

Introduction to the Paperback Edition

This reprinted edition of Agnes Jane Robertson's *Anglo-Saxon Charters*, first published by the Cambridge University Press in 1939, forms part of a series of three volumes containing texts and translations, with commentary, of the corpus of surviving vernacular charters from Anglo-Saxon England. Robertson's *Charters* followed Florence Harmer's *Select English Historical Documents of the Ninth and Tenth Centuries* (Cambridge, 1914) and Dorothy Whitelock's *Anglo-Saxon Wills* (Cambridge, 1930). As explained in the introduction to the reprint of Harmer's volume, the series had been conceived by Hector Munro Chadwick, Elrington and Bosworth Professor of Anglo-Saxon in the University of Cambridge (1912–41); and it was not completed until the publication of Harmer's *Anglo-Saxon Writs* (Manchester, 1952), itself reprinted in 1989. A multi-volume edition of the entire corpus of charters – each volume of which presents the charters formerly preserved in the archives of a particular religious house (or group of houses) – is now in progress, published under the auspices of the British Academy–Royal Historical Society Joint Committee on Anglo-Saxon Charters (Oxford, 1973–). The new edition includes charters which have been brought to light in the past fifty years, and incorporates more detailed discussion of each text in its appropriate contexts.

Robertson's *Anglo-Saxon Charters*, here reprinted in its second edition (1956), contains a variety of texts ranging in (apparent) date from the mid-eighth to the end of the eleventh century. It contains examples of all of the recognizable types of document for which the vernacular is known to have been employed in Anglo-Saxon England (apart from the written instructions or notifications known as writs, all of which may be found in Harmer's *Anglo-Saxon Writs*), including royal diplomas, 'private' charters, leases, wills, and records generated by the processes of litigation. Over 70 of the 120 documents (exclusive of the two appendices) are drawn from the archives of three religious houses: Worcester (31), Christ Church Canterbury (22), and the Old Minster, Winchester (18). The rest are drawn from the archives of about 20 other houses, including Bury St Edmunds (7), Rochester (5), Sherborne (5), and Peterborough (4). Several were preserved as records entered on blank spaces or added leaves in gospel-books (Robertson, nos. 24, 62, 71, 78, 80, 84, 88–90, 95–6, 99), or in a *Liber Vitae* (nos. 60, 68 *bis*); about 30 are preserved on single sheets of parchment, written in script judged to be contemporary with the apparent date of the

Cambridge University Press
 978-0-521-17832-7 - Anglo-Saxon Charters
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text; and the rest as copies entered in cartularies, or in transcripts or printed editions derived from single sheets now lost.

The instruments of government known as royal diplomas, issued in the names of kings (generally at royal assemblies) from the seventh century to the end of the Anglo-Saxon period, granting land and privileges to religious houses or to individuals (ecclesiastical and lay), were composed all but invariably in Latin. The single surviving exception among charters preserved in what would appear to be their original form is a diploma of Berhtwulf, king of the Mercians (840–52), for his thegn Forthred (Harmer, no. 3); but of course there are complications. Royal diplomas in the vernacular are found throughout Robertson's volume (nos. 1–2, 8, 11–13, 23, 25, 30, 38, 45, 48, 50, 82, 85, 95, 118, 120), to which should now be added *StAlb* 1–2. All of them have to be approached with circumspection, and each must be judged in its own archival context. Some are probably English versions of texts drawn up in Latin; others were most likely composed in the vernacular, as part of the process by which certain religious houses provided themselves with a documented past. There is no reason to doubt that some of the transmitted texts may have originated in the tenth or eleventh century. Versions of a purported charter of King Æthelred, in Latin and English, refounding and endowing the church of Canterbury, were entered in a gospel-book at Canterbury in the first half of the eleventh century (Sawyer, no. 914). The question remains whether any such vernacular charters are genuine in this form. Of those in Robertson's volume, the case has been made for a vernacular diploma of King Eadred for his thegn Ælfsige Hunlafing, preserved only in a twelfth-century Peterborough cartulary (no. 30), adding another dimension to the special interest of the small group of mid-tenth century texts known as the 'alliterative' charters, to which it belongs. One should also refer in this connection to the suggestion that the vernacular version of King Edgar's charter for Ely (no. 48) was composed by Ælfric the homilist, which could bring the production of that text back to the late tenth or early eleventh century.

About 40 of the documents in Robertson's volume illustrate the widespread use of the vernacular for recording transactions or agreements which took place at levels below the level which for whatever reason required the production (i.e. the drafting and writing) of a new royal diploma, at a royal assembly, and its ceremonial transfer into the hands of the beneficiary. One imagines that in many cases an estate of bookland passed from one party to another by way of gift, purchase, exchange, or more complex agreement;

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and where existing title-deeds would suffice, they would or should in theory have been transferred as part of the transaction. Vernacular records of such transactions appear to have been made, as a matter of course, at the assemblies where the transactions took place, in the presence of witnesses, and set down on single sheets of parchment; but we also find records of the same kind entered, when circumstances allowed, in gospel-books, *libri vitae*, and other special volumes. Several contain particular points of interest. A record of a grant by Ealdorman Æthelstan to Abingdon abbey, set in the context of an assembly at Abingdon, c. 930, probably originated some time later, but might reflect knowledge of pre-Conquest ceremonial (no. 22). A transfer of royal diplomas serving as title-deeds appears to lie behind the record of an exchange of lands witnessed by a select few at the court of King Eadwig (no. 31), and one also senses a diploma changing hands behind the record of a purchase of land issued at a shire meeting in Kent (no. 103). A record from the reign of King Edgar incorporates a review of the history of an estate at Ailsworth, Northants., which had been forfeited by a widow and her son for an act of witchcraft (itself punished by drowning at London Bridge); the land had been given by the king to one Ælfsige, the intended victim of the act of witchcraft, whose son Wulfstan exchanged it on a later occasion with Bishop Æthelwold, who gave it to Peterborough abbey (no. 37). We also encounter here some rare records from the distant north (nos. 60, 68). Two documents of much the same date (1014 x 1020), one from the west midlands and the other from east Kent, both drawn up in the form of chirographs, exemplify an early form of prenuptial agreement, and in their similarity appear to represent a class of text which might once have been widespread (nos. 76–7). Of special importance, from the reign of Edward the Confessor, is the record of the endowment by Earl Leofric and his wife Godgiftu of the minster at Stow St Mary, Lincolnshire, which affords an unusually detailed view of the arrangements required when providing for the needs of the priests serving a religious house (no. 115).

About 30 of the documents in Robertson's volume are leases of church property to laymen. The majority of these leases are from the archives of the church of Worcester, associated above all with the name of Bishop Oswald (one is reproduced on the cover of this reprint), and as a group have to be set within the context of the even larger number of leases from Worcester drawn up in Latin. The use of both languages in the Worcester leases, without apparent significance of distinction (indeed, with admixture of Latin and English in Robertson, nos. 19, 35, 64), shows how these documents lay

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somewhere between Latin diplomas and the familiar forms of documentation in the vernacular. The leases also illustrate an aspect of land-holding which was probably more widespread on large ecclesiastical estates, in the tenth and eleventh centuries, than surviving documentation (whether in Latin or the vernacular) would suggest. The Worcester leases, in particular, are renowned for what they reveal about the changing composition of the community from the 960s to the 990s, and for what they represent in terms of the management of the Worcester estates in the tenth and eleventh centuries, symbolized by their preservation in the early eleventh-century cartulary associated with Wulfstan, bishop of Worcester and archbishop of York. They also led to all manner of difficulties in the troublous times which followed.

From the early ninth century onwards, it was evidently a common practice for persons needing to make a will to do so orally, in the presence of the requisite witnesses, and to have the substance of their intentions recorded in writing, for which as a matter of course the vernacular was used. There are five such wills in Robertson, each of which exemplifies a slightly different practice. The will of Æthelnoth, reeve at Eastry in Kent, and his wife Gænborg (no. 3), is extant in what seems to be its original form, on a sheet of parchment which begins with a *copy* of a Latin diploma (805 x 807) granting the land to Æthelnoth in the first place (as it happens, also preserved separately in its original form), and which continues in the same hand with the will of Æthelnoth and his wife (805 x 832). The will of Badanoth Beotting (no. 6), made in the mid-ninth century and extant in its original single-sheet form, is said in the text to have been one of two identical copies of the document, one to be retained by the church to which the reversion of the estate belonged, and the other by his wife and children for their lifetime. The will of Dunn (no. 9), copied in the twelfth-century *Textus Roffensis*, seems to have been preserved up to that point in close association with an earlier Latin diploma which served as Dunn's title-deed for the estate (c. 855); but it is not clear whether it was endorsed on the diploma, or written some time later on a separate strip of parchment. The will of Wulfgar (no. 26) was written, probably in the 930s, on a strip of parchment by a scribe found in another context entering manumissions in a gospel-book at the royal estate at Bedwyn in Wiltshire. The strip has been trimmed very closely along its top edge, as if to separate it from something above; and provisions including a grant of Ham, in Wiltshire, to the Old Minster, Winchester, were added seemingly as an afterthought on the

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dorse. The estate at Ham passed in time to the Old Minster; and the will, endorsed by a Winchester scribe, came to be stitched to the lower edge of an earlier Latin diploma by which Wulfgar had received the land from King Æthelstan in 931. The will of Æthelwyrd (no. 32) is essentially a statement of arrangements concerning a single estate in Kent, drawn up probably in the 950s, endorsed with a record of an agreement modifying the arrangement in the next generation. The wills of Æthelnoth, Badanoth and Æthelwyrd incorporate lists of witnesses; the wills of Dunn and Wulfgar do not. These five documents, dating from the ninth and from the earlier part of the tenth century, should be set beside the five wills from the same period edited in Harmer's volume (Harmer, nos. 2, 10–11, 20–1); all ten might then be compared as a group with the larger number of wills edited by Whitelock in 1930, which date from the later tenth and eleventh centuries, and which show in their own different ways how practices in the making and publication of wills continued to develop.

Another distinctive set of documents contained in Robertson's volume comprises 14 records generated by processes of litigation (nos. 4–5, 41, 44, 49, 59, 63, 66, 69, 78, 83, 91, 102, 105), complementing the five documents of the same kind found among those edited by Harmer in 1914 (Harmer, nos. 7, 14–15, 18 and 23). Distinctions can and should be made, in such cases, between documents drawn up and submitted as evidence for *use* in impending litigation concerning the estate in question, and documents which represent records of the *outcome* of stages in the legal process. Some of the statements about the history of a particular estate belong with the 'Fonthill Letter' (Harmer, no. 18), and with Queen Eadgifu's declaration about Cooling, Kent (Harmer, no. 23), in the first of these groups. A statement concerning land at Wouldham, Kent (Robertson, no. 41), and a statement concerning Bromley and Fawkham, Kent (no. 59), represent efforts made by bishops of Rochester to recover lands lost in times of trouble; while a claim made on behalf of Archbishop Dunstan to land at Sunbury, Middlesex, and at Send, Surrey (no. 44), preserved at Westminster, and an overtly partisan review of the history of Sandwich, Kent (no. 91), from Christ Church, Canterbury, reflect similar concerns at other houses. The documents which record outcomes of litigation include, as one might expect, several which emanated from shire-meetings. Among them, one of the most interesting is the record of proceedings at a shire-meeting held at Cuckamsley in Berkshire (no. 66): interesting not least for all it reveals about the conduct of litigation in the late tenth century (first at a royal

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assembly, then at a shire-meeting, to which king sent 'his seal' and others their written declarations), yet no less for its survival in its original form, in this case as the top part of a chirograph (divided by letters which when re-constituted and read alternately would give the legend *CIROGRAFVM PLETVM EST*), preserved (like the Fonthill Letter) in the archives of the archbishop. A rather different procedure lies behind the record of a shire-meeting held at Aylton in Herefordshire, which was entered in a gospel-book at St Æthelberht's minster at Hereford (no. 78). Analagous records emanating from royal assemblies are rarer than records from shire-meetings, at least in their own right. A record of a case which led to forfeiture of property lies not far behind the information recorded in no. 37 (mentioned above), and records of the same kind were occasionally incorporated in royal diplomas, notably the account of the crimes of Wulfbald (not to mention his widow and son), which led to two judgements in assemblies at London, one before and one after his death (no. 63).

A 'miscellaneous' category, comprising 11 records in Robertson's main series (nos. 24, 39–40, 47, 52, 54, 72, 84, 104, 109–10), and extending naturally from there to include many of the texts in her two appendices, illustrates most effectively how the vernacular was used for a wide variety of other purposes (formal and informal) in connection with lands, rights, customs, and services, as well as for inventories, booklists, and registers of gifts. The cumulative effect, as if it were any surprise, is to reinforce one's appreciation of how writing and record-keeping pervaded English government and society in the ninth, tenth and eleventh centuries, and to suggest how this deep-rooted experience in the use of the written word, whether in Latin or in English, lies not far behind the procedures and products of the Domesday survey. Among these miscellaneous records, we find three of great significance for our understanding of defence against viking invaders: a record for the provision of services for the maintenance of the bridge over the river Medway at Rochester (no. 52), a record for the provision of 'shipmen' from the estates of St Paul's (no. 72), and the 'Burghal Hidage' (Appendix II, no. 1). There are various forms of estate survey, all of interest for the light they cast on aspects of estate management at different religious houses; and for an understanding of the circumstances in which such records were preserved, and in some cases have survived (by the skin of their teeth), one can turn to the remarkable set of notes relating to the management of the estates of Ely abbey in the first half of the eleventh century (Appendix II, no. 9). For more recent editions of the lists of

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books in Robertson, nos. 39, 104, Appendix I, no. 1, and Appendix II, nos. 2 and 5–7, see Michael Lapidge, ‘Surviving booklists from Anglo-Saxon England’, *Learning and Literature in Anglo-Saxon England*, ed. M. Lapidge and H. Gneuss (Cambridge, 1985), pp. 33–89.

One should stress finally how records in Latin and records in the vernacular are seen in Robertson’s collection to have been manifestations of one and the same culture of ‘pragmatic literacy’ (signifying the use of the written word for purposes of government and administration) in Anglo-Saxon England. A considerable number of them exemplify the practice of producing documents in two or more copies, to be kept by different parties in the interests of security, and known as chirographs (from the word often found written between the copies of a text on a single sheet of parchment, which was then cut through so that the separate parts could be matched to each other should the need arise). Variations on this practice are attested in certain kinds of Latin document (not including royal diplomas) from the early ninth century, and in vernacular documents from the mid-ninth century, as if they emanated from the same culture; though it was not until the latter part of the tenth century that the use of the chirograph became commonplace, as if in accordance with a code of good practice. Above all, one soon begins to understand from these documents how the Latin diplomas and the vernacular records worked together. For example, three of the vernacular records mentioned above (Robertson, nos. 41, 59, 69) form part of a veritable dossier of documentation reflecting activity at Rochester in the late tenth century, which also includes a will (Whitelock, no. 11) and several royal diplomas (e.g. Sawyer, nos. 671, 864, 885, 893) from the same archive.

A guide to scholarly discussion of each document is provided in the revised and updated version of Peter Sawyer’s *Anglo-Saxon Charters: an Annotated List and Bibliography*, available online in the form of the ‘Electronic Sawyer’ (see below).

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CONCORDANCE

In the table below, each document in Robertson’s *Anglo-Saxon Charters* is assigned its number in Peter Sawyer’s *Anglo-Saxon Charters: a Revised List and Bibliography* (1968), available online in a revised and updated form at www.esawyer.org.uk (the ‘Electronic Sawyer’). The number of a charter in the relevant volume of the new edition of the corpus, published under the auspices of the British Academy, is also given where possible.

<i>Abbreviations</i>	
<i>Abing</i>	<i>Charters of Abingdon Abbey</i> , ed. S. E. Kelly, 2 vols., AS Charters 7–8 (Oxford, 2000–1)
<i>Bath</i>	<i>Charters of Bath and Wells</i> , ed. S. E. Kelly, AS Charters 13 (Oxford, 2007)
<i>Burt</i>	<i>Charters of Burton Abbey</i> , ed. P. H. Sawyer, AS Charters 2 (London, 1979)
<i>BuryStE</i>	<i>Charters of Bury St Edmunds</i> , ed. Katie Lowe and Sarah Foot, AS Charters (forthcoming)
<i>CantCC</i>	<i>Charters of Christ Church, Canterbury</i> , ed. Nicholas Brooks and S. E. Kelly, 3 vols., AS Charters (forthcoming)
<i>CantStA</i>	<i>Charters of St Augustine’s Abbey Canterbury</i> , ed. S. E. Kelly, AS Charters 4 (Oxford, 1995)
<i>LondStP</i>	<i>Charters of St Paul’s, London</i> , ed. S. E. Kelly, AS Charters 10 (Oxford, 2004)
<i>North</i>	<i>Charters of Northern Houses</i> , ed. D. A. Woodman (forthcoming)
<i>Pet</i>	<i>Charters of Peterborough</i> , ed. S. E. Kelly, AS Charters 14 (Oxford, 2009)
<i>Roch</i>	<i>Charters of Rochester</i> , ed. A. Campbell, AS Charters 1 (London, 1973)
<i>Shaft</i>	<i>Charters of Shaftesbury Abbey</i> , ed. S. E. Kelly, AS Charters 5 (Oxford, 1996)
<i>Sherb</i>	<i>Charters of Sherborne</i> , ed. M. A. O’Donovan, AS Charters 3 (London, 1988)
<i>StAlb</i>	<i>Charters of St Albans</i> , ed. Julia Crick, AS Charters 12 (Oxford, 2007)
<i>WinchNM</i>	<i>Charters of the New Minster, Winchester</i> , ed. Sean Miller, AS Charters 9 (Oxford, 2001)
<i>WinchOM</i>	<i>Charters of the Old Minster, Winchester</i> , ed. A. R. Rumble (forthcoming)

Robertson	Sawyer	Archive	<i>Summary of content</i>
1	98	Worcester	charter of King Æthelbald for Worcester
2	126	Worcester	charter of King Offa for Worcester
3	1500	<i>CantCC</i> 39a	will of Æthelnoth and his wife Gænborg
4	1432	Worcester	part of a composite record concerning land in Worcs.
5	1437	Worcester	account of an oath taken in settlement of a dispute
6	1510	<i>CantCC</i> 78	will of Badanoth Beotting
7	1440	<i>Pet</i> 9	agreement between Medeshamstede and Wulfred
8	313	<i>WinchOM</i>	charter of King Æthelwulf (decimation)
9	1514	<i>Roch</i> 23	will of Dunn
10	328	<i>CantCC</i> 83	charter of King Æthelberht, endorsement
11	333	<i>Sherb</i> 6	charter of King Æthelberht
12	342	<i>Shafi</i> 6	charter of King Æthelred
13	357	<i>Shafi</i> 7	charter of King Alfred
14	1275	<i>WinchOM</i>	lease of land by Bp Ealhferth
15	1287	<i>WinchOM</i>	lease of land by Bp Denewulf
16	1283	Worcester	lease of land by Bp Wærferth
17	1513	<i>WinchOM</i>	bequest by Ceolwynn to Winchester
18	1281	Worcester	lease of land by Bp Wærferth
19	1280	Worcester	lease of land by Bp Wærferth
20	385	<i>WinchOM</i>	lease of land by King Edward
21	1289	Worcester	grant by Bp Wilfrid to Worcester
22	1208	<i>Abing</i> 28	grant by Æthelstan senator
23	391	Milton	charter of King Æthelstan for Milton
24		Durham	inscription recording gift to St Cuthbert
25	427	<i>WinchOM</i>	charter of King Æthelstan for Winchester
26	1533	<i>WinchOM</i>	will of Wulfgar
27	1509	<i>WinchNM</i> 11	bequest by Alfred to the New Minster
28	1418	<i>WinchNM</i> 14	grant by Æthelnoth to the New Minster
29	1419	<i>WinchNM</i> 16	grant by Eadulf to the New Minster
30	566	<i>Pet</i> 11	charter of King Eadred
31	1292	<i>Abing</i> 76	agreement between Bp Brihthelm and Ab Æthelwold
32	1506	<i>CantCC</i> 121	will of Æthelwyrd
33	693	<i>WinchOM</i>	lease of land by Bp Brihthelm
34	1299	Worcester	lease of land by Bp Oswald
35	1303	Worcester	lease of land by Bp Oswald (Latin and English)
36	1305	Worcester	lease of land by Bp Oswald
37	1377	<i>Pet</i> 17	record of an exchange of land, and of a gift to Peterb.
38	817	<i>WinchOM</i>	charter of King Edgar
39	1448	<i>Pet</i> 29	records of gifts of Bp Æthelwold to Medeshamstead

Robertson	Sawyer	Archive	Summary of content
40		<i>Pet</i> 30	lists of sureties for Peterborough estates
41	1458	<i>Roch</i> 34	account of Abp Dunstan's acquisition of Wouldham
42	1309	Worcester	lease of land by Bp Oswald
43	1310	Worcester	lease of land by Bp Oswald
44	1447	Westminster	account of land at Send and Sudbury
45	806	<i>WinchOM</i>	charter of King Edgar for Winchester
46	1326	Worcester	lease of land by Bp Oswald
47	1452	Exeter	list of sureties for an estate in Devon
48	779	Ely	charter of King Edgar for Ely
49	1449	<i>WinchOM</i>	record of the adjustment of boundaries
50	813	<i>Sherb</i> 10	charter of King Edgar for Sherborne
51	1216	<i>Abing</i> 115	record of Abbot Osgar's acquisition of land in Berks.
52		Rochester	record of services for Rochester bridge
53	1376	<i>WinchOM</i>	record of an exchange of land in Winchester
54	1453	<i>North</i> 6	Abp Oswald's memorandum on estates of York
55	1332	Worcester	lease of land by Abp Oswald
56	1373	Worcester	lease of land by Abp Oswald
57	1374	Worcester	lease of land by Abp Oswald
58	1372	Worcester	lease of land by Abp Oswald
59	1457	<i>Roch</i> 36	statement of Rochester's claim to land at Bromley
60	1660	<i>North</i> 18	record of a grant by Earl Thored to St Cuthbert's
61	1369	Worcester	lease of land by Abp Oswald
62	1455	<i>CantStA</i> 31	agreement between Abbot Wulfric and Ealdred
63	877	<i>WinchNM</i> 31	account of the crimes of Wulfbald and of his widow
64	1363	Worcester	lease of land by Abp Oswald (Latin and English)
65	1362	Worcester	lease of land by Abp Oswald
66	1454	<i>CantCC</i> 133	outcome of litigation at a shire-court of Berks.
67	1366	Worcester	lease of land by Abp Oswald
68	1659	<i>North</i> 19	record of a grant by Earl Northman to St Cuthbert's
68	1661	<i>North</i> 20	record of a grant by Ulfceltel to St Cuthbert's
69	1456	<i>Roch</i> 37	outcome of litigation at a shire-court in Kent
70	1420	<i>WinchNM</i> 32	lease of land by Abbot Ælfsige
71		Ely	record of a grant by Ælfhelm to his goldsmith
72		<i>LondStP</i> 25	note on provision of shipmen from specified estates
73	1219	<i>BuryStE</i>	record of a grant by Ulfceltel to St Edmund's
74	1422	<i>Sherb</i> 14	lease of land by the community at Sherborne
75	1220	<i>CantCC</i> 148	grant of land by Godwine to Leofwine the Red
76	1459	Worcester	record of a marriage agreement
77	1461	<i>CantCC</i> 149	record of a marriage agreement

Robertson	Sawyer	Archive	Summary of content
78	1462	Hereford	outcome of litigation at a shire-court in Herefordshire
79	1421	Worcester	lease of land by the community at Worcester
80	1464	<i>CantCC</i> 162	agreement between Abp Æthelnoth and Toki
81	1423	Worcester	lease of land by Abbot Ælfweard
82	959	<i>CantCC</i> 151a	charter of King Cnut for Christ Church
83	1460	Worcester	outcome of litigation at a shire-court in Worcs.
84		<i>North</i> 7	survey of estates at Sherburn, Otley and Ripon
85	981	<i>CantCC</i> 154	charter of King Cnut for Christ Church
86	1465	<i>CantCC</i> 153	agreement between Eadsige and Christ Church
87	1399	Worcester	lease of land by Bp Brihteah
88	1222	<i>CantCC</i> 159	record of a grant by Thored
89	1389	<i>CantCC</i> 160	record of a grant by Abp Æthelnoth
90	1466	<i>CantCC</i> 163	agreement between Abp Eadsige and Toki
91	1467	<i>CantCC</i> 164	statement about the history of an estate in Kent
92	1224	<i>BuryStE</i>	agreement between Stigand and his priest Ælfgar
93	1225	<i>BuryStE</i>	record of a grant by Thurkytel to St Edmund's
94	1394	Worcester	lease of land by Bp Lyfing
95	1047	<i>CantCC</i> 181	charter of King Edward for Christ Church
96	1229	<i>CantCC</i> 175	record of a grant by King Cnut and Ælfgifu to Ch.Ch.
97	1468	<i>BuryStE</i>	agreement between Æthelmær and Abbot Ufi
98	1391	<i>WinchOM</i>	agreement between Bp Ælfwine and Osgod
99	1469	Hereford	record of Leofwine's purchase of land from Eadric
100	1470	<i>BuryStE</i>	agreement between Wulfgeat and Bury St Edmunds
101	1471	<i>CantCC</i> 170	agreement between Æthelric and Abp Eadsige
102	1472	<i>CantCC</i> 169	outcome of litigation involving Earl Godwine in Kent
103	1473	<i>CantCC</i> 171	record of Godric's purchase of land
104		<i>BuryStE</i>	composite survey of lands, etc., of Bury St Edmunds
105	1474	<i>Sherb</i> 17	outcome of litigation at a shire-court in Devon
106	1402	<i>WinchOM</i>	lease of land by Bp Stigand and the Old Minster
107	1403	<i>WinchOM</i>	lease of land by Bp Stigand and the Old Minster
108	1400	<i>CantCC</i> 172	record of a grant by Abp Eadsige
109	1555	<i>Bath</i> 24	survey of the estate at Tidenham, Gloucs.
110	359	<i>WinchOM</i>	survey of the estate at Hurstbourne Priors, Hants.
111	1409	Worcester	lease of land by Bp Ealdred
112	1406	Worcester	lease of land by Bp Ealdred
113	1232	Worcester	record of a grant by Earl Leofric and his wife
114	1476	<i>WinchOM</i>	agreement between Wulfweard and OMW
115	1478	Eynsham	record of the endowment of Stow St Mary
116	1234	<i>CantCC</i> 183	agreement between Brihtmær and Abp Stigand

Robertson	Sawyer	Archive	Summary of content
117	1426	<i>Bath</i> 23	lease of land by Abbot Ælfwig to Abp Stigand
118	1062	<i>WinchOM</i>	charter of King Edward for the Old Minster, Winch.
119		<i>BuryStE</i>	agreement with Ordric, cellarer of St Edmund's
120	1032	<i>Sherb</i> 22	charter of King Edward (for Horton)
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2		Durham	lease by Walcher, bp of Durham
3		Peterborough	the 'Northamptonshire Geld Roll'
4		<i>WinchOM</i>	dues pertaining to Taunton, Somerset
5		London St P	dues pertaining to Lambourne, Berkshire
6		Worcester	payments by Worcester to King William
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2		York	inventory of church goods (Sherburn-in-Elmet)
3		Bury St Ed	inventory of farm goods (Bury St Edmunds)
4		Durham	inventory of church goods (Durham)
5		Worcester	list of books (Worcester)
6		Cant St Aug	list of books (Canterbury, St Augustine's)
7		Bury St Ed	list of books (Bury St Edmunds)
8		Bury St Ed	fragment, on funeral arrangements
9		Ely	Ely farming memoranda

Cambridge University Press
978-0-521-17832-7 - Anglo-Saxon Charters
Edited by A. J. Robertson
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IN ENGLISH LEGAL HISTORY

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Cambridge University Press
978-0-521-17832-7 - Anglo-Saxon Charters
Edited by A. J. Robertson
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Cambridge University Press
978-0-521-17832-7 - Anglo-Saxon Charters
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ANGLO-SAXON CHARTERS

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with Translation and Notes
by

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CAMBRIDGE
AT THE UNIVERSITY PRESS
1956

Cambridge University Press
978-0-521-17832-7 - Anglo-Saxon Charters
Edited by A. J. Robertson
Frontmatter
[More information](#)

CAMBRIDGE UNIVERSITY PRESS
Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore,
São Paulo, Delhi, Dubai, Tokyo

Cambridge University Press
The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org
Information on this title: www.cambridge.org/9780521178327

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First edition 1939
Second edition 1956
This digitally printed version 2009

A catalogue record for this publication is available from the British Library

ISBN 978-0-521-17832-7 Paperback

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Cambridge University Press
978-0-521-17832-7 - Anglo-Saxon Charters
Edited by A. J. Robertson
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Cambridge University Press
978-0-521-17832-7 - Anglo-Saxon Charters
Edited by A. J. Robertson
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A NOTE BY THE FORMER GENERAL EDITOR

ON ANGLO-SAXON DOCUMENTS

In the latter part of the nineteenth century Maitland and other prominent writers on our early social and legal institutions stressed the importance of forming a new *Corpus* of pre-Norman documents based on a re-examination of the manuscript-materials by scholars who were not only trained as philologists, historians, and lawyers, but also practised in modern methods of textual research. Although this project embraced the Latin documents as well as those written in Anglo-Saxon, as yet, however, only vernacular texts have been published in new editions. The *Crawford Collection of Early Charters and Documents* (1895), under the editorship of Napier and Stevenson, has been followed by other collections of Anglo-Saxon documents, chiefly Miss Harmer's *Select English Historical Documents of the Ninth and Tenth Centuries* (1914) and Miss Whitelock's *Anglo-Saxon Wills* (1930). Miss Robertson's *Anglo-Saxon Charters*, which now makes its appearance as the latest contribution to a notable series, will be followed in due course by the publication of a collection of Anglo-Saxon writs, under the editorship of Miss Harmer.

The original indebtedness of scholars to Miss Robertson's skill and learning as an editor of texts through the publication of her *Laws of the Kings of England from Edmund to Henry I* (1925) has now been vastly increased by the gift of her *Anglo-Saxon Charters*. Both by her provision of an accurate and reliable text of many vernacular documents and by the wealth of information which she has embodied in her many notes on the documents Miss Robertson has materially advanced the historical study of pre-Norman times. Nor has the value of her work to all students of early English history been lessened by the inclusion of a few post-Conquest documents written in Anglo-Saxon.

In explanation of the documents in her collection Miss Robertson has made use of other contemporary sources, especially the laws and the Latin charters; and by following this method she has produced fresh and convincing proof of the fact, already well-known to all historians of the pre-Norman age, that the

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student of documents in Anglo-Saxon must also devote his attention to those in Latin. Not only from the view-point of diplomatic study, but in the labour of searching for historical truth in general, the two groups of documents supplement each other in an amazing, and often unexpected, manner. With the approaching completion of the vernacular part of a modern *Corpus* of Anglo-Saxon documents, the present seems the appropriate time in which to begin the preparation of a new *Codex Diplomaticus* of all the charters and other documents in Latin. Valuable as they are, the collections of Kemble (1839-1848), Thorpe (1865), Earle (1888), and Birch (1885-1893) all require an elaborate revision in compliance with the higher standards of textual criticism and historical accuracy which characterize present-day scholarship. The Latin documents are in fact in need of an editor who will bring to his task the same devotion, skill, and learning which Liebermann spent upon the Anglo-Saxon laws and the Anglo-Norman law-books.

Following the usage of English scholars, Miss Robertson has described as "charters" all the miscellaneous documents which she has collected and edited. From the view-point of the science of diplomatic these documents are, however, of varied character. Most of them are private documents; comparatively few are of royal origin. For the royal documents, and also for many that are private, the Roman term *diploma* may not be inappropriate; for, although this word was adopted by the humanists of the Renaissance as an indication of kingly instruments, its meaning was gradually so extended by the usage of scholars that it came to include most documents of the Middle Ages. Certain of these royal and private diplomas of the Anglo-Saxon age are at the same time "charters", or *cartae*, in the narrower and more technical meaning of that term. In the latter sense the royal charter, or *carta*, begins with a solemn invocation of the Triune God and contains no salutation of mortals; it declares, if it be a royal land-charter, that the King grants, has granted, or will grant, certain land to a certain person; and it ends with the "signatures" and the names of the King and the witnesses. The royal charter in this technical sense, a document confirmed with the sign of Christ's Holy Cross, is to be sharply dis-

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tinguished from the royal writ, a document which contains no invocation, begins with a salutation, and states in the past tense that the King has made a certain grant to a certain person. Although charters, or *cartae*, in this special and technical sense, are to be found among the vernacular texts in Miss Robertson's collection, a far larger number of these documents are *notitiae*, or purely evidential writings, in contradistinction to *cartae*, which are both the confirmation and the evidence of audible and visible juridical acts. Included among the *notitiae* are "declarations" (*geswutelunga*), chirographs, and entries in Gospel Books. Some of the other documents in the present collection were also written *memoriae causa*. They recount the history of certain estates or of litigation in regard to lands; or they present other facts of interest or importance to men of the time.

Miss Robertson's book not only furnishes material for a study of all these several types of documents from the view-point of diplomatic, but it also enables the reader to estimate the value of the documents as historical evidence by providing him with information on matters other than diplomatic form. Both the date and the nature of the manuscript in which a document appears have significance in the formation of a judgment as to the evidential value of that document. In the case of documents derived from cartularies it is especially important, moreover, to determine the question as to the reliance that can be placed upon the cartularies themselves. The question as to whether a document is genuine or a forgery must always be raised. In the solution of these and many other manuscript-problems concerning the documents in the present collection Miss Robertson's learned notes are indispensable.

For the historical study of the early laws of England these vernacular documents possess special value. Some of them deal with the acts of the King, such as his grants of land, while many others are concerned with the juridical acts of lay and ecclesiastical persons. Some documents are the evidence of contracts and wills; others relate to gifts, exchanges, sales, gages, and leases of land. By throwing light upon the nature of all these legal transactions the documents disclose to us at the same time many

Cambridge University Press
978-0-521-17832-7 - Anglo-Saxon Charters
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of the rules of the unwritten customary law in regard to them. Although this evidence of legal history furnished by Miss Robertson's collection is most valuable, it needs, however, the supplementation to be derived from that larger stock of proof contained in other contemporary sources, such as the laws, the legal tracts, and the vernacular and Latin documents that have been collected and edited by other scholars.

To gain a clear perception of the nature and purport of the miscellaneous documents in Miss Robertson's collection is far from an easy task; it is, in fact, one of great difficulty and complexity requiring infinite patience. That task confronts, however, the historian of any one of the several main aspects of the Anglo-Saxon age who seeks enlightenment in those documents: even the student of dialects is not exempt from the labour. For the special purposes of legal history, which is so closely related to all the other aspects of Anglo-Saxon development, it seems to me essential to study these documents from two points of view, namely, their diplomatic form and their value as materials from which a knowledge of the unwritten customary law of pre-Norman times may be obtained; and, moreover, in respect of both matters the documents in this volume must be studied in their relation to the vernacular and Latin documents in other collections. In the absence of any other connected account of these subject-matters, a short study of Anglo-Saxon documents written as an Introduction to the present collection, but which is far too long for inclusion here, will soon make its appearance as a separate volume in this series of *Studies in English Legal History*. Although this small book, entitled *Anglo-Saxon Documents as Evidence of Legal History*, is in the nature of a companion to Miss Robertson's *Anglo-Saxon Charters*, its scope is much broader; for it deals with many documents not included in her collection. My chief aim has been to reconstruct, on the basis of a study of documentary materials, parts of the unwritten customary law of the Anglo-Saxons in respect of contract and land. In making this preliminary survey of an extensive field of historical research there has been, however, no attempt to do more than draw attention to certain conclusions that have been reached after an examination of only a small part of the entire

Cambridge University Press
 978-0-521-17832-7 - Anglo-Saxon Charters
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body of documentary sources. The afore-mentioned historical sketch has in fact been written in the hope that by showing the results to be obtained from such an examination at least a few scholars may be induced to enter upon a far more detailed and critical study of the whole mass of Anglo-Saxon documents as the principal sources of our early social and legal history. Such studies would serve, moreover, a further purpose; for the explanation of many post-Conquest developments in English social and legal structure can come only from the *cartae* and *notitiae* of the Anglo-Saxons. An exact and comprehensive knowledge of the nature and content of these documents, as illumined by the life of the age in which they were written, will in fact enable us to gain a clearer vision of those customary modes of forming contracts and conveying property which persisted long after the Conquest and became an integral part of the medieval common law. In the sphere of diplomatic, contract, and property the Norman age meant adaptation and modification, not destruction; and in the law as administered by the King's justices in Bracton's day, and even in far later times, there were many elements derived from the customary law of the pre-Norman centuries.

Miss Robertson's *Anglo-Saxon Charters*, upon which she has spent so much devoted and painstaking labour, now takes its place in literature as one of the principal source-books for the study of early English history. From the future use of this valuable collection of documents by competent scholars there will come an enrichment of historical writing in regard to the language, the diplomatic, the life, and the law of the pre-Norman age; and in these documents historians will find, moreover, evidence of the origin and early growth of diplomatic forms and of social and legal institutions which played a rôle of even greater importance in later times. The knowledge which they gain from a reading of the charters and other documents in this collection, if supplemented by a study of other contemporary sources, will permit them to grasp with a more enlightened understanding the nature and the meaning of those particular post-Conquest developments which represent a slow transition from Anglo-Saxon times to the later Middle Ages.

H. D. HAZELTINE

May 1939

Cambridge University Press
978-0-521-17832-7 - Anglo-Saxon Charters
Edited by A. J. Robertson
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