

I. INSTRUMENTS UNDER THE GREAT SEAL

I. ROYAL CHARTERS (GRANTS)

A. ANGLO-SAXON CHARTERS (7TH—11TH CENTURIES)

THE specimens of pre-Conquest diplomatic given in the following pages are necessarily limited to a few examples. Of these, one group represents the general form of the Old English Charter in several periods of its development. The other group contains specimens of special forms which are characteristic of this diplomatic era.

The Charters in question have been selected without any further design than to secure specimens which afford credible and accessible examples of their class. That is to say, care has only been taken that these should be either originals sufficiently legible to be collated by a non-expert editor, or copies entered in a cartulary of good repute.

A complete diplomatic description of the Charters being beyond the scope of this work, and the space allotted to the section being strictly limited, such portions of the texts (consisting chiefly of the usual conditions of enjoyment, boundaries and subscriptions) as appeared to be unnecessary for the mere indication of the characteristic formulas, have been omitted to permit of the inclusion of a greater number of examples.

It has appeared desirable, however, to identify these Charters with the several religious houses for which they were presumably composed and by which they were subsequently preserved. This identification in the case of original charters, which contain no internal evidence of ownership, and which have not been entered in any monastic register, is a matter of some difficulty. The Collections in which the Charters are now found have never been assigned to their original sources, and in some cases no identification whatever has been attempted by the editors of the several 'Codices.' Again the identifications proposed by the editors of the official 'Facsimiles' are not always conclusive. More than one of the following identifications must be regarded, therefore, as merely conjectural, whilst the diplomatic descriptions are wholly elementary.

*Select Formulas of**(a) General Forms of Old English Charters*

1. *Suaebraed of Essex* (704).—It may perhaps be suggested that this Charter is connected with the later grant (cf. C.S. 860) of Twickenham to Christ Church, Canterbury, and the 12th century endorsement is characteristic of this house.

This Charter is assigned by the British Museum Editor to the end of the 8th or early 9th century from the handwriting, and its formulas are characteristic of that period. The Invocation and Preamble are well defined; but the Superscription is involved with the rudimentary Exposition, or explanatory clause, and with the Dispositive Clause, as is so frequently found in Old English Charters.

The Boundaries follow the words of concession, but are succeeded by an elaborate Final or Injunctive clause prescribing the nature of the enjoyment of the premises. The announcement of Attestation, and the Subscriptions of the witnesses are in the early style, but the royal Subscriptions have possibly been embellished at the date of making this copy.

2. *Offa of Mercia* (779).—This Charter may perhaps be connected with the interest of the Church of Evesham in Bourton-on-the-Water, co. Gloucester (cf. Bigland, *Gloucestershire*, i. 225), although it is not entered in the cartularies of this Abbey, nor referred to in the Evesham Chronicle. The 'Chrismon' prefixed to the Invocation, and the formulas that occur in a spurious Charter of the same year (C.S. 229), which is entered in the well-known Cartulary (Vesp. B. 24), closely resemble those found in the present Charter, which was probably used as a model for a later forgery.

The Charter given here is characteristic of the official style used by expert 'dictatores' in the reign of King Offa, denoting the high degree of excellence in diplomatic composition attained under this king.

The date, the form of which is interesting, appears to be correct.

3. *Æthelwulf of Wessex* (847).—Some difficulty has been found in identifying the source of this Charter, which has been ascribed by the Editor of the British Museum 'Facsimiles' to the Church of Canterbury. The character of the local Boundaries, however, suggests a connection with the interest of the Church of Sherborne in Wareham, where Marcomb's Lane divided the parishes of St Michael and Holy

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Trinity, in the latter of which this Church had lands. King Æthelwulf was also a benefactor of this Church, as appears from Charters dated 841 and 844, which are not now preserved¹. The Charter is regarded as 'doubtful' by the British Museum Editor from the character of the handwriting, although it can scarcely be regarded as suspicious on diplomatic grounds, in spite of the indifferent repute of the Charters attributed to this king.

4. *Æthelstan* (933).—This is one of the few original charters which have survived for a reign in which the art of diplomatic composition reaches its highest point of consistency. That is to say, we find several recurrent forms in which the essential clauses present characteristic features. Thus in the majority of the ten Charters of the reign in which the Preamble begins with the words 'Flebilia fortiter detestanda,' there is no Invocation; the Superscription gives the style 'per omnipatrantis dexteram'; the florid Exposition begins 'Qua de re' and the grant (in the case of 'landbocs') is expressed by 'tribuo'; whilst the clause announcing the Boundaries is especially characteristic of the 'diplomata' of this reign. The Sanction begins with 'Si autem' and the Dating Clause with 'Hujus namque.' Finally the royal Subscription usually contains the style 'ierarchia praeditus Rex.' This form appears to have been chiefly affected by western Churches, the surviving examples being associated with those of Winchester, Shaftesbury, Sherborne, Crediton and Abingdon. In the case of the Charter printed below, the Grant, being concerned with privileges, is expressed by 'dijudicavi' and the clause announcing the Boundaries is of course absent. The Dating Clause 'Hujus namque' does not occur here and variants are seen in the Sanction and Subscription.

5. *Cnut* (1031).—This Charter, like No. 3 of the present series, is ascribed to the Church of Canterbury by the British Museum Editor, probably from an identification of the grantee with a famous Kentish thegn. The learned editors of the Crawford Charters have, however, incidentally distinguished this Æthelric from a presumably West-Country namesake, and have further identified the locality of this grant with the river Mewy, co. Devon.

This identification is supported by the character of the Boundaries, whilst a resemblance to the style of certain charters granted to the Church of Exeter during this reign might suggest that the Church of

¹ *Monasticon*, i. 333, and Hutchins, *History of Dorset*, iv. 228.

Select Formulas of

Crediton was ultimately interested in the grant. Moreover the Priory of Plimpton, which was founded by the See of Exeter, held Meavy after the Conquest. (Oliver, *Monasticon, Dioc. Exon.* p. 129 sq.; cf. *Transactions*, Devon. Assoc. vol. XXVIII. p. 455)

This is one of the few original and undoubtedly genuine Charters of the reign and may be contrasted with the inflated formulas of certain specimens.

6. *Edward the Confessor* (1045).—The Charter printed below is one of the few original Latin Charters of this reign which contain nothing of a suspicious character. It is in fact characterized by a severe simplicity of style without, however, any affectation of archaism. It will be noticed that the royal Subscription contains no allusion to sealing.

The Charter is of special interest as corroborating in this instance at least the evidence of the Winchester Cartulary, a register which is perhaps justly regarded with some suspicion.

(b) Special Forms of Old English Charters

The following Charters are given here as specimens of privileges which were undoubtedly sought for and obtained during the pre-Conquest period, although their alleged concession was frequently the subject of a later forgery. To the types presented here the well-known privileges which characterized a later franchise, namely 'sac' and 'soc,' 'toll,' 'theam' and 'infangthef,' might have been added, but the occurrence of these terms in a genuine Latin pre-Conquest Charter is something more than questionable.

It is, however, a striking fact that Charters which purport to grant various privileges and immunities in more or less fantastic terms are to be found in reputable cartularies like those of Rochester and Worcester, whilst in certain cases their authenticity is confirmed by the survival of the original or at least of contemporary instruments, as in the case of No. 8 in the present series. On the other hand an attempted forgery of such privileges will be seen in the case of the Cotton Charter VIII. 35 (C.S. 469) and a sequence of suspicious forms (including No. 7 in the present series) may be noted in the Worcester Cartulary, possibly composed with the intention of expounding the purport of a genuine charter (C.S. 416).

7. *Grant of Privileges*.—Apart from the entry of the Charter in the Worcester Register, we know that this Church had absorbed the above foundation before the Norman Conquest.

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The Charter belongs to a class of 'diplomata,' which is generally regarded with suspicion. The short form (C.S. 435) is obviously a 'résumé' composed at a much later date; but another version of this Charter (C.S. 454) is highly suspicious.

The Invocation of the Charter printed here resembles that of C.S. 448, and the general composition may be compared with C.S. 433 and others of the series noticed above as probably based on a genuine contemporary charter (C.S. 416).

8. *Remission of Customs dues.*—This is one of a very interesting and important series of 'diplomata,' dealing with similar concessions, which range between the years 732–3 and 761 (C.S. 149, 150, 171, 173, 177, 188, 189).

The authenticity of this Charter, which is entered in the 'Textus Roffensis,' is established by the survival of the original (Cotton Charter XVII. 1) which was, however, apparently composed at the date of the Confirmation of the reputed Charter of 734, namely, in the year 840. This Charter evidently served as the model for the forged privileges of 732–3 entered in the Register of St Augustine's, Canterbury (C.S. 149, 150), with which we may compare the Old English version of like privileges for the Church of Worcester (C.S. 171).

9. *Exemption from Royal Service.*—This is a specimen of a type of land-boc which is usually regarded with suspicion owing to the non-reservation of the 'Trinoda Necessitas,' and it may be compared with the numerous grants 'in free and perpetual alms' (No. 15) during the post-Conquest period. No original of this Charter is preserved, but its entry in the 'Textus Roffensis,' a register of good repute, as well as the simplicity of its form, are in favour of its authenticity. It may be contrasted with numerous Charters containing a statement of similar immunities in exaggerated terms. It will be noted that the Datal clause is omitted. This should have followed the announcement of validation, and has probably been replaced by the rogatory Final Clause, which is characteristic of the occasional pious interpolations of the compilers of the Rochester and Worcester registers.

10. *Land-boc with Sanction in the form of a 'glacial' curse.*—This Charter is clearly connected with the Church of Wells, though the premises have been identified with Hanham (co. Gloucester) by the learned editor of the *Cartularium Saxonicum*. The recent identification with West Hatch (co. Somerset) in the Historical MSS. Commissioners' *Report* on the Wells 'Liber Albus' (vol. 1) is supported by the vernacular heading printed in that Report (p. 449). The form

of Sanction seen in this Charter was only used between the years 937 and 947 and was chiefly affected by south-western monasteries. It occurs in the following Charters:—C.S. 714, 734, 741, 756, 759, 767, 781, 783, 822, 874. It has been suggested (by Sir F. Pollock) that this formula was invented by a dictator, who had been impressed with the terrors of the dangerous passage of the Alps, which have been so graphically described by William of Malmesbury (*Gesta Pont.* p. 26, cf. Stubbs, *Oxford Lectures*, p. 128).

1. *Grant of lands in Twickenham (co. Middlesex) to Walhari, bishop of London (704).*

✠ In nomine domini nostri Jhesu Christi salvatoris.

Quamvis solus sermo sufficeret ad testimonium, attamen pro cautella futurorum temporum, ne quis forte posterum fraudulentam ignorantiae piaculum perperam incurrat, idcirco scedulis saltim vilibus pro ampliore firmitatis supplimento necessarium reor adnectere. Quapropter ego Sueabræd rex Eastsaxonorum et ego Peogthath, cum licentia Ædelredi regis comis, aliquantulum agri partem, pro remedio animarum nostrarum, Uualdhario episcopo in dominio donare decrevimus, id est xxx cassatorum in loco qui dicitur Tuican Hom in provincia quæ nuncupatur Middelseaxan. Hæc autem terra his locorum limitibus designatur. Ab oriente [*etc.*]. Possessionem autem hujus terræ taliter, ut supradiximus, cum campis sationalibus, pascualibus, pratis, palludibus, piscuariis, fluminibus, clusuris, omnibus quæ ad eam pertinentibus, in dominio supra dicti Episcopi possidendum perpetuale jure tradidimus et liberam habeat potestatem agendi quodcumque voluerit. Porro ut firmior hujus donationis largitio jugiter servaretur, etiam testes adjunximus, quorum nomina subter tenenter inserta. Si quis vero successorum nostrorum hanc donationis nostræ munificentiam augere et amplificare maluerit, augeat Dominus partem ejus in libro vitæ; si quis e diverso, quod absit, tyrannica potestate fretus, infringere temptaverit, sciat se ante tribunal Christi tremibundum rationem redditurum. Maneatque nihilominus in sua firmitate hæc kartala scripta anno ab incarnatione Domini nostri DCC. iiij. indictione ij, tertia decima die mensis Junij, quod est idus Junij.

Ego Coenredus rex Mercensium hanc terram Waldhario episcopo pro remedio animæ meæ in dominio donare decrevi, in loco qui dicitur Tuiccanham, et libenti animo propria manu crucem infixi.

Ego Headda episcopus consensi et subscripsi.

Ego Cotta abbas consensi et subscripsi.

Ego Suebrædus rex Eastsaxonum propria manu.

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Excerpt

[More information](#)*Anglo-Saxon Charters*

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Ego Peohtthat signum manus imposui.
 Ego Friodored signum manus. [Three others sign thus.]
 Eadred signum. [Two others sign thus.]
 Ego Ciolred [rex] Mercensium hanc donationem, quam ante donavit
 propinquus meus Coenredus rex et ego, confirmavi in loco Arcencale
 et signum sancte crucis expressi.
 Ælric signum manus. [Two others sign thus.]
 Eadberht signum. [Three others sign thus.]

[Original Charter, MS. Cott. Aug. II. 82.

B. M. Facs. I. 3.

C.S. No. 111.]

2. *Grant of lands in Salmonnesburg to Duddonus the King's thegn (779).*

$\frac{P}{A} | \omega$ Regnanti in perpetuum domino nostro Jhesu Christo: Universa quippe quæ hic in præsentia visibus humanis corporaliter contemplantur nihil esse nisi vana et caduca transitoriaque, ex sacrorum voluminum testimoniis certissimi verum patet. Et tamen cum istis æternaliter sine fine mansura alta polorum regna et jugiter florentis paradisi amoenitas mercari a fidelibus viris queunt.

Quapropter ego Offa, Deo cuncta pie disponente, in cujus manu sunt omnia jura regnorum, absque ulla antecedente merito, rex Mercionum; hoc mente precogitans, aliquam ruris partem, pro amore cælestis patriæ et pro remedio animæ meæ, fidei meo ministro Duddono, hoc est quatuor cassatas in jus ecclesiasticæ liberalitatis, in perpetuum possid...libentissime concedens donabo, quatinus ut se vivente [etc.]. Et si quis ex heredum ejus, quod absit, maculo majore peccati forte implicatus fuerit, dign...scilicet pretio se emundet a delicto commisso; manente tamen hac munificentia meæ dono nihilominus in sua stabilitate firmiter, absque ulla commutatione. Est autem portio ruriculi illius attinens urbi illi [etc.]. Ad confirmandum vero hujus antedicti telluris donationem, testium et consentientium episcoporum, abbatum ac ducum meorum signa et nomina in hac cartula testimonii infra conscribta adnotabo.

Conscribta est autem hæc munificentia piissimi regis Offan anno ab incarnatione Christi DCCLXXVIIIJ, indictione secunda, anno decenovenali primo, lunari xvij, aet Iorotlaforda (*Hartleford*).

Ego Offa, divina gubernante gratia rex Mercensium, huic donationis meæ signum crucis infixi.

Ego Eadberhtus, Dei dono episcopus, consensi et subscripsi
 [and other bishops, princes and dukes, etc.]

[Original Charter, MS. Cott. Aug. II. 4.

B. M. Facs. I. 10.

C.S. No. 230.]

3. *Grant of lands at Hamme (?Wareham, co. Dorset) to the King himself (847).*

☞ Regnante domino nostro Ihesu Christo in perpetuum. Siquidem A|ω sacris insertum voluminibus...[qu]orum preclaris satisque salutaribus cotidie instruimur oraculis, hoc solum superesse homini in omni labore suo quod laborat sub sole, et in cunctis quæ possidet diebus vanitatis suae, si quid in elemoxsinarum largitate piis intentus operibus expenderet, proximorumque communicanda necessitatibus, pro possibilitate virium, “faciat sibi,” secundum salvatoris preceptum, “amicos de mamona iniquitatis, qui eum recipiant in æterna tabernacula.” Qua de re ego Æthelulf, Deo auxiliante occidentalium Saxonum rex, cum consensu ac licentia episcoporum et principum meorum, aliquantulam ruris partem, viginti manentium, mihi in hereditatem propriam describere jusi, id est me ad habendum et ad perfruendum, cum pratis et pascuis, cum campis et silvis, cum aquis currentium et incurrentium, et iterum qualicumque, prout me placabilis sit, æternaliter relinquendum. Terra autem predicta liber et securus omnium rerum permaneat, id est regalium et principalium tributum et vi exactorum operum sive poenaliū causarum, furisque comprehensione, et omni sæculari gravidine, sine expeditione et pontis instructione.

Scripta est autem hujus donationis pagina anno dominici incarnationis, DCCC° XLVII^a, indictione, X^a.

Territoria vero ista sunt orum vigintorum cassatorum qui Æthelulfe regi om Homme senatores ejus concedissent in illo loco qui nuncupatur Dornnuarana ceaster, secunda die Natalis Domini, coram idoneis testibus quorum nomina infra aspicientium oculis caraxata liquescunt:—*Ærest on merce cumb [etc.].*

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

Ego Æthelulf rex ad confirmandam hanc donationem venerabiliter trophei signum sanctæ crucis exarrabi.

Signum manus Æðelbaldi filii regis [*and many others*].

[*Original Charter, Cotton Ch. VIII. 36.*

B. M. Facs. II. 30.

C.S. No. 451.]

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4. *Grant of Privileges to the Bishopric of Crediton (933).*

✠ Flebilis fortiter detestanda totillantis sæculi piacula diris obscenæ horrendæque mortalitatis circumsepta latratibus, non nos patria indeptæ pacis securos, sed quasi fetidæ corruptelæ in voraginem casuros provocando ammonent ut ea toto mentis conamine cum casibus suis non solum despiciendo, sed etiam velut fastidiosam melancholiæ nausiam abominando fugiamus, tendentes ad illud evangelicum, “date et dabitur vobis.” Qua de re infima quasi peripsema quisquiliarum abiciens, superna ad instar pretiosorum monilium eliens, animum sempiternis in gaudiis fiens ad nanciscendam mellifluæ dulcedinis misericordiam, perfruendamque infinitæ letitiæ jocunditatem, ego Æthelstanus, per omnipatrantis dexteram apice totius Albionis sublimatus, circumquaque basilicas in honore Dei sanctorumque ejus dedicatas prout poterò ab antiquo ritu vectigalium redimam, quod sibi mei antecessores usurpative decreverunt habere. Nunc vero, pro Dei omnipotentis amore et beatæ Dei genetricis Mariæ veneratione, sanctorumque omnium auctoritate, necnon pro venerabilis episcopi Eadulfi placabilis pecuniæ datione, id est, LX. librarum argenti, tantam libertatem episcopatu Cridiensi ecclesiæ perdonare dijudicavi, ut sit perpetualiter tutus atque munitus ab omnibus secularibus servitutibus, fisci regalibus, tributis majoribus et minoribus, atque expeditionalibus videlicet taxationibus, omniumque rerum, nisi sola expeditione et arcis munitione. Si quis autem post hoc, subdola cavillatione deceptus, nostrum non perhorrescat machinari decretum, sciat se novissima ac magna examinationis die classica, archangeli clangente salpice, bustis sponte patentibus, somata jam rediviva propellentibus, cum Juda proditore, infaustoque pecuniarum compilatore, suisque impiissimis fautoribus, sub æternæ maledictionis anathemate edacibus innumerabilium tormentorum flammis sine defectu periturum. Acta est hæc præfata libertatis munificentia. DCCCCXXXIIJ. dominicæ incarnationis, anno indictione VI; his testibus consentientibus signumque crucis Christi adponentibus quorum nomina infra caraxata esse monstrantur.

Ego Æthelstanus, gratia Dei largiente totius Brittanniæ rex, præfatam libertatem cum sigillo sanctæ crucis confirmavi.

Ego Wulfhelm, Dorobornensis ecclesiæ archiepiscopus, ejusdem regis largitatem cum tropheo sanctæ crucis consignavi.

Ego Ælfheah, Wintaniensis ecclesiæ episcopus, triumphalem agiæ crucis tropheum impressi.

Ego Theodred, Lundoniensis ecclesiæ episcopus, consignavi.

Ego Coenwald, episcopus, consensi.

Ego Oda, episcopus, confirmavi.

Ego Wulfhun, episcopus, roboravi.

Ego Ælfhere, dux [*and two others*].

Ego Odda, minister [*and six others*].

[*Original Charter, MS. Cott. Aug. II. 31.*

B. M. Facs. III. 4.

C.S. No. 694.]

5. *Grant of lands in Maewi (?Mewy, co. Devon) to Ætheric, the King's thegn (1031).*

✠ In altithroni onomate, qui nos qui voluit creavit plasmate. Ego, Cnut, rex totius Albionis ceterarumque gentium triviatim persistentium basileus, dum plerumque cogitarem de hujus caduci seculi rebus quomodo superni arbitris examine cuncta que videntur vana et labilia rite censentur. Verbi gratia, que quasi tenuis venti flatus aut fumigantis ignis vapor ad nihilum redacta evanescent, secundum illud quod preco gentium in sacris scripturum paginis clara promulgat predicatione; dicens omnia que videntur temporalia sunt; que autem non videntur, eterna. Idcirco quandam rusculi particulam, dimedié, videlicet, mansé in loco qui a solicolis Maewi vocitatur nomine, cuidam fidei ministro, nomine Ætheric, libens, perpetualiter in eternam hereditatem concedo: quatenus cuicumque, post fragilis vite curriculum, voluerit heredi, liberam habeat, omnibus ad se rite pertinentibus eternaliter in jus proprium, potestatem tradendi. Sit autem predictum rus omni terrené servitutis jugo liberum, tribus exceptis, rata videlicet expeditione, pontis arcisve restauratione. Nunc vero pace nostra conglutinata vicens et florens inter agmina sancta eterné beatitudinis tripudia succedat, qui nostré donationis muniri consentiat. Si quis vero non perhorrescat evertere, machinans, nostrum decretum, sciat se corruentem in profundum barathrum eterni Orci, et eternaliter létalis laquei, in diris flammis cruciatum. Acta est autem hec mea donatio anno ab Incarnatione domini nostri Jesu Christi millesimo xxxi, Indictione iij.

Istis terminis predicta tellus circumgyrata esse videtur [*etc.*].

Hujus namque nostré munificentie testes extiterunt quorum inferius nomina decusatim, Domino disponente, carraxantur.

Ego Cnut, Britannie totius Anglorum monarchus, hoc agie crucis taumate roboravi.

Ego Æthelnoð, Eboracensis basilicé primas in seignis, hoc donum regale confirmavi.

Ego Ælfgifo, regina humillima, adjuvi.

Ego Aelfsige, Episcopus, assensum prebui.

Ego Byrhtwold, Episcopus, dictando titulavi.

Ego Byrhtwig, Episcopus, dignum duxi.

Ego Ælmær, Episcopus, confirmavi.

Ego Lyfinc, Episcopus, consolidavi.

Ego Aethelric, Episcopus, consensi.

Ego Byrhtwine, Episcopus, conclusi.

Ego Godwine, dux [*and three other dukes*].

Ego Brihtmær, abbas [*and three other abbots*].

Ego Osgod, minister [*and seven other thegns*].

[*Original Charter, MS. Cott. Aug. II. 69.*

B. M. Facs. IV. 18.

C.D. DCCXLIV.]