

*A Study of the Charter-Criticism of the Anglo-Saxon Period, its Theory and Practice:  
including an Investigation into the  
AUTHENTICITY OF 'WIHTRED'S CODE'*  
**A PRELIMINARY HANDBOOK**

BEING

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ANGLO-SAXON LAW AND HISTORY'  
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Be that as it may have been, the formulae here, such ninth- and tenth-century formulae, are not appropriate in an early eighth-century charter, wherever the writer could have fetched them. The (3) Royal title of this obscure king, Sueabred of the East Saxons, as 'rex Eastsaxonum' seems a bit grandiose, considering that he is known as a joint king, merely, with King Sigheard. The joint grant has the unusual formula of the (4) Motive of grant, 'pro remedio Animarum

nostrarum'. The (5) Identification of the land to be granted consists of (a) 'aliquantum agri partem' (which is not the usual wording) and, later, (b) the name and hidage, being separated by the (6) Dispositive words 'in dominio donare' which constitute a rather turgid expression. The (7) Description of the land is done in Latin, but slightly longer than could be wished in 704. Then the 'in dominio supra dicti Episcopi' is now duplicated, and '(possidendum) perpetuale iure tradimus' is at least verbose in this period. In the (8) Statement of right, 'liberam habeat potestatem' is bearable, but 'agendi quodcumque voluerit porro' is too exuberant an expression here. And so is the following 'ut firmior hujus donationis largitio jugiter servaretur'. The next (9) Attestation clause, 'etiam testes adjunximus quorum nomina subter tenentur inserta', is later. In the (10) Sanction clause, the Positive invocation of blessing comes first, which is often the case in later charters; besides, the Subject is 'quis successorum nostrorum' only, which is unusual and mixed or confused with a 'No Violation by me' formula, so is irregular. Then, the Negative penal clause has the 'tyrannica potestate fretus' formula, which is a tenth-century one, but we already saw one instance of 'tyrannica potestate (inflatus)'—although the last word might be an interpolation—in 716 (Bi 91, the Confirmation part). Nevertheless, in our case of Bi 111 this formula might be taken in toto from some later material. Then, as for the formula '(ante tribunal Christi) tremibundum rationem redditurum', we find a similar formulae '(ante tribunal districti judicis) titubantem tremebundumque rationem redditurum' (Bi 829, King Eddred, a. 947, genuine), '(ante districtum judicem) titubantem tremebundumque rationem redditurum', (Bi 1277, King Edgar, a. 971, spurious) and '(ante tribunal districti judicis) titubantem tremebundumque rationem redditurum' (Bi 1295, King Eadgar, a. 955 for 973, genuine) in the tenth-century charters, while the 'ante tribunal Chisti' in our charter, Bi 111, might suggest earlier years than *that*. Then, (11) the 'Manente' formula is very much ill-copied. 'Maneatque' probably is a miscopied 'Manente (que?)' whose second 'n' must have been taken for an 'open' *a* in copying, and the 'nil hominus' must have been 'nihilominus', the 'kartala' the mistaken form of 'kartula', confusing the 'u' with an 'open' *a*. The formula, thus restored, seems to be good enough, though the last word 'cartula' seems

very unusually connected with the (12) Dating clause beginning with the impossible incarnation date. The Indiction is all right, but, the next 'tertia decima die Mensis Junii quod est idus Junii' seems to be a double expression! In the (13) Witness-list, the first one Coenred, King of the Mercians, must have given his attestation here after the abdication of Æthelred in 704. Of the rest, Headda, bishop of Lichfield (691—716×727) is contemporary all right. 'Cotta abbas' might be found in 'Signum manus Cottan' since the 'wor' in 'Signum manus Wori' in the above line (also in Bi 149 Æthelbald, c. 732, probably genuine) is called 'Uuor episcopus' in Bi 153 (Æðelbald, probably genuine) and in Bi 154 (Æthilbald, a 736, genuine 'original'). Suebræd, King of Essex (694—before 709) is of course all right. Then 'Peohtat' probably is the Mercian witness 'Peththætius' who appears in Bi 85 (Oshere, of the Hwiccas, a. 694×704, genuine) as a witness for King 'Edilredus' (Æthelred). Then, 'Cudræd' is found in Bi 149 (Æthilbald, King of the Mercians, c. 732, probably genuine)—'Signum manus Cuthredi', and in Bi 150 (Æthilbald, King of the Mercians, c. 732)—'Signum manus Cuthrædi'. Now, Ciolred, King of Mercia (709—716) of course could have subscribed our charter and there is nothing wrong with the wording of Attestation. The place-name of the Location, 'Arcencale', is identified as 'Ercall'. We have few charters of King Ciolred, but three of his witnesses appear in Æthelbald's charters: 'Lulla' can be found in Bi 149 (Æthelbald, c. 732, probably genuine—Signum manus Lullan), and also in Bi 150 (Æthilbald, c. 732, probably genuine); 'Cynric' in Bi 149 as 'Cinric', in Bi 150 as 'Cynric'; 'Eadberht' can be found in Bi 137 (Æthilbald, a 716×717, probably genuine) as 'Eadberht minister', in Bi 139 (Æthelbald, a. 718) as 'Ego Eadberht (consensi)', in Bi 146 (Æthilbold, a. 718 for 727, genuine) as 'Eadbert (consensi)', and in Bi 157 (sic, genuine, a. 723×737, an unusually careful transcription) as 'Ego Eadberht comes (subscripsi)'. So, by and large the Witness-list seems all right.

On the other hand, the main text of this charter, Bi 111, is so full of later formulae or wording, that it has to be estimated 'dubious'.

112. *Grant by Ini, King of the Saxons, to Beorhtwald, abbot of Glastonbury, of Land at Doultling, co. Somers. June, A.D. 702 (for 705.)*

(1) The Invocation of the 'In nomine Domini' type is entirely the same as that of our previous dubious charter, Bi 111, except that the exclamation mark is found this time. (2) The Preamble is the same type as that in the genuine charter Bi 107, but some difference in wording, 'cirographorum cedulis' instead of the more acceptable 'fidelissimis scripturis et documentis' as well as 'sunt roboranda' instead of 'sunt commendanda' makes the present formula nearer to the far later wording '(tamen pro incerta prolixi temporis fortuna) cyrographorum scedulis sunt roboranda' (Bi 976, King Eadwig, a. 956, genuine). (3) The Royal title 'regnante domino rex Saxonum' would be better if the last word was 'Westsexonum'. (4) The Identification of the land formula is broken by the first appearance (without some such words 'aliquam terrulis particulam' or 'aliquam terram (juris mei)' previously put) of the hidage. (5) The Motive of grant 'pro remedio animæ meæ' is good. (6) The dispositive words 'videor contulisse' are exuberant. (7) The Description of land, 'hæc pars modica telluris' is a later expression. (8) The Boundaries written in Latin may be all right, but the following ones in the vernacular (at length, in eleven lines) is at least a century too early. (9) The Sanction begins with a Positive invocation of blessing, which seems to be a later trait when found in early spurious or dubious charters Bi 82 (a. 692), Bi 102 (a. 701), Bi 111 (a. 704)—the verb is either 'amplificare' or 'augere' or both. The latter half is identical in wording with that of Bi 111, '(augeat) dominus partem ejus in libro vitæ'. The following Negative penal clause itself seems all right. (10) The Dating clause has such a far later word as '(hæc) cingrapha' and the too early dating by incarnation date—the way the scribe writes out the year 702 is peculiar 'DCC. secundo' which, by the way, does not correspond with the 'indictione quarta' by hook and crook! Kemble bravely emended the Indictione 'IV to XV' which would be correct for 702. Birch probably considered the IV (quarta) to be the result of miscopying of the original III, which would correspond with 705 and which of course is more likely to be miscopied IV. Most

diplomatists now would agree with the latter view. (11) The Witness-list has first the signature of Ine, but the wording '(Ini signavi salutifero signo)' cannot be the style of any period near the early eighth century. The wording of the third and last witness, Hedda, 'episcopus subscripsi sub testimonio multorum' is also rather unnatural. The added long boundaries of course are far from being contemporary.

Thus this charter, Bi 112, from the beginning to the end, is too much full of far later formulae and wording that we cannot help but consider it to be 'doubtful'.

Our next charter, on the other hand, is worth quoting, Bi 113:—

113. *Grant by King Ine to Abbot Beruuald of land on the River Tone, and at Pouelt, Doultling, etc., co. Somers. June, A.D. 705.*

In nomine domini Dei nostri Jhesu Christi salvatoris.

Ea quæ secundum decreta canonum tractata fuerint. licet sermo tantum ad testimonium sufficeret tamen pro incerta futuri temporis fortunam cirographorum sedulis sunt roboranda. Quæ propter ego. INI. regnante domino rex. lxx. casatos pro remedio animæ meæ BERUUALDO abbati videor contulisse his locorum limitibus designatam juxta flumen quod appellatur TAN.<sup>1</sup> xx. casatos et alibi in loco qui dicitur. POUELT<sup>2</sup>. xx. manentes necnon ex utroque margine fluminis cujus vocabulum est DULUTING. xx. casatos pertingentes usque ad convallem qui dicitur Correges cumb.<sup>3</sup> ex occidentali vero plaga ejusdem vallis quinque casatos.

Si quis hanc donationis cartulam augere et amplificare voluerit auget<sup>4</sup> et amplificet Deus partem ejus in libro vite. si quis frangere aut irrita facere tyrannica potestate temptaverit sciat se coram Christo et angelis ejus rationem redditurum. Scripta est autem hæc singrapha indictione. i. i. i. i. mense Junio anno ab incarnatione domini. d. cc. u.

<sup>1</sup> The word is Tau in the facsimile, A., Tau, S., Tamar, Migne, ed. of *Will. Malm. de Antiq. Glaston.*, vol. clxxix, col. 1703. Cf. No. 61. <sup>2</sup> Poholt, S.

(translation); Bouelt, Migne. <sup>3</sup> Corscombe, S. (translation). <sup>4</sup> Sic, A.

- ✠ Ego Bercuualdus archiepiscopus consentiens subscripsi.
- ✠ Ego Headda episcopus subscripsi.
- ✠ Ego Ecce episcopus subscripsi.
- ✠ Ego Tyrctil episcopus subscripsi.
- ✠ Ego Uualdarius episcopus subscripsi.
- ✠ Ego Egguinus episcopus subscripsi.
- ✠ Ego Eluinus episcopus subscripsi.
- ✠ Ego Aldhelmus episcopus subscripsi.
- ✠ Ego Daniel. plebi. Dei ministrans subscripsi.

[A.] Charter in possession of the Taunton Museum, printed in facsimile by the Ordnance Survey Commission (part ii).

[B.] Text of the above, by Mr. W. B. Saunders.

Now this is another of King Ine's charters of the period of those already referred to in the above. But this one is slightly but definitely different in its whole diplomatic features from all those we saw before.

(1) The Invocation has all the necessary words—even the 'Dei' which all the above charters lacked. 'Salvatoris' is still placed last, but this is probably due to the carelessness of the later scribe. (2) The Proem is the same type as those found in Bi 112, Bi 82 (spurious, a. 693) etc, using the words 'cirographorum sedula (*not* cedula)' and 'roboranda', all far later words. But it is to be noticed that here the word 'pro' is made to govern the Accusative 'fortunam', although the 'incerta' remains Ablative Form. This might mean that the scribe transcribed the Proem part rather carelessly and mechanically at a later time when the newer wording was in fashion. So, 'cirographorum sedulis' and 'roboranda' were put there without much thinking on the side of the scribe who was used to the wording (or again, he might just as well have tried thus to modernize the formula?). The (3) Royal title, just 'regnante domino rex' is good. In the (4) Description of lands to be granted, the 'aliquam terram' may have been dropped before the hidage ('casatos', he writes, instead of correct 'cassatos'). (5) The

Motive of grant is good. (6) Calling the grantee simply 'N abbat' is good. (7) The dispositive words 'videor contulisse' is inflated, so might be due to later retouching. (8) The Location wording beginning with 'his locorum limitibus' is almost mere Identification of the lands by the place-name and the river and the hidege and the Boundaries are given in essentials only. (9) The Sanction is the eighth-century type beginning with the Positive invocation of blessing, but the next wording 'si quis frangere aut irrita facere . . . temptaverit' in the Negative penal clause is an early formula. As for the 'tirannica potestate' which W. H. Stevenson considered suspicious, we saw in the above some probably genuine examples in Bi 113 (King Ine, a. 705), Bi 146 (Æthilbold, King of the Mercians, a. 718 for 727) etc. besides Bi 91 (Æðelbald, King of the Mercians, a. 716), so we consider it is all right here, too. (10) The Dating clause has a far later word 'singrapha' which must be retouched by a later scribe. The indiction number comes first 'iiii' and the interpolated incarnation date 'd. cc. u.', which could be 705, is then found. So, either the year should really be 706, u being vi, or the one bar of the indiction number is added by a careless mistake, so originally 705. We are inclined to the former, but the latter of course is not impossible. (11) The Witness-list is peculiar: all witnesses, nine in all, are bishops. So this charter must be representing a result of a synodal council, for the list is impeccable: all those bishops are contemporary. 'Berc[t]uualdus' is Berhtwold, archbishop of Canterbury (693—731). 'Headda' is bishop of Lichfield (691—716×727). 'Ecce', or Æcci, is bishop of Dunwich (after 673—705×747). 'Tyrctil', or Tyrhtel, is bishop of Hereford (688—705×710). 'Uualdarius', or Wealdheri, is bishop of London (693—c. June 705×716). 'Egguinus' is Ecgwine, bishop of Worcester (693—30 Dec. 717). 'Eluuius', probably a corrupt form of Beaduwine, bishop of Elmham (673—693×706). 'Aldhelmus' is Ældhelm, bishop of Sherborne (705—709). Daniel is bishop of Winchester (705—744). We must add that the gathering together of all those bishops for the sake of a synodal council where King Ine was present does not necessary indicate—much less prove—that King Ine was a 'bretwealda'. A synod is only gathered for some particular and *temporary* purposes, so does not belong to the constant organization of the state.

Anyway, this charter Bi 113, although its text is much interpolated and retouched, still has something like the core of an early eighth-century charter, so should be estimated 'perhaps genuine'.

Our next document is a strange material, Bi 114:—

114. *Deed setting forth the consent of Aldhelm, Bishop of Sherborne, to retain the Abbacy of his monasteries of Malmesbury, Frome, and Bradfore co. Wilt., and grant freedom of election to the same. A.D. 705.*

(1) There is no Invocation. (2) This Proem is not found in any eighth-century charters, but is a tenth-century proem, found, e. g., in Bi 1084 (Wlstan, a. 962, genuine), almost verbatim, with the addition of some more decorative words and phrases; also, less decoratively with slight deviation of words (e. g. 'loci' is bettered, 'veloci', '(rerum) patrimonia' to '(rerum) commoda' and 'possidenda' added before 'perfruenda') in Bi 1263 (Dunstan, spurious); also in Bi 919 (King Eadwig, a. 956, spurious) with some added pomposity; similarly in Bi 1051 (King Eadgar, a. 959, genuine). So no good here. (3) Then the narrative which follows at length concerning Aldhelm and the monasteries of Malmesbury concerning various religious matters and personal relations, using such tenth-century words as 'archano (mentis meæ) affectu' (cf. Bi. 1149, King Eadgar, a spurious pancharta—'archano (superni moderatoris instinctu attactus)'; Bi 999, King Eadwig, a. 957, genuine—'(toto mentis) affectu'), so out of place in an eighth-century charter, if in any at all. (4) In the Dispositive part, the description 'in monasterio quod.....dicitur Winburna situm est cui venerandi regis nostri germana Cuthburg præsidet, cum optabili famosissimi regis Ini consensu et reverentissimi fratris et coepiscopi mei Danihelis etc.' is taken from the Anglo-Saxon Chronicle, annals a. 718 and a. 721. The rest of the narrative, too, is characterized by the use of much inflated words and expressions, such as '(cum omnium Saxonicae gentis) archimandritarum cum regalis potentatus assensu et (pontificalis) prioratus nutu consensi auctoritas.', so written in a language of the far later period than that of a charter of 704. (5) The Sanction is a peculiarly inflated, decorative one, and is repeated almost word for word—with



some additions—in Bi 1263 (King Eadgar, a. 969 or 970, spurious), the only difference is the last word, ‘percellendum’ here, ‘perculsurum’ there, but some MSS. of our present charter do have the ‘perculsurum’.<sup>(148)</sup> Then what should be a ‘manente’ formula is replaced by the simple enumeration of the names of the three monasteries concerned. Some wording may have been dropped around here. (6) The Dating clause has the impossible dating by the incarnation, though the added indiction number is correct.

Much more need not be said to decide that this charter, Bi 114, is ‘doubtful’.

Our next charter is rather strange, Bi 116:—

116. *Grant by Æthelweard, Subregulus of the Wiccii, to Ecwine, Bishop of Worcester, of land at Ambreslege or Ombersley, co. Worcester. A.D. 706. With later confirmation.*

(1) The Invocation lacks necessary words ‘Dei’ and ‘Salvatoris’, so defective as a formula. (2) There is no Proem. (3) The Royal title has an explanation—‘subregulus, Osheri quondam regis Wiccorum filius’ which is at least ill-placed here, and gives us the impression that this ‘charter’ has more of the narrative nature than that of a charter. (4) In the Description of the land to be granted mere ‘terram’ is defective in a charter. He has said ‘Ego’, so ‘terram meæm’, or ‘terram juris mei’ should be appropriate here. The hidage is all right, but the description ‘in loco quem dicunt Ambreslege’ (‘in the place which they call Ambreslege’) is verbose in a charter, and a simple ‘they’ is not sufficient, some such Substantive as ‘ruricoli’ would be necessary if such an expression is to be used. Then a (5) Consent formula is found using an Ablative Absolute construction, ‘consentiente Coenredo rege Merciorum’, which is concise and so usually found in the Witness-list; the more formal ‘cum consensu (Coenredi etc.)’ should be more proper

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(148) Cf. Birch’s note (20), at p. 168, *Cartularium Saxonicum*, VOL. I. (1885). Of course there is not much difference in meaning between the two forms of the verb ‘percello’.

in ordinary cases here in charters.<sup>(149)</sup> Then (6) the enumeration formula 'cum omnibus' etc. is not regular, either— '(ad se pertinentibus) necessariis. hoc est' is not really necessary and breaks the formula in a charter. The 'quæ terræ illi adjacet' at the end is pleonastic, too. The next explanation, beginning with 'ut sunt scilicet' followed by such wording as 'id est alter ubi fontanus qui nominatur Ombreswelle derivatur in fluvius etc. ....alter qui est etc.' is too much in a charter—such belongs to things everybody at the time knew for a fact, so unnecessary to be mentioned in a (contemporary) charter. The (7) Motive of grant—'pro redemptione animæ meæ et pro salutis æternæ—seems slightly pompous, but may be all right in this period. So is the (8) Distributive words—'ad amplificationem ecclesiasticæ possessionis ....coram idoneis testibus libenter pro domino largitus sum', although slightly narrative in form. The next part 'eo quod ipse etiam pretio approbato a me conquirebat'—that the donee paid an approved sum of money for the land—is a strong point of this charter-material, though the form is still narrative. The next part, (9) the Hereditary right formula, starts with some pompous wording 'Ea dumtaxat conditione in præfata traditione a me composita' and comes into a very suspicious immunity clause accompanied with its limitations 'in perpetuam libertatis possessionem statuens de cetero ut ab omni publico vectigali, a vectu. ab expeditione. ab opere regio sit libera.' This immunity and 'trimoda necessitas' clauses must be considered a later interpolation, if this material be considered genuine at all. This and the following rather minute description concerning the church's rights and (slight) obligation, as well as the strong emphasis put upon the church's otherwise free and inviolable right, might be the main purpose of this 'charter'. (10) The Sanction consists of (a) Negative penal clause, containing such inflated wording as 'donationem Christo a nobis traditam', 'confrigit Deus regnum et potentiam ejus' which are at least not usual in this period. Then, the 'Judas' formula appears. Now this formula is

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(149) It is true that Bi 40 (Osuin, King of Kent, a. 688—690, probably genuine) has 'aliqua pars ipsius archiepiscopi erat ipso tamen consentiente', but this sentence is a later interpolation. In long consent clauses, the Ablative Absolute is used for its conciseness occasionally.

probably an importation from Italy<sup>(150)</sup> and the first appearance of it in genuine Anglo-Saxon charters occurs in the original charter of Oslac, Duke of the South Saxons, a. 780 (Bi 1334), then in the authentic Grant by King Alfred, a 892×901 (Bi 581). Earlier appearances are found only in spurious or doubtful charters—Bi 50 (Cædwealla, King of Wessex, a. 680, spurious); Bi 124 (Kenred, King of the Mercians, a. 709, obvious forgery); Bi 142 (King Ina, a 725, doubtful). So its appearance itself in our present charter is too early. Besides, the formula 'sitque pars ejus cum Juda infideli traditore' is quite irregular. The correct formula should either be '(et) habere partem cum Juda traditore domini nostri in inferno inferiore' (Bi 1334), or, later, 'sit dampnatus atque sepultus in inferno inferiori cum Juda' (Bi 581). Therefore, the far shorter wording in our charter cannot be authentic in this period. (b) The Positive invocation of blessing contains a most inflated and decorative wording '(cum) fideli latrone qui meruit audire: 'Hodie mecum eris in paradiso' which can hardly be contemporary. (11) The Boundaries described at length in the vernacular are about one century earlier. In the (11) Witness-list, the wording of Aðelweard, the donor, is too turgid—'Confirmando.....munivi'. That of King Kenred includes not only a 'rogante' formula but also a 'obsecrante' formula, and 'eandem libertatis donationem telluris hoc est' etc. which is almost reproducing the dispositive part of the main text (4 lines) and is too much in such a list. Then, the ecclesiastical witnesses, Ber[h]tward, archbishop of Canterbury (693—731), [H]eadda, bishop of Lichfield (691—716×727), Tobias, bishop of Rochester (693×706—726), Eadgar, bishop of Lindsay (693—716×731), Nothberht, bishop of Elmham (693×706—716×730), are all contemporary, the Archbishop and four bishops. It may be significant that of the five lay witnesses, probably for King Cenred, 'Cuthbert comes', 'Eoppa comes', 'Truttuc' or Turtuc and 'Wada', appear in the forged charter, Bi 124 (Kenred, King of the Mercians, a. 709), although they are otherwise unknown. (12) The Dating clause is a later

(150) Cf. W. H. Stevenson in *Trinoda Necessitas*, E. H. R. VOL. XXIX (1914), at p. 694 Note 33. I must mention here that the additional wording which Stevenson seems to have had a doubt, 'in inferno inferiori', appears in *the* original charter, Bi 1334, referred to in the text.'

type having the incarnation date. (13) The confirmation by Ceolred, King of the Mercians, containing such wording as would emphasize the immunity and 'trimoda necessitas' of the Æthelweard charter—'libertatem ecclesiasticæ telluris quam primitus cum licentia Coenredi regis Æðelwardus.....concessit. isdemque rex crucis vexillo munivit. ego quamvis indignus eadem regia libertate concessa. eodemque pontifico postulante Egwino videlicet et consensi.....et subscripsi.' is very much suspicious, apart from its turgid nature. The next confirmation by Æðilbaldus, King of the Mercians, also emphasizing the 'libertatem antescriptam telluris' and containing the inflated description 'pro obsecrationibus ecclesiæ sanctæ Mariæ, quibus incessabiliter preces fundit die noctuque ad dominum: quatinus mei in sanctis orationibus eorum meminerint.' which is hardly appropriate in a confirmation clause of a charter, is also very much suspicious. And then the great Offa, King of the Angles, joins in the confirmation of the same church's impossible liberty—'libertatem præscriptam ecclesiæ sanctæ Mariæ antecessoribus meis Regibus Merciorum. ego quoque rogatus.....orationum preces ejusdem ecclesiæ necessitatem habens. consentientibus episcopis ac principibus meis propria manu corroborans vexellium sanctæ crucis impressi.' This is certainly too much. All those pompous sentences of confirmation are at one in emphasizing the 'liberty' of the church land, which could not exist in that form originally in 706, yet repeating the necessitated part of the wording of the '706' charter.

So, all those confirmations are 'obvious forgeries'. Then we cannot help sensing, too, that the main text of this 'Grant by Æthelweard', which seems at first glance to have the regular charter-form, becomes more the insinuating narrative preparations for the introduction of the immunity clause and the exceptional requirements, the 'three necessary burdens', the more we scrutinize the wording of the text—the too much plausible-looking minute details, having, though, words here and there that are not quite appropriate in a charter. We remember the words of Kemble, "as the truth always feels itself to be strong, but a lie always feels itself to be weak, the great pains taken to make us believe something, lead us naturally to suspect a consciousness that that something was in reality not worthy of belief" (CODEX DIPLOMATICUS. TOM. I., at pp. lxxxix f.) Therefore, but for the passage 'eo

quod ipse etiam pretio approbato a me conquirebat', we would not have hesitated to consider the text to be 'spurious'. As it is, however, we can only conclude that the text of this charter, Bi 116, is 'doubtful'.

Our next charter also is a strange one: Bi 117:—

117. *Grant by Ailric, son of King Oshere, of land at Childeswicwon, or Child's Wickham (Evesham Monastery).*  
A.D. 706.

(1) This charter has the Proem at the beginning, of the sort which only appears in the forgery, Bi 259, and that almost verbatim. Now, Wilhelm Levison considers that this part of Bi 259 is based on that of Bi 117, saying 'Of course I do not use 'the Old Englishi charters to St. Denis' (Birch i. nos. 252, 259 & c.) which W. H. Stevenson has shown to be forgeries of this monastrey (*E. H. R.* vi, 1891, pp. 736—42; cf. *ib.* xxvii. 1912, p. 6, n. 18). But the monks employed a genuine charter of King Offa of Mercia; the list of Witnesses in Birch, no. 259 was based on such a document (Stevenson, pp. 741 f.), the charter contains letters of the Anglo-Saxon alphabet (*ib.* p. 742), and the preamble is also found in an Evesham charter of 706 (Birch, no. 117).<sup>(151)</sup> This sounds as if the charter, Bi 117 be a genuine one and so the monks used the 'preamble', i. e., proem. Therefore, we must, first of all, determine which proem used which one, or, in other words, whether the proved forgery Bi 259 took its formula of Proem from that of genuine? Bi 117, or Bi 117 took the forged formula of the Proem of Bi 259—in the latter case, Bi 117 becomes more suspicious too—needless to say.

So let us compare the wording of both Proems in minute detail in order to find out if there is any significant difference between them from such a point of view.

Now, the beginning part is: "Evidentia rerum et experientia declarant cassabundam mortalium vitam" (Bi 259), which means something like 'The distinctness and proof of things manifest the tottering subsistence of human affairs', then the corresponding part in Bi 117, "Evidentia

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(151) ENGLAND AND THE CONTINENT IN THE EIGHTH CENTURY THE FORD LECTURES DELIVERED IN THE UNIVERSITY OF OXFORD IN THE HILARY TERM, 1943 BY WILHELM LEVISON, 1946). p. 8. Note 1.

rerum experimenta declarant cassabundam mortalium vitam” lacks the necessary ‘et’ between ‘rerum’ and ‘experimentia’. Then, the following passage, “et innumeris cotidie calamitatibus constringi, ita dumtaxat ut ante a quibus teneri ac possideri putatur, repente et mumentaneo intervallo lugubriter evanescat (Bi 259)”, which means something like “even to be fettered in countless daily misfortunes, so to the extent that before it [something] is regarded to be held and possessed by any (persons), it shall, suddenly and at a short interval, dolefully vanish”, while in Bi 117 the ‘et’ and ‘ut ante’ being dropped, the sentence ‘innumeris cotidie calamitatibus constringi. ita dumtaxat ut ab hiis quibus teneri ac possideri putantur. repente momentaneo intervallo lugubriter evanescent’ (to be fettered in countless daily misfortunes, so to the extent that (*lit.*) from these by whom they are regarded to be held and possessed, shall, suddenly and at a short interval, dolefully vanish) does not make sense, so the ‘(ut) ab hiis (quibus)’ must have been somehow mistakenly put in, instead of the correct ‘(ut) ante a (quibus)’ and thus the following Plural Conjugation-endings. Then the “Ideo singulis quibusque sollicite studendum est, ut dum indulta temporum spatia Dei nutu concessa manent, ne sine fructu spiritualium bonorum easdem indutias transeant.” (Bi 259), probably meaning “For that reason, it should be carefully pursued to see, in any particular things whatsoever, how, while the permitted spaces of period should remain granted by God’s will, not to let the same peace-time pass over without the enjoyment of spiritual blessings.” Now the version of this part in Bi 117 runs, “Idcirco singulis quibusque sollerter studendum est dum indulta temporum spatia Dei nutu concessa sustineat: ne sine fructu spiritualium virtutum easdem inducias transeamus” (Therefore, it should be skillfully pursued in any particular things whatsoever, while the permitted spaces of period should sustain granted by God’s will; we should not let pass over the same peace-time without the enjoyment of spiritual virtues). Well, I tried to make sense out of the latter passage as best as I could. Still, I could not prevent some impression of not being a proper proem formula from remaining in my translation, mainly due to the dropping in the text of the conjunction ‘ut’ and the verbal conjugation-ending of the last word, First Person Plural, as well as ‘virtutum’ instead of ‘bonorum’.

It should be hard, then, to consider, as Dr Levison seems to have implied, that the Proem of Bi 259 is made by employing Bi 117, which obviously has the inferior of the two proem formulae.

Then, lo! (2) the Invocation of the 'In nomine domini' type comes in, being introduced by 'Idcirco'. The formula, moreover, is quite irregular: 'regnantis in perpetuum' should come before 'domini nostri' to make a valid formula, as 'In nomine regnantis in perpetuum domini nostri Jhesu Christi' (Bi 190, Eadbert, King of Kent, a. 761, probably genuine), and if the concrete 'universes, or communities?' should be referred to as being ruled by God, some such word as 'ac . . . regentis' could be added. But it is not so in this charter. By the way, the 'universa quæ subsistunt [*better*, *subsistant*]' must then have an 'et', before 'constant', if the words could mean anything at all—'the whole universes (or communities?) that sustain and stand constanly'. A similar strange wording appears in the spurious Oshere charter, Bi 51, a. 680—'Regnante inperpetuum ac . . . domini nostro salvatore sæcula universa.' Then, the wording gradually changes and contains something like a (3) Motive of grant—'in qujus etiam nomine hæc scriptura confirmata sit. et pro eijus æque amore Ego' etc., but the whole structure of sentences of this 'charter' up to this part is so loose and irregular, it can hardly be said to have a charter-form. The whole looks rather like several more or less pious narrative sentences put together in order to make up an introduction which would validify the conveyance procedure that follows. (4) The Title has nothing wrong in itself, although I would have liked 'AILRICUS filius Oseri regis' more than the present order 'AILRICUS Oseri regis filius'. Then (5) The Identification of the land to be granted is begun by 'exiguam ruris particulam' which is rather too much in a charter, then the hidage is introduced by a more solemn 'scilicet' instead of the more usual 'id est'. Then (6) the Consent clause uses an Ablative Absolute construction not usual in this part, unless condensation becomes necessary because of its length, of a charter; a 'cum consensu' formula would be better in a formal charter because of the importance of the Consent clause. The Ablative Absolute form is more fluent than formal in the main text of a charter but would be appropriate in a narrative. (7) The Dispositive words 'tradens donabo' is exhuberant. (8) The regular Motive of grant 'pro

remedio animæ meæ' is all right. But the following clause 'omnibus diebus possidendam' (donabo)' in this part possibly means 'prayers for the donor every day', but still is verbose in a charter in this form. The next (9) Immunity clause and the exceptions of the 'three necessary burdens' (*trimoda necessitas*) are abominable in this period. (10) The Sanction consists only of the Positive invocation of blessing which is almost good, but not quite, because the latter half should be '*ampliet Deus partem ejus in regione viventibus*' as found in the genuine charter Bi 122 (*Æðilheard*, a. 704×709), not '*augeat Deus partem illius* (in perpetuum) in *terra viventium*' as is found in the spurious charter Bi 138 (*Æthelbald*, a. 716×717) and in our text of Bi 117. (11) The Dating clause has the far later words, '*syngrapha caraxata*' and the impossible incarnation date only and no indiction number. (12) In the Consent clause, the Ablative Absolute construction here is all right, but again the later word '*caraxata*' appears. (13) In the Witness-list, the first witness is the donor, which, as we saw, is all right. Then, whether or not King Oshere had a son named Ailric, we really have no means to know. Bi 85 (Oshere, of the Hwiccas, c. 693 or 4, genuine) shows that he had two sons, *Ædilhard* and *Ediluard*, who also appear in the genuine charter Bi 122 (*Ædilheard* and *Ædilweard* of the Hwiccas, a. 704×709, genuine). But nothing is heard, except in this charter, Bi 117, of Ailric. *Stabit praesumptio donec probetur in contrarium*. Since King Oshere reigned c. 693, a son of his could be of age in 706 is all we can say. Then, Kenred was king of the Mercians (704—709), so just contemporary. Brihtwald was archbishop of Canterbury (693—?9 July 734). *Ecgwine* was bishop of Worcester (693—30 Dec. 717). So these two are all right. Of the secular witnesses, *Waldhere* appears in the charter Bi 77 (*Æthelred*, King of the Mercians a. 692, dubious) as '*Waldhere pr[inceps]*'; '*Eilmund*' in Bi 123 (*Offa*, 704—709, doubtful) as '*Æthelmund*'; '*Ètheber[h?]*', as '*Æthelberht*' in the same doubtful charter. So the Witness-list is not too good.

So, as a whole, this charter, Bi 117 should be considered 'dubious'.

Our next charter from the same, *Evesham*, cartulary is no less strange, Bi 118:—



118. *Grant by Walter, the priest, of land at Swelle, or Swell, co. Glouc., to Cronochomme (Evesham) Monastery.* A.D. 706.

(1) First comes the Proem which begins with 'Vacillante præsentis cosmi statu' which is a tenth-century formula, such as 'Uacillantis status cosmi' (Kemble, COD. DIPL. No. DCXCII (ÆTHELRED, 995) or, Bi 1052 (King Ædgar, a. 959, genuine)—'Vacillante practicæ vitæ statu ejus finis nimium teste divinæ auctoritates eloquio accelerare dinoscitur'. The wording that follows in our present charter is not much different in its intents and purposes: 'quid aliud innuitur nisi bonis illuc preseveranter actibus insistendo magnopere festinemus'. (2) The Invocation, then, appears, as in our previous charter, Bi 117, introduced by 'Quapropter' this time; the form 'in nomine domini creatoris et redemptoris Jhesu Christi', however, does not accord with any invocation formulae, and especially the lack of 'nostri' and/or 'in perpetuum' deprives the wording of any vigour or enthusiasum of an invocation. (3) The Title of 'sacerdos' is not proper in this period; an 'abbas' or 'presbiter', not to speak of an 'episcopus', would be proper. (4) The Motive of grant is in the first half good—'pro anima mea', but the second half 'pro animabus successorum meorum' is too much to ask for! and is outside the wording of the time. (5) The Description of the land to be granted is introduced by the pleonastic wording 'de hiis quæ dominus largitus est mihi' which is not proper in a charter, and damages the otherwise good wording which follows, 'quandam porticulam [*better*, particulam] in loco qui appellatur' etc. (6) The Consent formula using the Ablative Absolute construction, as we saw before, is too short and inappropriate in this part of a charter. (7) The Dispositive words, 'tradens donabo' is too heavy in this period. The apparently innocent wording, 'ut semper habeat. et in perpetuum possideat', when followed, as is done in our present charter, by the immunity clause and its exceptions, the 'trimoda necessitas', suddenly begins to look as suspicious as the 'libenter perpetualiter concedo. Sit hoc prædictum rus omni terræ servitutis jugo liberum tribus exceptis rata videlicet expeditione pontis arcisve constructione' (Bi 27, Cynewalc, King of Wessex, a. 672, spurious). Now, ours is: 'Sit autem prædicum rus ab

omni terrenæ servitutis jugo liberum. tribus exceptis. arcis restaura-  
 tione. et pontis. et expeditionis obsequio'. A similar wording is also  
 found in the fabrication called 'Grant by Ecgberht, King of the W.  
 Saxons' (Bi 391, a. 826)—'perpetualiter.....(renovando  
 restaurandoque ammodum) liberis concedo. Sit autem prædictum rûs  
 omni terrenæ servitutis jugo liberum tribus exceptis rata videlicet  
 expeditione pontis arcisve constructione'. So all is false around here in  
 our charter. (8) The Dating clause is made by means of the anachro-  
 nistic incarnation date of 706 only. (9) The Attestation clause contains  
 such a far later wording as '(quorum nomina) inferius caraxantur'. In  
 the (10) Witness-list, the donor, self-called 'Sacerdos Walterus' cannot  
 be contemporary. Kenred, king of the Mercians is contemporary. So  
 are the bishops—Archbishop Bricwaldus (Canterbury). [H]eadda  
 (bishop of Lichfield), Ecgwinus (bishop of Worcester), Aldhelmus  
 (bishop of Sherborne), as we saw in connexion with Bi 116 (dubious).  
 [H]acca, bishop of Hexham (709—732) is *not* contemporaneous, so  
 out of place here. 'Homolunch abbas' must be 'Omulung abbas' of Bi  
 116. 'Wecta abbas' must be 'Wecta abbas' of Bi 116. '(Ego) Wade'  
 here must be the '(Ego) Wada' of Bi 116. So even the Witness-list is not  
 acceptable as a whole.

So the whole of our charter, Bi 118, should be considered to be  
 'doubtful'.

Our next charter is from the Evesham cartulary: Bi 120:—

120. *Grant by Kenred, King of the Mercians, of land at  
 Mortun or Abbot's Moreton, co. Worcester, to Cronu-  
 chomme (Evesham) Monastery. A.D. 708.*

This charter *starts* with a (1) Dating clause, after the mark of the  
 Holy Cross, and that the anachronistic incarnation date of 708! (2)  
 The Royal title 'rex Merciorum' is all right. But that seems to be the  
 only thing that is good in this 'charter'. For immediately the king,  
 'determing to travel to Rome', has 'chosen' the venerable Ecgiuine,  
 bishop of Worcester 'who had previously been there (qui prius ibi  
 fuerat)' as his 'companion of my journey and comforter of the hardship  
 (itineris mei comitem atque laboris consolatorem)' and he says 'in

electing I have, by friendly request persuaded [him to say] that it should be done (*eligendo amicabilem precatu ut id fieret obtinui.*); 'For, in that year before we began that journey, among very many donations I have granted, etc. (*Eodem namque anno antequam illud iter inciperemus. inter plurima donaria concessi etc.*)'. So all the talk and narrative about the journey to Rome so far is taking the place of a (3) Motive of grant. Such should be irregular in a formal charter, so doubtful. (4) The Statement of right starts with a simple 'terram' and then has the hidage and the name of the land and then has a 'cum omnibus' formula, but after 'ut.....perpetuo jure', is interrupted by a (5) Motive of grant of the usual type, 'pro redemptione animæ meæ', and then continues to 'possideat', and here comes in a sort of 'No Violation' formula, 'ut nullus princeps vel potestas post hæc' etc. And then the same formula of the 'trimoda necessitas' as the one we saw in Bi 118, 'Sit autem prædictum rus ab omni terrenæ servitutis jugo liberum tribus exceptis' appears, the order of enumeration which follows, though, is changed, i.e., 'arcis restauratione. et pontis. et expeditionis (obsequio)' (Bi 118); '(rata videlicet) expeditione. pontis arcisve restauratione' here. The two are, needless to say, virtually the same, and so equally bad in this period. And so we begin to feel a doubt that the whole composition so far written, being couched in pseudocharter formulae or wording, has all been the window-dressing, far later made, for the purpose of laying down such a liberty and its exceptions the more plausibly. (6) The Sanction is quite the same as that of King Edward found in Kemble COD. DIPL. TOM. IV., at p. 131, NO. DCCXCVII (a. 1052—1053, genuine)—'Si quis igitur hanc nostram donationem in aliud quam constituimus transferre uoluerit, priuatus consortio sanctæ dei aecclisæ aethernis barathri incendiis lugubris iugiter cum Iuda Christi proditore eiusque complicitibus puniatur, si non satisfactione emendauerit congrua quod contra nostrum deliquit decretum.', so virtually verbatim. And lo! the immunity clause with its exceptions found then in our charter (Bi 120) is also found in the same Edward charter, verbatim this time. So, this could be the place where the immunity wording with its limitations, as well as the Sanction, of Bi 120 have come from, although quite the same (in both the immunity, its exceptions, and the Sanction) applies to an

Edgar charter of a. 961 (Bi 1066; Kemble, COD. DIPL. TOM. II. NO. CCCCLXXXVII, at p. 375) which, however, is in a later hand and doubtful (W. H. Stevenson). The long (7) Boundaries in the vernacular, together with the short heading in Latin, is far later than 706.

Thus, we consider that this charter, Bi 120, is quite 'doubtful'.

Our next charter of King Ine is not much more promising: Bi 121:—

121. *Grant by Ini, King of the Saxons, of land at Brente, or East Brent, co. Somerset, to the Abbot Hengisl. A.D. 663*  
(? for 693 or 708)

(1) The Heading in capitals 'CARTA REGIS INE DE BRENTE' is a later insertion. (2) The Invocation 'In nomine Dei patris omnipotentis' is so defective and also not proper in wording, so ineffective as an invocation. Then comes! the Dating clause, that, beginning with a sort of incarnation date, which is so irregular in wording—'(Anno incarnationis) salvatoris humani generis DCLXIII'—that it is much more anachronistic than is usual, followed by an indiction number corresponding to 663, in which year, however, Ine was not yet king of the Saxons, his accession being 688, also contains the main sentence, 'scripta est hæc pagina privilegii', which is a far later wording. So the whole Dating clause must be an interpolation by some later and ignorant scribe, if anything in the rest of this charter be genuine at all—it is no wonder that various attempts to ameliorate the date amount to nothing successful, as Birch records in *Cart. Saxon. VOL. I. p. 177. Note 1.* (3) The Royal title 'rex Saxonum' is not quite as regular as 'rex Westsaxonum', but may be all right. (4) The Motive of grant is good and conservative; 'pro remedio animæ meæ'. (5) The Description of the land to be granted, 'aliquam partem terræ……, id est decem cassatos' is all right. But that the Identification of the land does not follow in here is quite irregular. Instead, the donee, Abbot Hengisel is called in the Third Person Singular, by name, and the (6) Consent clause consisting of two parts follows; i.e., first comes the 'cum pontificis nostri consilio' wording which is of the later age; then, an Ablative Absolute construction is used to refer to the consent of 'Baldredus rex' who is said to have granted 'this' land to him by the

petition of Serghere (or Sigehere, the father of King Offa). Now the two names Hengisel and Baldred remind us of Bi 61, although the lands are not common to both the charters. And then we notice that the above-mentioned wording 'cum pontificis nostri [Heddi] consilio' corresponds with the 'cum consensu pontificis nostri (Haeddi)' in Bi 61, which fact is not a good omen. Even when we met Baldred and Hemgisel for the first time in Bi 61—the names which could not have been popular among later forgers, we had to conclude the charter Bi 61 to be unauthentic. Now that we meet with them a second time in this our present charter, the formulary details here are found to be no better, from the very beginning too. And the Ablative Absolute 'consentiente' appears a second time in a clause volunteering an information which is not necessary in a charter, that 'this' land' is the one Baldred once granted him [Hengisel], and yet the land has not been even identified by name in the charter yet! Such cannot be the form of a formal charter. The wording then becomes worse, 'per me donatio hæc inperpetuum sit confirmata ut nullus infringere audeat', which indeed is a short and undignified (7) Confirmation clause—watch the word-order—and a fragmentary (8) Penal clause amalgamated into one faltering sentence. Then comes the (9) Identification of the land for the first time, and that by means of a mountain, again! after Bi 61. Thus, the land is situated in the mountain and around the mountain which is called Brente [Brent the old?], having, on the west, Sabrina [River?], on the north, Axa [Axe, the river] on the east, Termic [Tern Ock, the river], on the south Siger [River?]. We do not know where the writer of this charter picked up those names from. He may have had some genuine ancient material having such names, including 'Sergheri' and Baldred, even though a much corrupt one. The possibility is, then, that this 'charter' is a late concoction of ancient materials put together to make up a pseudocharter of the seventh century. The short (10) Sanction, a Negative penal clause, contains yet such turgid expression of later times 'vero cupiditate inlectus'. In the (11) Witness-list, Bishop Heddi subscribes 'propriis manibus' a irregular use of Plural Ablative Forms 'by my own hands', hardly a formula of, or near, the seventh century, if at all. (12) The Attestation clause, which is put in after him, has a bad wording '(testium) subrogatorum posterioris

temporis' (of the witnesses) '(lit.) surrogated [or appointed as predecessors] of the future time', also a far later wording, 'pro majoris munimine firmamenti'. Then the third witness 'Herewaldus' is titled 'speculator' (an investigator?) which is hardly seen in such an early charter. (13) Then, quite exceptionally another Sanction clause is put being introduced by such a wording: 'These aforesaid ones are seen to have added a restraint, lest the avarice of the successors should intrude upon what has been established by the predecessors, by these words'. (Isti præfati, ne sequentium rapacitas præcedentium irrumperet instituta, hiis verbis inhibicionem indidisse videntur). But the Sanction wording which follows is a far later wording and is actually repeated almost verbatim in Bi 588 (King Edward, a. 901, spurious): 'Si quis autem quovis deinceps tempore [alicujus persone surexerit qui] hoc infringere [vel in aliud mutare] tot nobilitatis gradibus roboratum, præsumeret jus [nisus fuerit in Bi 588], sit a consortio bene merentium anathema [epicarmoci (*be cut off*) in Bi 588] rapaciumque collegio adplicitus temeritatis suæ [sue in Bi 588] commissa laut, sub diris dentibus salamandri, cerberique [cerverique, in Bi 588, *corrupt*] rictibus reatum. exsolvat proprium [propri[o] in Bi 588] in sine fine semper moerens [merens in Bi 588]. Si quis vero benivola intentione potius præditus hæc [hec in Bi 588] exacta decernit [decernat in Bi 588], possideat bona sempiterna cum bene merentibus'—the bracketed parts are either dropped in our present charter, or slightly changed in Bi 588. Now, since this charter, Bi 588, has the same Invocation and a similar Proem as those in the contemporary Edward charter, Bi 862, it is probable that the composer of our present charter Bi 121 had some such genuine material of the tenth century.

So, all considered, we can only conclude that this charter, Bi 121, is to be estimated 'doubtful'.

The text of our next charter, Bi 122, whose witnesses we already looked into in the above<sup>(152)</sup> in connexion with Bi 85, probably genuine, we again quote from Birch.

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(152) Cf. *supra* text at and after note (59).

122. *Grant by Ædiheard and Ædilweard of the Hwiccas, of land at Ingin, to Cudsuida.* A.D. 704×709.

✠ In nomine Dei summi. Tempora temporibus subeunt, abiit et venit ætas. sola sanctorum gloria durat in Christo. Ideoque ego ÆDILHEARDUS et ÆDILUUEARDUS dabimus tibi CUDSUIDÆ terram quae dicitur INGIN. v manentium quam tu a nobis proprio prætio redemisti id est DC solidis ut in tua potestate sit habendi et donandi cuicumque volueris.

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. nomina autem testium subter scripta sunt.

✠ Signum manus Coenredi.

✠ Signum manus Ecuuini.

✠ Signum manus Ædilheardi.

✠ Signum manus Ædilueardi.

✠ Signum manus Cuthberti.

[A.] MS. Harl., 4660, f. 2. [B.] Kemble, *Cod. Dipl.*, No. LIII; from [A.]

Here we examine the main text only. The (1) Invocation is the authodex, 'In nomine domini' type, but the latter half is shortened into one word 'the highest' (God), which is all right in its firm connotation. It is to be noticed that the wording of the same latter part variates in authentic charters from now on. (2) The Proem is one of the early, and concise, precursors of the type that later prevailed; e.g., Bi 241 (A.D. 781), which is accepted both by W. Levison and W. H. Stevenson, an important synoldal record, has 'Tempora temporibus subeunt. et vicissitudinum spatiis eveniit ut prisca jam dicta inrita fiant nisi scriptis confirmemur.', as well as the 'In nomine Dei summi'; Bi 295 (A.D. 799) of King Koenwulf, which, as it stands, cannot be authentic, but preserves genuine parts, probably derived from an 'original' which once was at Worcester (Wanley), having 'Tempora temporibus succedunt atque ad finem tamquam decidens folium in præceps transeat' etc. (3)

The two donors are, as we saw before, all right. (4) The *verba dispositiva* consist only of one word and so good. (5) The Donee is addressed in the Second Person, an early practice, as we saw. (6) The Name-forms, first, of the donors, Æthilheard and Ædiluuald, are early, having the 'i' in the unstressed syllables; the name-form, second, of the donee, Cudsuidæ, has the early dative ending -æ and so is good. (7) The Identification of land (Ingin, Worcesters.) by means of 'terram quæ dicitur' is an ancient practice. (8) The Statement of right, besides the mention of 'five hides', refers to the fact that the land in question is really given for the payment of 600 shillings from the donee's own money, a fact which no later forger could think of. The phrase 'ut in tua potestate sit'—note the Second Person—"habendi et donandi cui-cumque volueris' is a good old one. The (9) Sanction has both the Positive invocation of blessing and the Negative sanction. But the wording is throughout limited to essentials only—in the former, the phrase 'in regione viventium' is to be noticed; in the latter, 'cum peccatoribus' has a similar tenor to 'cum Juda traditore' which 'agrees very closely with an Italian formula of the eighth century' (W. H. Stevenson). (10) The Attestation wording is most concise and straightforward, so in its earliest form.

As we saw before, the whole text now exists only as a transcript by Hickes. Nevertheless, there is every reason to consider that he transcribed most faithfully and carefully. So we do not hesitate to consider the text of Bi 122 to be 'probably genuine'.

Now, of our next charter, three copies are extant, Bi 123, 123A and 123B, the second of which is to be considered the best copy which now follows:—

123A. *Another form of No. 123. [Grant by Offa, King of the Mercians, to Worcester Cathedral, of land at Scottarith, or Shottery, co. Warwick, etc. A.D. 704–709.]*

✠ Regnante in perpetuum domino universitatis creatore.  
Ego OFFA rex Merciorum aliquam partem terrae id est.  
XXXIII. cassatorum in jus ecclesiasticæ. libertatis. WIOGER-  
NENSIS concedens libentissime largior ejusdem agelli nomen



est SCOTTARIT. quem tamen agrum fluvio quem dicunt. Afen. constant interlui isdem vero subregulus tres postea cassatos ruris silvatici la[r]giendo rogatus addidit usitato nomine. HNUthyRST dici solet. Istis terminibus cingitur præfata ruus in primis balganduun. billesleah. westgraf. hofentill baddanduun. Hoc est in occidentale parte fluminis. In orientale plaga wudan bergas hrucggan broc brom hlines deonu inde on sture postea tragitur in longitude sture usque in afene;

- ✠ Ego Offa rex Merciorum consensi et subscripsi.
- ✠ Ego Ecguine episcopus consensi et subscripsi.
- ✠ Ego Æthelweard propriam donationem et subscripsi.
- ✠ Ego Æthelmund consensi et subscripsi.
- ✠ Ego Æthelberht consensi et subscripsi.
- ✠ Ego Æthlric consensi et subscripsi.
- ✠ Ego Oswudu consensi et subscripsi.

[A] Ms. Cott., Tiberius A. xiii. f. 107b. *Hemingi* [K] Kemble, *Cod. Dipl.*, No. LV. *Cartul.*, ed. Hearne. (note at end).

So we here have an opportunity, not frequently found, of comparing three extant copies of possibly one and the same charter, although it is, on the other hand, unfortunate that none of them is even a 'slightly later' copy. Our choice of Bi 123A is based upon the facts about the Boundary clauses and some other differences in wording.

First, the Boundary clause of Bi 123A is by far the shortest of the three—itself an indication of comparative oldness in charters of this period. Thus, in our text of Bi 123A, the Boundary clause put after the Identification of land—really two lands—is not long, compared with the Boundary clause of Bi 123 which hereby follows:—

“æt SCOTTA RID. quem tamen agrum fluvio quem dicunt Afen constat interlui; is demum subregulus. III. postea cassatos ruris silvatici largiendo addidit. æt HNUthyRSTE.

Istis terminis præfatum rus cingitur. in primis balgandun. billes læh. westgraf. heofentill. baddan dum. hoc est in occi-

dentali parte fluminis. in orientali plaga. wudan bergas. ruggan broc. bromhlinces dene. inde on sture. ondlonges sture usque in afene.

Addit etiam prædictus Offa. III. cassatos in alio loco silvatici ruris usitato nomine HELLERELEGE pro remedio suæ animæ in civitate Wegornensi. his terminis cingitur. Ærest on leontan tha cume on blacau mere. thonne tha cume in ða geapan linde. thonon tha cume on lindwyrthe. spa tha cume on ciondan. of ceoudan tha cume on reodmore. thonon tha cume on tha greatan ac. thonon tha cume in ða readan sole. thonne tha cume on cærspytt. swa tha cume in usan mere. of usan mere. tha cume eft on leontan'

Now this is a long description, consisting, actually, of three paragraphs. The first paragraph is almost identical with the corresponding land-identification clause of our text Bi 123A, except that the forms here 'æt SCOTTA RID', 'æt HNUTHYRSTE' are perhaps older than the mere 'SCOTTARIT' and 'HNUTHYRST' of our text of Bi 123A. On the other hand, the form 'is demum subregulus' here is abominable, compared with the correct 'isdem vero subregulus' of our text. The word 'rogatus' (addidit) is dropped here.

The second paragraph consists of slightly more words of description, in Latin, of the boundary of the first land, compared with the equivalent passage of our text of Bi 123A, but both passages are virtually identical.

The third paragraph is strange. It should have been the description of the second, added, land, 'Hnuthyrst' which is 'Nuthurst' in 'Hampton in Arden' in Warwickshire really. Instead, however, the paragraph refers to a place named 'Hellerelege', which is unidentified for the moment. Thus, the presumption is that the land of Nuthurst had ceased to belong to Worcester by the time when this text was made, a fact which rather indicates the very much late nature of this copy. So the copyist changes the place-name, and added 'etiam prædictus Offa..... pro remedio suæ animæ in civitate Weogornensi.' to ease his conscience. And, next, the main wording describing its boundary is minutely written in Old English, a fact which certainly indicates the ninth century. This same wording is repeated, word for word, in the

text of Bi 123B into the bargain.

Thus, only our text of Bi 123A, lacking this part, is to be considered to have been made earlier, although not so early as could be wished.

Let us now examine—and compare—the diplomatic details of the three texts. (1) The invocation, the ‘Regnante’ type is all right in the first half for the eighth century, but the latter half, the ‘universitatis creatore’, (creator of the world) is a wording of the mid-ninth century, first found in Bi 488 (Burhred, King of the Mercians, A.D. 855, genuine): ‘Regnante inperpetuum agio et alto prosatori nostro universitatis creatore’, so destroys the whole formula here. This applies to all the three, but Bi 123B has ‘*universalis* creatore’ a no doubt corrupt form, so still worse, we must consider. (2) The Royal title has a problem, a grave one at that. For all the three copies have ‘OFFA REX MERCIORUM’, and these Offas then are referred to as ‘is dem subregulus’ or as ‘isdemum [sic] subregulus’, or as ‘prædictus Offa’. Needless to say, the great Offa cannot be an under-king. So this Offa in our copies should properly be Offa, son of King Sighere, of the East Saxons, accession 694 × 709—death in or after 709 (when he abdicated and went to Rome (Bede)). The sort of mistakes cannot happen at least one generation after the death of the under-king, even if the other Offa be contemporary. But, in our case, the great Offa, king of the Mercians, came to the throne in 757 and died in July 796, in or after which date the confusion must therefore have taken place in our texts. So the exemplar text, if any, of our three copies could only have come into being in the latter half of the eighth century. (3) The Identification of the land to be granted is ‘aliquam partem terræ id est. XXXIII. cassatorum’ (Bi 123A), ‘aliquam partem terrarum id est XXXIII. cassatorum’ (Bi 123), and ‘aliquam partem terae id est. XXXIII. cassatorum’ (Bi 123B), respectively. Now, the Numerals and hidage in Genitive Plurals after ‘partem (terræ)’ do not need the ‘id est’ at all. Indeed, in early charters, the form, ‘partem terræ’ accompanied with simple Genitive Plurals, is always used. (4) Of the Dispositive words, the first part, ‘in jus ecclesiasticæ’ is good, but the addition of the superfluous ‘libertatis’ destroys the whole formula. And this applies to all the three copies. The addition of ‘possessionis’ in Bi 123B is probably still worse. The verbal part ‘concedens libentissime largior’

(Bi 123A, Bi 123B) is inflated and bad in the charter of an under-king—the simple 'largior in Bi 123 must have been due to the dropping of the other words by the careless scribe, or was it not carelessness but intentional, because, by and large, the main text of Bi 123 seems to be an abridgement of the text of Bi 123A, so much so that the (5) Identification of the land which follows is much shortened in Bi 123 so that the context can hardly be safely followed without the help of the corresponding part of the text of Bi 123A. 'Tres' in Bi 123A and Bi 123 B is probably earlier, and III later in Bi 123. The dropping of the word 'rogatus' concerning this second land is found only in Bi 123, probably by the same reason as mentioned above. The wording 'pro animæ meæ' (Bi 123B) and 'pro remedio suæ animæ' (Bi 123) are probably later additions, being ill-placed. (6) The Boundary clause beginning with 'Istis terminibus cingitur' in Latin is found somewhat shortened in Bi 123, while the same Boundary clause is in Bi 123B, changed, after 'cingitur', to an Old English one. Then, the addition of another description in Old English only which is not found in the same Bi 123 A starts in Bi 123 after the end of the Latin boundary clause 'usque in afene', putting 'Addidit etiam prædictus Offa. III. cassatos in alio loco silvatici ruris usitato nomine HELLERELEGE pro remedio suæ animæ in civitate Weogornensi', before it. The part must be a far later interpolation by an adding scribe—duplicating and/or pleonastic words are also found herein. The rest that is written in Old English is an obviously much later composition (9th cent.) and is found in both Bi 123 and Bi 123B, the latter of which actually has only this OE Boundary clause, omitting the Latin brief description entirely, to make it worth still.

Thus, all the three copies we have are full of bad expressions and words. Even the best of the three, as we once mentioned, which is Bi 123A, cannot have anything authentic unless we can consider that the Invocation is changed and the king's names are confused in a later period. But the former is very much improbable under the circumstances and the latter cannot have been innocent. The 'concedens libentissime largior' is the wording which can be fit for the great Offa, but not for the under-king, so the whole wording must have been a later concoction and forgery. The Boundary clause of all the three copies written mixedly in Latin and the vernacular is the practice of the end of

the eighth century. Thus, the essential points of the three texts, all of them, have nothing pointing to the date they contain and so must be held 'forgeries', earlier or later. The Witness-list can only confirm such a conclusion. Bishop Ecgwine died in 717, so can never be a witness of a charter of the great Offa. Of the rest, Æthelweard and Æthelric often appear in charters of King Æthelbald (e.g., in Bi 137, probably genuine; in Bi 139, genuine), together with Bishop Ecgwine, so these names might have been taken by the forger from some lists of King Æthelbald's charters of the beginning of the eighth century—the name Oswudu might have been Osred (Bi 139) put in the revised version of the forgery for the first time.

124. *Grant by Kenred, King of the Mercians, of land at Ulenbeorge, or Oldbarrow, co. Worcester, to Bishop Ecgwine. A.D. 709.*

Now this charter-looking material is so bad from the beginning to the end that the text need not be quoted here. We just briefly look over the important or significant diplomatic points of it.

(1) There is no Proem as such at the beginning, and the text starts from the most inflated (2) Royal title that hardly applies to King Kenred, because the long description of kingship consists really of two paragraphs both of which are obviously the wording of the tenth century. Above all, the first and sublime word 'Subthronizatus' and 'solio' appear in an Edgar charter of A.D. 960—'ego EADGAR totius Brittanie solio subthronizatus' (Bi 1054); then the key word, as it were, 'sullimatus [for sublimatus]' again appears in another Edgar charter of A.D. 970—'(ego Edgar).....regni solio sullimatus' (Bi 1269); then, '(per.....) pantocratoris (.....potentiam)', the Greek word, is found in an Æthelstan charter of A.D. 930—'(præcepta) pantocratoris' (Bi 669, genuine). Among the much inflated and decorative wording of the second paragraph we immediately meet with a typical word of King Æthelstan's, 'monarchia (Albionis)', as in 'Ego Æðelstanus..... Brytanniae monarchia' (Bi 677, a. 931, genuine 'original'). What seemed like the Dispositive wording has a Proem-like preamble: 'Sane quoniam carta carraxata subsistit, quod os fatur transit. propterea insignire

perplacet quod volumus cuidam nostro fideli amico et pontifici ECGUINO quamdam partem terræ concedere, id est' etc., all in the typical words and ideas of the tenth century. (3) The Identification of the land to be granted, 'bissenos agros. quam incolæ hujusce regionis [= provinciae ?!] sic vocitant Aet ULENBEORGE', is accompanied with a decorative and inflated wording concerning the bishop, 'quam a me placita obedientia dignoque officio impetravit' which is of no more practical meaning than 'fideli amico et pontifici' really. What follows, however, is still worse—'atque grato adquisivit prætio. donando pensum libræ auri purissimi quod æqua lance trutinatum ponderatumque præcipuum reddidit talentum'. So the bishop paid the king money for the land—the 'purest-gold pounds' probably means 'coins'—and the use of 'lance trutinatum' as the unit of just measure of weight is a known practice of King Æthelstan. Now, what is the worst of all is the fact that all the above description in the charter, Bi 124, has the definite purpose of introducing the immunity and its exemptions, the 'trimoda necessitas': 'ut sit illa terra libera ab expeditione et arcis constructione et pontis renovatione,' a gross anachronism in this period and definitely brands this charter as a forgery in toto.

The (4) Sanction is a ninth-century one, found, e.g., in the charter of Beorhtwulf, King of the Mercians, A.D. 840, (doubtful). (5) The Dating clause is the type frequently used in the tenth century, especially the latter part, 'his testibus consentientibus quorum nomina infra caraxata esse videntur'.

The (6) Witnesses are chosen quite well and generally good, except 'Ceadda episcopus (of Lichfield, 669–672); but this might be a mis-copied 'Headda' (bishop of Lichfield and Leicester, 691–716×727). The wording of the king here 'sub sigillo [h]agiæ crucis donavi' is later. (7) The long Boundary clause in the vernacular of course is far later.

So we do not hesitate to consider this charter, Bi 124, to be an 'obvious forgery'.

Our next charter is not much better, Bi 125:—

125. *Grant by Kenred, King of the Mercians, and Offa, King of the East Angles, of lands on the banks of the R. Avon, etc., to Homme (Evesham Monastery). A.D. 709.*

We do not consider its long text worth printing, so only point out its significant parts here.

(1) The Invocation is not good, using the wording of the holy trinity with 'Amen' at the end. The whole idea came in much later than 709. (2) The Proem is a tenth-century one in its wording and, actually, the same proem is found in a Grant by Eadgar to Abingdon Abbey, of land in Henne Riðe or Hendred, co Berks. A.D. 964 (Bi 1142, suspicious) where indeed a practically identical formula of the proem is seen to exist together with a far better type of the invocation—*In nomine domini nostri Jhesu Christi salvatoris. Quoniam quidem transeuntis mundi vicissitudo cotidie per incrementa temporum crescendo decrevit. et ampliando minuatur crebrescentibusque Repentinis variorum incursum ruinis vicinus finis terminus esse cunctis in proximo cernitur. Idcirco vanis ac transibilibus Rebus mansura celestis patrie premia mercanda sunt.*"

This whole paragraph again is obviously based on the wording of a charter of Grant by King Eadmund to Ælfric Brenting, Bishop [of Hereford], of land at Baddanbyri, or Bandby, Doddanford, or Dodford; and Eferdunc, or Everdon, co. Northampton. A.D. 944 (Bi 792, 'original', MS. Brit. Mus., Augustus II, 63, and MS. Cotton Vespasian B. xxiv, f. 15b.), which has the following formulæ—"✠ *In nomine domini nostri Jhesu Christi. Quoniam quidem transeuntis mundi vicissitudo cotidie per incrementa temporum crescendo decrevit. et ampliando minuitur. crescentibusque repentinis variorum incursum [u]m [ru-]inis vicinus finis terminus esse cunctis in proximo cernitur. idcirco vanis ac transibilibus rebus mansura cælestis patriæ præmia mercanda sunt;*"

The reader may see that this 'original' text has intact the words lacking from the corresponding formula of our charter, Bi 125—the word 'vicinis' which should be after 'ruinis', and the word 'transibilibus' which is changed to the more common 'transsilibus' in Bi 125, while the word 'crebrescentibus' which is found in the Markulf formulary book (II. 3) is miscopied to 'crescentibus' in both our Bi 125 and this Bi 792, though not in Bi 1142. Things happen in history. *Quod satis est cui contigit.* (3) The Royal title of King Kenred is not satisfactory—'Dei dono (Rex Mertiorum)'. An authentic form of such

a wording is found in a Grant by Æthelred; King of the Mercians, to Oftfor, Bishop of Worcester, of land at Heanburg, or Hanbury, co. Worc., etc. (Bi 75, A.D. 691×692, genuine)—‘Christo donante (rex Mercensium)’. The Royal title of Offa is in a far later wording and is bad—Bi 1142 has ‘Rex Anglorum ceterumque gentium in circuitu persistentium gubernator’, etc. as the title of King Edgar, and ‘gentis Anglorum rex’ is found in Bi 792 (King Edmund). (4) The Motive of grant would have been good had it not been for ‘et subsequendum’ which is too much to ask for in charters of this period. (5) The Dispositive words are not good—‘salute donamus, etc.’ (6) The Identification and Description of land is bad, beginning with, i.e., without any ‘*terram meam*’, etc., so simply ‘*in loco in quo*’. Then the expression ‘*se beata virgo Maria .....manifestavit*’ appears in a spurious letter of Pope Constantine to Archbishop Brithwald (Bi 126, whose wording is that of tenth or eleventh century). Then, ‘*præsenti (libello) confirmamus*’ is possibly the wording of the twelfth century. The description of the land in Latin is too long and minute for this period—six full lines in Birch’s printed text. The wording of the liberal donation also is much later. The regular (7) Boundary clause in Latin containing a great many vernacular place-names which indeed occupies nearly a full page in Birch is more than a century too early. The further addition of five hides found in the next page of Birch printed text begins with ‘*Volumus insuper ac decernimus*’ which is a wording of the thirteenth century. (8) The very much inflated wording of the Sanction is the same sort as is found in the spurious Declaration of Bishop Ecgwine (Bi 130, A.D. 714!)—the wording ‘*depravare aut minuere vel contaminare præsumpserit, ..... nomen ejus deleatur in eternum de libro viventium ..... nisi in hac vita ..... emendet.*”, or in a suspicious charter of Grant by Offa, King of the Mercians, to Milred, Bishop of Worcester, of land at Uuican, co. Worcester, A.D. 757×775! (Bi 219)—especially the wording ‘*(hanc nostræ donationis elemosinam) minuere voluerit et delere: ..... deleatur memoria ejus de libro vitæ ..... nisi in præsenti vita emendaverit condigna satisfactione.*’ (9) The Dating clause is an impossible one. Almost all parts of it are virtually



identical with the wording of a spurious letter of Pope Constantine to Archbishop Brithwald (Bi 126), even to the date!—"Scripta est hæc epistola anno dominicæ incarnationis. D.CC<sup>o</sup>. IX<sup>o</sup>, in ecclesia salvatoris Lateranensi ..... confirmante Constantino .....  
 ..... antis[ti]te astantibus et confirmantibus regibus Angliæ Kenredo. et Offa. rogante venerabili viro Egwino episcopo coram pluribus archiepiscopis. et episcopis. principibus et nobilibus diversarum provintiarum. cunctis clamantibus et dicentibus" etc. (10) The Witness-list beginning with Bishop Constantine of Rome ! is taken from that of the same spurious letter of Pope Constantine verbatim.

Thus the diplomatic particulars of our charter, Bi 125, are found to be bad from the beginning to the end. We cannot help but consider the charter Bi 125 to be a 'spurious' document.

Our next charter is Bi 127:—

127. *Grant by Cheolred, of land at Rageleia or Ragley, co. Warw., etc. to Ethom (Evestham) Monastery. A.D. 710.*

The text is full of far later words from the beginning to the end and is not worth quoting here as a whole. We directly go into the diplomatic points of significance.

The (1) Proem is indeed that of King Edmund, as found in his Grant to the religious woman, Ætheldryð, of land at Polhcæmatunce, or Polhampton, in Overton, co. Hants. A.D. 940! (Bi 763, genuine), verbatim, thus: "Beantis universorum voce monemur preclara. procuremus incessanter sine amaritudine mentis hujus seculi ambitione integra libertate apertis januis intrare ad eum qui suo cruore scelera nostra deterisit injusta. Licet primi prothoplasti facinore violata inprobis successionibus deterioranda. istic degentibus vilescerent. tamen omnibus namque sapientibus notum ac manifestum constat quod dicta futura vel facta pro multiplici erumpnarum perturbatione. et cogitationum vagatione frequenter ex memoria recedunt. Nisi litterarum apicibus et custodiæ cautela scripturarum reserventur. et ad memoriam revocentur." (Bi 763). The (2) Royal title is very strange— '(ego) Æðelredi Pende filius'. Now, the lack of the word 'rex' here *can* be all

right, as we saw some time ago, but, by the same token, the explanation that he, Ceolred, is the son of Æthelred [son] of Penda is utterly out of place in a charter, because such a fact should indeed be taken for granted by the contemporary population, especially by the more important personages of the King's court including Bishop Ecguine himself. (3) Then begins the characterization, in later decorative words, of Bishop Ecgwine who has returned from Rome ('twice' says the spurious letter of Pope Constantine, Bi 126, too.)—'ponpam mundi parvipendendo episcopatum suum penitus relinquendo in ecclesia' etc.—that is quite uncalled-for in a charter of grant by a king. (4) The Motive of the grant (to Evesham) Monastery in this text has a later wording 'spe remunerationis æternæ' added to the ordinary 'pro redemptione animæ meæ etc.' so is bad for this period. (5) The Identification of the land to be granted has, after the regular 'terram triginta quinque cassatorum', a far later and impossible place-name clause 'in plaga<sup>(153)</sup> Warewicensi' probably meaning Warwickshire—a post-Conquest form if at all (cf. the form 'Warwic' in the Domesday Book)—the correct one should be '(Into) Wæringc Wican' (Bi 157) of which the '-ingc' is indispensable in Old English whether or not it means 'people' or 'dam'. (6) The dispositive words 'prænominatæ ecclesiæ in perpetuum tradens donavi' are inflated in its later wording. Then (7) comes in the impossible wording of freedom of the church and its exemptions, the 'trimoda necessitas' words. The wording 'Sit autem predicta terra libera ab omni mundiali servitio [*or* obstaculo] cum omnibus que ad ipsum locum [*or* se rite] pertinere dinoscuntur. tam in magnis quam in modicis rebus. campis pascuis. pratis. [silvis] dirivatisque cursibus aquarum. Excepto [communi labore videlicet *or*] istis tribus. expeditione. pontis arcisve [constructione *or*] cœdificatione.' is found in both the Evesham charters, Bi 511 (A.D. 860×865, spurious) and our present charter Bi 127, thus so much the worse. (8) The Sanction is identical in its whole wording with that of Bi 124, even to the quotation of the Bible (Luc. XXIII, 43), which charter is an obvious forgery, so

(153) Apart from the very late form of the place-name which follows, the word 'plaga' is a later, medieval form of the pre-Conquest 'paga', while the original Frankish 'pagus' denoting English 'shire' is found in spurious O.E. charters. Cf. W. H. Stevenson in *ASSER'S LIFE OF KING ALFRED* (OXFORD, 1904, Repr. 1959) at p. 155, and notes 2 and 3 therein.

can be no better here. (9) The Witness-list is common to that of Bi 124 (forgery) except for the donor and that only the first three witnesses there are found here. The words of attestation of the second witness, Brihtwald, are identical with those found in the same forgery.

The facts being so, we cannot but consider this our present charter, Bi 127, to be at least 'doubtful'.

Our next charter is a short, but difficult charter for a researcher, Bi 128:—

128. *Grant by Fortere, Bishop (of Sherborne), of land at Bledeneye, or Bledenithe, to Aldberht, Abbot (of Glastonbury). A.D. 712.*

Carta Fortere episcopi facta abbati Aldberto de Bledeneye.

Ego Fortere, famulus famulorum Dei, pro redemptione animæ meæ unum cassatum dedi ALDBERTO abbati quæ scita est juxta fluvium AESCE, ad portam quæ dicitur Bledenithe, ad insulam parvam et ad ecclesiam beati Martini confessoris, in propriam substanciam. Habendum donandumque cui-cumque voluerit. Qui haunc cartam infringere temptaverit sciat seipsum a communione sanctorum separatum et ab omnipotenti Deo.

✠ Ego Fortere consensi et subscripsi.

Acta est autem hec donatio anno DCC.XII. indictione prima.

First, this charter has a heading or preamble before the main text. It is true that some of the Wihtréd charters of probable genuineness have such preambles as we saw before (e.g. Bi 88, Bi 90, 96) while his 'original' charter, Bi 98, does not have a preamble. The presumption, therefore, is that those preambles were later added by Wihtréd's cartulary. We then do not know that such a kingly practice should apply to a bishop's private charter. (2) There is no Proem. (3) The title of the donor, Fortere or Forthhere, should properly be 'episcopus', because he became bishop of Sherborne in 709. The title, however, given in this charter, 'servant of servants of God', should apply to an abbot—as we saw, Aldhelm called himself in the same way *before* he became bishop

of Sherborne in 705 (Bi 108 A.D. 704, in the genuine Witness-list). (3) Identification of the land to be granted lacks the regular word 'terram' and, instead of the Genitive form which should follow it, the amount (one hide) itself is put in the Accusative Form—an irregularity in a charter of this period, although the (4) Motive of the grant is all right. (5) The place-name 'Blendenithe' can be identified as Bladney, part of Wookey, Somersetshire, where indeed the river Axe gushes forth—'scita' of course is the corrupt form of 'sita', so the writer may have been an OE speaking cleric. (6) The dispositive words 'dedi ..... in propriam substanciam' is not a regular wording and bad. The Hereditary wording itself is all right. (7) The Sanction is the Negative penal clause which seems all right at first glance, but the most emphatic Reflexive 'seipsum' therein is not called for in a charter of the period and bad in a formula; a simple 'se' should suffice. (8) The Witness is the Donor himself who says 'consensi et subscripsi' which practice is found in this period; e.g., "Ego Æðelbaldus rex propriam meam donationem *consensi et subscripsi.*" (Bi 139, A.D. 718, genuine). (9) The Dating clause is bad: the year 712 should be x by indiction, while the Indiction number 1 should apply either to 718 or to 733. And it is difficult to think of the process how x is changed to 1 by copyists, not to spak of 'decima' and 'prima'.

Now the brevity of the text might induce some scholar to consider it to be 'perhaps genuine'. It, however, should be taken into consideration that the land in question is situated near Glastonbury and the donee is the Abbot of Glastonbury. And of course the text has too many slight but definitive irregularities. So we consider this text Bi 128 to be a 'forgery', one of the clever Glastonbury forgeries. The monks of Glastonbury indeed made plausible forgeries; only they did not, could not, take into account modern apparatus for the criticism of the charters of the period, such as the one W. H. Stevenson contrived on the strength of Kemble and Birch, both of which the then scribes obviously did not even dream of.

Our next charter, in contrast, is a very long document, Bi 131;—

131. *Charter of Bishop Egwine, founding the Abbey of Evesham.* A.D. 714

The text is not worth quoting here. Except for its (1) Heading which is obviously later given—‘The Charter of the blessed [in heaven, i.e., the late] Bishop Egwinus’—and for the (2) Invocation of the ‘In nomine domini’ type which can hardly be a valid invocation, lacking the necessary words, ‘Dei’ and ‘nostri’, the whole voluminous text has very little that looks like the contents of a charter. After the pseudo-Invocation we immediately meet with a (3) Title, ‘Ego EGWINUS Wictiorum humilis episcopus’, which is not among the wording of a charter of the Anglo-Saxon period—by the words ‘bishop of the Hwicce’ the writer probably tried to mean ‘bishop of Worcester’ in an archaic way, not knowing that such an official title did not exist in pre-Conquest England. Then, the Bishop tries to ‘disclose in this same charter how he first, through the inspiration of the Holy Spirit, chose the same place and built a monastery of Evesham’ etc. This is no way an Anglo-Saxon charter was written. Nevertheless, he continues his narrative, indeed using the very expresseon ‘ut ego breviter hic narro’, although the whole text is not written ‘breviter’ as a charter. What looks like a (4) Motive of grant is written in a very much turgid style and in the same narrative way—‘Qua de re arsit mihi in animo per sancti spiritus inspirationam, quod ego, si dominus prosperum faceret desiderium meum, unum locum ædificare deberem ad laudem domini mei et sanctæ Mariæ virginis et omnium christi electorum, et etiam mihi ad æternam retributionem antequam ab ista mutabili vita discederem.’ Then a story is told concerning the choice of the place, after Egwine came back from Rome—in this ‘charter’ too, his travel to Rome is unnecessarily referred to—then the narrative tells how the bishop asked Ælred, probably, Æthelred, King of Mercia, for the grant of the place, and how King Æthelred, in a willing frame of mind, granted him the place, then called ETHOMME, later to be called EOESHAMIAM (Evesham) for such and such reasons. All this narrative, however, can have no place in an Anglo-Saxon charter. Quite the same applies to the rest of the narrative concerning how Egwine managed and conducted the congregation. But, the narrative says, after Egwine completed so much work, King Æthelred gave Egwine Stratford and the castle of ‘Chadelbury’, or Chadelburi (Ceadwalla’s Burg?, Chadbury, Worcestershire), and the old Monastery which is called

'Fladeburi' (Fladbury, Worcestershire), that had come to the king through inheritance from his wife Ostrith (Osthryth), and then Ecgwine gave the old Monastery to the Hwiccian under-king, Æthilhard (cf. Bi 122 cited above) in exchange for a land in Stratford, because the monastery had been unjustly possessed. 'After King Æthelred indeed became a monk [according to Bede], his successor, in the kingdom of the Mercians, King Kenred, and Offa, king of the East Angles, who was suddenly given (the throne of) the Mercian kingdom because of inheritance, they gave to the same church (Evesham) eighty-four hides (mansas) around that place which is called Homme, on both sides of that river which is called the Avon, into the possession of the church for the relief of his [Singular!] soul and of his successors. Then after a short time, from a brother of the said under-king (Æthelhard?), Oswald by name, I [Ecgwine] have obtained another land, i.e., twenty hides in a place which is called Twiford (Twyfard, Berkshire?); and after this Æthelric, son of king Osheri, and Balterius, a devout priest, both of them, [granted to me] eight hides for the worship of God. And thus the church possessions are complete, a hundred and twenty hides, as is to be written underneath and the land and its boundaries is [sic] proved in a 'book' which Archbishop Beorhtwald prepared and dictated with the consent of the princes whose names are denoted underneath'. So we have reached, in a very strange way, the (5) Identification of land and the (6) Boundary clause.

Now the text so far—the narrative about how the church obtained the hundred and twenty hides and that the grant is written in a 'book' made by the Archbishop—is made by expounding a spurious document called 'Statement of Bishop Ecgwine, respecting the lands of Evesham Monastery, A.D. 714 (Bi 130), most obviously, and can properly be no contents of a charter at all.

What follows is still more strange in a charter of grant, for the story goes on and starts telling how Ecgwine, two years after the death of Aldhelm, which Ecgwine is said to have perceived by revelation, 'calling together his Brothers and willing people, revealed to them the demise of the venerable Father, hastened to the place where his sacred body lay, reached the position nearly fifty miles beyond the monastery of Malmesbury'—here the wording 'Meldunense monasterium' proba-

bly is a later and very corrupt form of the 'Malmesberie' of the Domesday Book, which again had come into being, derived from the pre-Conquest 'Maldulfed burgh' (OE Bede), through 'Mealdelmes byrig' (Anglo-Saxon Chronicle (E) of A.D. 1015<sup>(154)</sup>)—, 'brought [him] to burial and buried honourably, ordering that in whichever place where the holy body will have rested by displacement, the signs of the Holy Cross should be erected.' So the 'charter' gradually becomes the statement of Egwine's personal experience and recollection, and continues in such a way further on. Thus Egwine was asked to accompany the kings in their journey to Rome—the story we already met once before—and consented and went with King Kenred and saw affairs in Rome, received by Pope Constantine, put the monastery of Evesham under his protection and had those donations and privileges that the king and Egwine had granted to the same monastery reinforced with the papal and regnal authorization—the story says they were rejoiced at receiving the pope's letters, authorization and confirmation, affixed with the seal of the pope, of those donations and liberties. Then, soon after they came back to England, King Kenred called together a 'witena gemot' and the king notified them all what they [the king and Egwine] did to Rome for the eternal restitution (salvation) of them and their successors, and produced the Apostolic benediction under papal seal, and, themselves joyful, confirmed the same to the people by words and by faithful order. And Beorhtwald, archbishop (of Canterbury), from the mouth of all, described in a charter, both the land of the place and (its) liberty. Then the witan had the preference that the master Bishop Wilfrid and Egwine should bring the same privilege to the same place (Evesham), etc.

So, then, all this narrative, long and roundabout, is meant to serve the purpose of justifying and making plausible the present 'charter' for the establishment of the Monastery. The very efforts, however, failed in their own purpose, as the reader may see. No charter in Anglo-Saxon

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(154) Cf. Ekwall, *op. cit.* (Conc. Dict of Eng. Place-Names), at p. 312. Unfortunately, nearly all the other OE forms he cites therein are found in spurious or dubious charters. The 'Maldubiensis ecclesia' or 'Maldubiensis ecclesia' is found in spurious charters, Bi 569 and Bi 568. A 'Meldulfesburg' appears in a very much doubtful charter, Bi 58, of King Æthelred, A.D. 681.

England can afford to have such a long and elaborate narrative in its essential contents, much less an early eighth-century one. The language, too, betrays post-Conquest traits here and there.

The (7) Sanction is another turgid and decorative composition, beginning with 'Si autem aliquis (quod absit) avaritiæ spiritu arreptus vertere velit' and is long and congestive in a far later language than the date it bears.

The (8) Dating clause has the incarnation date of 714 written again in a turgid way—'Huius privilegii descriptio scripta fuit ab Incarnatione Dominica(!) anno DCCXIV', and no indiction number. Then an (9) Attestation clause of a later type which can still be a Saxon one intrudes, and last appears a very peculiar continuation of dating—'post parvum tempus migrationis beati Guthlaci de hoc sæculo'. Now the word 'blessed (in heaven)' which is usually put before the name of a bishop who left this world, can perhaps be properly put before the name of a saint. Now (St.) Guthlac died on the 11th of April, 714.<sup>(155)</sup> The date 'a short time' after his death could very well be in 714. Indeed, those monastic concocters knew their professional matters very well. In the (10) Witness-list we find the names of the above-mentioned three personages, King Kenred, King Offa and Archbishop Beorhtwald, although their words of attestation are far later ones. The last comes the wording 'Et multi alii subreguli, episcopi, abbates et presbyteri subscripserint' which of course is as well too much grandiose and unnatural as anachronistic in a charter of A.D. 714, togeth with a very unusual clause, 'sicut in authentico habetur.' which rather betrays that the whole document is unauthentic than not.

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(155) On this date, cf. Whitelock, *idid.* (E.H.D.), at p. 712. Note 6.