum, C.; [Uuest-] Saxonum, D.⁷ [Criminum], C. D.; omitted, B.

⁸ Officia, B. C. E. ⁹ Conf. et serv., B. C. D. E.

✠⁷ Signum⁸ manus Ini⁹ regis qui hæc omnia manu propria confirmavit.

✠ Ego Aldelmus¹⁰, servus servorum Dei, hoc decretum manu propria roboravi¹¹.

✠ Ego Hagona abbas consentiens¹² subscripsi.

✠ Ego Adbertus¹³ abbas consentiens subscripsi.

✠ Ego Haeha¹⁴ abbas consentiens subscripsi.

✠ Ego Uuintra¹⁵ abbas consenties subscripsi.

✠ Ego Uuedr abbas consentiens subscripsi.

✠ Ego Beornuuald abbas consentiens subscripsi.

✠ Ego Uuilgar abbas consentiens subscripsi.

✠ Ego Bealuulf abbas consentiens subscripsi.

✠ Ego Froda abbas consentiens subscripsi.

✠ Ego Uuitta abbas consentiens subscripsi.

✠ Signum manus Beoban.

✠ Signum manus Eanberht.

✠ Signum manus Coenberht¹⁶.

✠ Signum manus Coen.

✠ Signum manus Æthilfridi¹⁷.

✠ Signum manus Eascuualdi.

✠ Signum manus Duduc¹⁸.

✠ Signum manus Ticcean.

✠ Signum manus Bealdhum.

[A.] Will Malm., *Gesta Pontif.*, ed. Hamilton, p. 380.

[B.] MS. Lansd. 417, f. 3 b.

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

[D.] Thorpe, *Dipl.*, p. 12; from [B.]

[E.] *Malm. Registr.*, i, p. 286.

Anglia Sacra, ii, p. 22.

¹ Propicia, B. D. ² Quam . . . tenentibus, omitted, B. E. ³ Patricios, B. C. D. E.
⁴ Quorum nomina infra tenentur asscripta, added, B. C. D. E. ⁵ Eburleah, C.,
 Everley, co. Wilts, *Hamilton*. ⁶ Septem, B. D. ⁷ Crosses omitted, D.
⁸ Subscript Ina rex, in place of this sentence, A. ⁹ Yni, B. D. E.
¹⁰ Aldhelmus, C. E. ¹¹ A. ends here with:—"Subscripterunt. x. abbates,
 proceres. ix." ¹² Consenciens, and so throughout, D. ¹³ Ædbertus, E.
¹⁴ Heaha, E. ¹⁵ Wintre, E. ¹⁶ Ceonberht, B. D. E. ¹⁷ Adilfridi, B. D.;
 Ædilfridi, E. ¹⁸ Dudue, E.

(1) The Invocation is the 'In nomine domini' type, but the position of 'nostri' which should come *after* 'salvatoris' is found *before* it, and 'Jhesu Christi' is lacking, so this is not only a defective, but also wrong and ineffective formula. (2) There is no Proem. (3) The Royal title is Ine's usual one. (4) The Consent clause from 'cum consilio et decreto ! præsulis nostri Aldhelmi, simulque cunctorum' to 'conversantur' is too much inflated and pompous to be found in a charter, especially of this period, e. g., the 'parrochia Saxonum' is certainly too grandiose. (5) The dispositive words are not simple—'impendo' and 'confero', and the wording 'hanc privilegii dignitatem monasterio' is prematurely turgid, and the (6) Statement of right, or privileges, of the churches, is described enumeratively and in such pompous detail, so that the whole sounds in its essence more suitable in a preaching or sermon from the pulpit than in a charter. (7) The Sanction consists of both the Negative penal clause and the Positive invocation together with the happy perspective. But both are so much inflated in their language, using later words such as 'singrapha(m)' 'monarchia(m)', too, that neither can belong in any charter of the period, a. 704. (8) The 'rogavi' formula is replaced by the wording 'pro ampliore firmitatis testamento! . . . subscribere fecimus', containing also the later words 'senator(es)' and 'patritios'. (9) The Dating clause, too, is pompous, with the impossible incarnation date. The last word 'feliciter' is not normal in a charter, especially of this period. So we think that the main text of this 'charter', Bi 108, is very much 'dubious'. (10) The Witness-list, however, is another matter. First, Ini's signature has nothing wrong in it. Then, 'Aldhelm', 'servant of servants of God', so must still have been abbot in the year 704—just in time, so to say, because he became bishop of

Sherborne in 705. Then, 'Hagona' is the abbot whom we see in Bi 89 as 'Hagona abbas' under Ceadwalla and in Bi 98 (Wihtred, a. 697, genuine 'original') as 'Hagana'. Then 'Haeh' must be the 'Aehcha' (Bi 98) and 'Hæcca' (Bi 89, Ceadwalla), 'Ecca' (Bi 91, Wihtred, a. 696 × 716 (? 697)) who later becomes bishop of Dunwich in 705 (Bi 113, King Ini, a. 705—'Ego Ecce episcopus subscripsi.', and who also was still an abbot in time for this charter of 704. Then 'Beornhard abbas' must be the 'Bernhærd' in Bi 98 (Wihtred, a. 697) together with Aehcha, also the 'Beornheard' signing just before Hæcci under Wihtred (Bi 89, Ceadwalla)—He already witnesses the charter of Swæbhard as 'Bernhard' in Bi 42 (a. 676, genuine), together with Hagona and Ecca. Then 'Froda' appears in the Witness-list of Bi 97, Bi 98 (Wihtred, a. 697, genuine). Beoba perhaps is the 'Befpha' of the Witness-list of Bi 101 (Ine, a. 699, spurious, but the Witness-list might be all right). Then, Æthilfrid might be the 'Ædilfrid' found in the Witness-list of Bi 98 (Wihtred a. 697, genuine 'original') before the next witness Hagana, whom we saw before. Thus, by and large, the Witness-list of Bi 108 seems all right and so must have been taken from some genuine material.

109. *Grant by King Ini, of Privileges to Glastonbury Abbey.* A.
D. 704.

(1) The Invocation is the 'In nomine domini' type, but the wording should have '(Dei et) salvatori' to make a regular formula, so is defective. (2) There is no Proem. (2) There is the simple Royal title 'rex' only. (3) The Consent clause, 'decreto et consilio præsulis nostri Aldhelmi simulque cunctorum Dei sacerdotum suggestione, et monachorum petitione qui in parochia Uuest-Saxonum conversantur' is a so much pompous, inflated wording, later or impossible language being also used, that it can hardly be recognized as a clause of any time around 704. It is significant that the same passage is also found in the dubious Bi 108. (4) The Dispositive words '(libertatem monachis)impendo.....et hanc privilegii dignitatem super altere pono', are not only complicated, but the latter half is the very corrupt imitation of the archaic formula of conveyance, probably betraying the fact that the

writer of this text took it from some genuine material of whose real legal significance he must have been ignorant in a far later period (cf. the exact formula in Bi 107, genuine). It is to be noticed, then, that the whole passage after 'ut sine impedimento' till 'pellare nitantur' is exactly the same—almost entirely verbatim—passage as that found in the dubious charter Bi 108, quoted above. We are not surprised then that the (5) Sanction passage, too, is entirely the same in wording, from 'Si quis vero contra hujus decreti singrapham' to 'redditur', and 'Pro ampliori firmitatis' to 'fecimus' which directly follows in this charter, as the two separate passages found in the Sanction of the dubious Bi 108, quoted above. (6) The Dating clause, too, is written in the same wording as that in Bi 108 up to the actual location and date, containing 'lignea basilica', suspicious words, and the incarnation date 704 too! The Witness is Aldhelm only. So, we cannot help but consider this charter, Bi 109, 'doubtful'.

Our next charter Bi 111 is problematical:—

111. *Grant by Sueabræd, King of Essex, and Pæogthath, Earl, to Waldhari, Bishop of London, of land at Tuican hom, or Twickenham, co. Midd. 13th June, A.D. 704. With later confirmation by Ciolred, King of the Mercians.*

This charter-text, MS. Brit. Mus., Cotton Augustus II, 82., is written in a ninth-century hand. And, indeed, the (1) Invocation in the 'In nomine domini' type has all the necessary words, but, alas, the order of them is somewhat irregular—the 'salvatoris' should come before 'nostri Jhesu Christi' to make a valid formula. 'Salvatoris' should begin with a capital S and after the wording an exclamation mark (!) should properly be put. It has to be an *invocation*! (2) The Proem does not make sense at the beginning part, and no worder! for on close scrutiny, the whole Proem turns out to be a poor and awkward imitation of the formula which became prevalent in the eighth century, later. First, the beginning part is only the latter half of the complete wording, thus the first half, 'Ea quæ secundum ecclesiasticam disciplinam ac synodalia decreta salubriter' (Bi 308, Denebert, bishop of Worcester, a. 822, genuine) is missing, —Bi 107 (genuine, as we saw before) does not lack

this part, indeed. So presumably the writer of this text of Bi 111 did not have the necessary knowledge of the formula of this particular poem. Then, after the correct 'Quamvis solus sermo sufficeret' he added a different wording from that of Bi 308, because instead of the simple and clear 'tamen pro evitando futuris temporis ambiguetate', (Bi 308 and Bi 108), he proceeds with 'attamen pro cautella futurum temporum ne quis forte posterum fraudulentam ignorantiae piaculum perperam incurrat'—his wording probably meaning 'by way of caution lest anyone of future ages should afterwards by any chance run wrongly into the deceitful guilt of ignorance', a rather inflated sentence—whose origin is rather difficult to trace, but perhaps some such wording as is found later in 'ob cautelam futurorum', '(tamen quoniam plerumque) nostris temporibus tempestates et turbines secularium rerum' (both in Bi 1121, King Edgar, a. 963) or in '(tamen) quia humane vitæ status evidenter incertus agnoscitur' (Bi 625, King Eadward, a. 909, dubious), must have been among the material the writer utilized. Then, as for the textual reading that follows the above, 'idcirco scedulis, saltim vilibus pro ampliore firmitatis supplimento necessarium reor adnectere', we find some such wording as '(pro incerta prolixæ temporis fortuna) cyrographorum *scedulis* (sunt roboranda)' (Bi 976, King Eadwig, a. 956) or '(paginis) *saltem vilibus pro ampliori firmitate* (roborata signantur)' (Bi 625, King Eadward, a. 909, dubious), or 'paginis *saltem vilibus pro ampliore firmitate*' (Bi 61, Baldred, a. 681, spurious, 10th-century copy (W. H. Stevenson), 9th-century one (M. Förster)) or, again, 'ob cautelam futurorum ea quæ diffinita sunt paginis scripturarum *adnectere* ne in posterum oblivione tradita ignorentur.' (Bi 1121, Eadgar, a. 963), so some such materials the writer of Bi 111 must have used in producing the rather turgid sentence of the text.