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The Technical Committee is sufficiently well known and has, I think, proved its worth. More recently some of our colleagues in the North-East have formed themselves into a committee—or group—for the study of computers and their potential use to the Archivist. We had a blinding glimpse of what this may mean, at the Annual Conference in Newcastle-upon-Tyne earlier this year; and the group since then has grown in knowledge and in vigour and held its last meeting only last week—in London, in my office—where among those who attended was the Deputy Keeper of the Public Records, whose keen and benevolent interest, and informed intervention, were greatly valued.

So I seem to have talked myself back to the point from which I started, with young Archivists learning in friendly accord from their colleagues at the Public Record Office, and receiving their encouragement and support. Long may this continue. But the greatest difference which I see between the present day and 30 years ago is that the Archivists outside the Public Record Office have now the fruits of their own research, experiment and experience to offer in return.

## THE ORIGIN AND AUTHENTICITY OF THE ROYAL ANGLO-SAXON DIPLOMA<sup>1</sup>

BY PIERRE CHAPLAIS, M.A., PH.D., F.R.HIST.S.

TO say that much remains to be done in the field of English diplomatic is not a very original remark. Made by Stevenson in 1895, repeated by Tout in 1919, it still applies today in spite of all the time and effort which has been devoted to the study of English documents over the past fifty years.<sup>2</sup> Those fifty years have indeed been very productive in works on English royal diplomatic from the eleventh century onwards: they have seen the publication of such notable books as Dr. Harmer's *Anglo-Saxon Writs*, Tout's *Charters* and Maxwell-Lyte's *Great Seal*.<sup>3</sup> During the same fifty years have also appeared an impressive number of books and articles covering the first four centuries of English royal documents, from the introduction of documentary writing into this country, in the seventh century, to the birth of the writ, in the eleventh.<sup>4</sup> One title, however, is still wanting, that of a diplomatic survey of the royal charters issued during those four centuries, that is to say the diplomas or land-books. Several valuable essays, those contributed by Stevenson, Brunner, Levison, Drögereit, Miss Parsons and others, deal with particular aspects of the land-book or with well-defined periods of its history.<sup>5</sup> But the only general studies of the Anglo-Saxon diploma are to be found in Sir Frank Stenton's stimulating little book, *The Latin Charters of the Anglo-Saxon Period*, and in Professor Dorothy Whitelock's introduction to the 'Charters and Laws', neither of which claims to be a work on diplomatic.<sup>6</sup>

The explanation for this gap in our knowledge of English diplomatic is not hard to find. It was first put forward by Stevenson, again in 1895, and reiterated by Sir Frank Stenton after an interval

<sup>1</sup> I am very grateful to Professor V. H. Galbraith, Professor F. Wormald, Dr. R. W. Hunt, Mr. N. R. Ker and Mr. N. P. Brooks for their assistance on a number of points. For what is controversial I alone am responsible.

<sup>2</sup> *The Crawford Collection of Early Charters and Documents now in the Bodleian Library*, ed. A. S. Napier and W. H. Stevenson (Oxford, 1895), p. viii; T. F. Tout, 'Mediaeval Forgers and Forgeries', *Bulletin of the John Rylands Library*, v (1918-20), pp. 224, 234. Recently, F. Barlow, *The English Church, 1000-1066* (London, 1963), p. 126, n. 1.

<sup>3</sup> F. E. Harmer, *Anglo-Saxon Writs* (Manchester Univ. Press, 1952); T. F. Tout, *Charters in the Administrative History of Mediaeval England*, 6 vols. (*ibid.*, 1920-33); Sir H. C. Maxwell-Lyte, *Historical Notes on the Use of the Great Seal of England* (H.M.S.O., 1926). See also V. H. Galbraith, *Studies in the Public Records* (Nelson, 1948).

<sup>4</sup> See Professor D. Whitelock's bibliography, *English Historical Documents* (cited hereafter as *E.H.D.*), i (London, 1955), pp. 351-53; Tryggvi J. Oleson, *The Witenagemot in the Reign of Edward the Confessor* (Oxford Univ. Press, 1955); E. John, *Land Tenure in Early England* (Leicester Univ. Press, 1960); H. P. R. Finberg, *The Early Charters of Devon and Cornwall* (*ibid.*, 1954), *The Early Charters of the West Midlands* (hereafter *E.C.W.M.*) (*ibid.*, 1961), *The Early Charters of Wessex* (hereafter *E.C.W.*) (*ibid.*, 1964).

<sup>5</sup> See Professor D. Whitelock's bibliography, *E.H.D.*, i, p. 353; Mary Prescott Parsons, 'Some Scribal Memoranda for Anglo-Saxon Charters of the Eighth and Ninth Centuries', *Mitteilungen des Oesterreichischen Instituts für Geschichtsforschung*, xiv Erg.-Band (1939), pp. 13-32.

<sup>6</sup> F. M. Stenton, *The Latin Charters of the Anglo-Saxon Period* (hereafter *Latin Charters*) (Oxford, 1955); *E.H.D.*, i, pp. 337-49.

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of sixty years: 'It cannot be said that the Old English charters have yet been edited'.<sup>7</sup> Without a critical and exhaustive edition of the Anglo-Saxon diplomas, no definitive study of their diplomatic can be contemplated.

It is true that Kemble's *Codex Diplomaticus*,<sup>8</sup> an edition which is both uncritical and incomplete, still remains, to date, the only comprehensive corpus of royal Anglo-Saxon land-books. Kemble's volumes, however, give us a text, unsatisfactory though it may be, of the majority of the surviving royal charters of the Anglo-Saxon period. One may wonder why this imperfect tool, supplemented as it is by the facsimile reproductions of most extant originals,<sup>9</sup> could not have proved adequate for working out at least an interim report on Anglo-Saxon diplomatic. Perhaps the failings of Kemble's edition do not lie so much in the inaccuracy or incompleteness of its text as in the mistaken arrangement of its contents. Kemble adopted a strict chronological order, as Birch did after him in his *Cartularium Saxonicum*.<sup>10</sup> Such an arrangement might reasonably be taken to imply that the whole corpus of royal Anglo-Saxon charters falls into one single group, whose components sprang from the same source, and whose evolution simply followed the passage of time, irrespective of topographical or other considerations. In other words, it would seem that Kemble presupposed the existence of a single royal Anglo-Saxon diplomatic, brushing aside any suggestion that we should perhaps think in terms of several, not necessarily royal, Anglo-Saxon 'diplomats'.

That there was one single ultimate source for all Anglo-Saxon diplomas, as indeed for all European charters, is virtually certain, and that source is Rome, or rather Italy. It is generally believed that, until the last quarter of the seventh century, Anglo-Saxon grants of land were made orally, the use of words being probably accompanied by 'some sort of symbolic act of transfer, such as the placing of a sod on the altar'.<sup>11</sup> The credit for replacing or supplementing such oral declarations by written records is commonly attributed to Archbishop Theodore, who is thought to have brought along with him from Italy, in 669, the charter system to which he had been accustomed.<sup>12</sup>

The case in favour of the Italian origin of the Anglo-Saxon charter, as presented by Stevenson, Levison and others, is a strong one. The earliest known examples of charters drawn up in the south of England and particularly in Kent, in the late-seventh and early-eighth centuries, resemble in their structure and formulae the Italian private deeds of the period and of slightly earlier times; on the other hand, they differ considerably from their Frankish equivalents, either royal or private.<sup>13</sup> Such similarities and differences could hardly have been accidental.

The arguments invoked for crediting Theodore with the change over from oral to written grants are far less convincing. They are solely based on the fact that all the charters which purport to have been issued before the archbishop's arrival in England are clearly spurious, whereas several of those which claim to have been written during the decade 669-79 have survived in texts apparently irreproachable; the latter even include one original.<sup>14</sup> Perhaps the argument from silence, when applied to such early times, should have been used with greater caution, but it is only fair to add that the advocates of the Theodore connexion have never claimed to provide anything better than a plausible reconstruction. They were well aware that no final pronouncement could ever be made unless a large enough group of formal records (as opposed to informal letters) issued in Theodore's name were one day to be discovered. Only one such record has so far come to light, the decree of the Council of Hertford (24 Sept. 672); we owe its preservation to Bede, who copied it in full in his *Historia*

<sup>7</sup> *The Crawford Collection* . . . , p. viii; Stenton, *Latin Charters*, p. 9.

<sup>8</sup> *Codex Diplomaticus Aevi Saxonici* (hereafter *K.C.D.*), ed. J. M. Kemble, 6 vols. (London, 1839-48).

<sup>9</sup> *Facsimiles of Ancient Charters in the British Museum* (hereafter *B.M.F.*), 4 vols. (London, 1873-78); Ordnance Survey, *Facsimiles of Anglo-Saxon Manuscripts* (hereafter *O.S.F.*), 3 vols. (Southampton, 1878-84); *Chartae Latinae Antiquiores* (hereafter *Ch.L.A.*), ed. A. Bruckner and R. Marichal, iii (Olten/Lausanne, 1963).

<sup>10</sup> *Cartularium Saxonicum* (hereafter *B.C.S.*), ed. W. de Gray Birch, 3 vols. (London, 1885-93).

<sup>11</sup> *E.H.D.*, i, p. 343.

<sup>12</sup> *Ibid.*, loc. cit.; F. M. Stenton, *Anglo-Saxon England* (Oxford, 1947), p. 141.

<sup>13</sup> See, for example, *Urkunden und Akten*, ed. K. Brandt, 3rd edition (Berlin/Leipzig, 1932), no. 16; W. H. Stevenson, 'Trinoda necessitas', *English Hist. Review*, xxix (1914), pp. 689-703; especially pp. 694-95 and notes and p. 702; W. Levison, *England and the Continent in the Eighth Century* (Oxford, 1946), pp. 228-33; G. M. Young, *The Origin of the West-Saxon Kingdom* (Oxford Univ. Press, 1934), pp. 21-26 (I owe this reference to the kindness of Mr. James Campbell).

<sup>14</sup> *B.M.F.* I, 1.

*Ecclesiastica*, leaving out, it seems, only the subscriptions.<sup>15</sup>

The Hertford document falls into the same diplomatic category as the *acta* of papal synods, on which it may have been modelled, but unlike them it contains the following formula amongst its final clauses:

Quam sententiam definitionis nostrae Titillo notario scribendam dictavi.  
This *rogatio* clause does not appear in genuine papal documents of any kind until the pontificate of Adrian I (772-95),<sup>16</sup> whereas it is regularly found in Italian private deeds of the sixth and seventh centuries. In Rome and Ravenna it occurs in the form *scribendum . . . dictavi*, while in Longobard charters alternative formulae such as *scribendum . . . rogavi* seem to have been preferred.<sup>17</sup> The following examples are worth quoting:

Quam largitatem . . . Severo forensi civitatis Rav' scribendam dictavi . . .<sup>18</sup>

Quam donationis meae paginam . . . Bono tabellioni hujus civitatis Rav' rogatario meo scribendam dictavi . . .<sup>19</sup>  
Hanc autem suggestionem supplicationemque meam Æmiliano notario sanctae ecclesiae Romanae noto meo scribendam dictavi . . .<sup>20</sup>

If the subscriptions to the Hertford record had not been omitted by Bede, we might find that they included the subscription of the writer, Titillus, in a form similar to that used by the scribes of Italian deeds (*completio* clause).<sup>21</sup> Unfortunately we do not know who Titillus was, whether he came from a native stock or was brought from Italy by Theodore, but this does not make the Italian title of *notarius* which the Hertford document gives him any less interesting.<sup>22</sup> It shows that Theodore had at least one notary, who knew how to draw up a document in the true Italian fashion. On the other hand, the Anglo-Saxon charters which were drawn up in Kent during Theodore's pontificate and even during the next hundred years show no apparent trace of notarial influence. Not a single one of those among them which can be safely accepted as genuine contains a mention of the scribe who wrote them, and it is precisely the absence of the *rogatio* clause and of the scribe's *completio* which, according to Levison and others, mainly distinguishes the Anglo-Saxon charter from the Italian private deed.<sup>23</sup> If Theodore had been responsible for the introduction of written grants into England, is it likely that such an important feature of the charter as he knew it would have been deliberately omitted? One of the few early Anglo-Saxon formulae which stand reasonably close to the notarial *rogatio* clause occurs in a charter granted in 694 by King Wihtred of Kent to Æbbe, abbess of Minster in Thanet:

Quam sepe dictam cartulam scribendam dictavi.<sup>24</sup>

But it does not name the writer (*rogatarius*), thus leaving out the most important element of the Italian *rogatio* clause. Does this not suggest that the Anglo-Saxon charter may already have been in existence for some time when Theodore arrived and that its form was settled by then? Theodore's notary—or notaries—may have come too late to make a durable impact on English diplomatic as a whole. Only the documents to which the archbishop himself was a party could be seriously affected by the presence in England of men like Titillus.

In 1839 Kemble wrote that he saw 'no reason to doubt that land was transferred by documentary forms, either with or without symbolic forms, from the very first introduction of Christianity among the Anglo-Saxons'.<sup>25</sup> In his opinion, the history of the Anglo-Saxon charter had begun in Augustine's

<sup>15</sup> Bede, *Opera Historica*, ed. C. Plummer, i (Oxford, 1896), pp. 214-17.

<sup>16</sup> See C. Paoli, *Diplomatica* (Florence, 1942 edition), pp. 172-75. For an example of the *rogatio* in a privilege of Paschal I, see *Exempla Scripturarum*, iii (*Acta Pontificum*), ed. G. Battelli (Vatican, 1933), no. 1. For *acta* of papal synods, see *Mon. Germ. Hist., Ep., Gregorii I Papae Registrum Epistolarum*, i, pp. 362-67; ii, pp. 275-77; Mansi, *Concilia*, x (1764), cols. 363 ff. See also Levison, *op. cit.*, p. 229.

<sup>17</sup> L. Schiaparelli, 'Note diplomatiche sulle carte longobarde', *Archivio Storico Italiano*, VII. xix (1933), p. 26.

<sup>18</sup> *I papiri diplomatici raccolti ed illustrati*, ed. G. Marini (Rome, 1805), no. 86.

<sup>19</sup> *Ibid.*, no. 93.

<sup>20</sup> *Mon. Germ. Hist., Ep.*, ii, p. 276.

<sup>21</sup> Paoli, *op. cit.*, pp. 175-77.

<sup>22</sup> M. Redin, *Studies on Uncompounded Personal Names in Old English* (Uppsala, 1919), p. 144.

<sup>23</sup> Levison, *op. cit.*, pp. 227-28. Compare n. 107 below.

<sup>24</sup> *B.C.S.*, no. 86; see also nos. 296, 373. For two typical forgeries, see nos. 32, 50.

<sup>25</sup> *K.C.D.*, i, p. vii.

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<sup>26</sup> Bede,

<sup>27</sup> *Ibid.*,

<sup>28</sup> *Ibid.*,

<sup>29</sup> *Ibid.*,

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time, in the last years of the sixth century. Although these views are no longer held, much can be said in their favour. We can be absolutely sure that Augustine and his companions brought along with them their writing habits, and that letter-writing formed part of their daily activity.<sup>26</sup> Not only could they write, they also had all the equipment required for training others to do the same, notably in the 'plurimos codices' which Pope Gregory had sent them.<sup>27</sup> We know with equal certainty that King Ethelbert of Kent granted them lands in Canterbury and Rochester.<sup>28</sup> Are we to suppose that men like Augustine, who were accustomed to documentary evidence and realised its importance, would have been satisfied with oral grants and symbolic gestures? Why should they have adopted the contemporary attitude of the Anglo-Saxons in such matters? There was nothing to prevent them from writing down themselves, in charter form, the grants of which they were the beneficiaries. Indeed this appears to have been common practice for grants made to the Church by later Anglo-Saxon kings. Then as always the charter system, an insurance against forgetfulness and treachery, was primarily designed to protect the beneficiary, not the grantor.

King Ethelbert himself seems to have soon appreciated the advantages of written records, since, in Augustine's time, that is before 604, he caused his dooms to be committed to writing 'juxta exempla Romanorum'. These dooms, so Bede tells us, were written in the vernacular, and their first article dealt with the question of compensation for thefts perpetrated to the detriment of the Church and of its ministers, both of which details exactly fit the text of the code attributed to Ethelbert in the *Textus Roffensis*.<sup>29</sup> Thus we have a genuine written record going back to the time of Augustine and involving the king personally. This is important in itself, but the subject-matter of the code's first article is even more significant: Ethelbert's first thought, in the first Anglo-Saxon code ever to be written, had been for the protection of church property. Whether it had been his own thought or that of his ecclesiastical advisers, one of whom—or a scribe trained by them—would have had to take charge of the actual writing of the code, need not concern us. What matters is that someone deemed it necessary to protect the worldly possessions of the Church in a written record. If we accept the authenticity of Ethelbert's laws, why should we reject out of hand any suggestion that his grants to the Church might have been written down in charter form? The laws protected the movable property of ecclesiastics, while the charters gave them security of tenure in their real estates.

It is true that all the extant texts which purport to be charters of Ethelbert have been proved to be spurious,<sup>30</sup> but these forgeries may have been made in order to replace genuine documents which perhaps had been lost or destroyed, or no longer fulfilled the needs of the grantees. One example of such practices in Kent is particularly illuminating. It concerns the earliest genuine Anglo-Saxon charter to have come down to us in the original. According to it King Hlothere of Kent granted lands in Thanet and Sturry to Abbot Beorhtwald and his monastery; the lands, with all their appurtenances, were to be possessed for ever by the abbot and his successors, in the same way as they had been held by the king until then. The grant is stated to have been made in the city of Reculver, in May, in the seventh indiction.<sup>31</sup> There is not the slightest doubt that Beorhtwald's monastery was in fact the abbey of Reculver and that the seventh indiction should be translated into the year of the Incarnation 679, but neither of these facts is specifically mentioned in the charter. In 949 the monastery of Reculver and its possessions were granted by King Edred to Christ Church, Canterbury,<sup>32</sup> and all the Reculver deeds, including Hlothere's charter, were presumably acquired by Christ Church at that time. Yet it was not the text of the original charter of Hlothere that the compilers of the cartularies of Christ Church used, but an entirely different version: this version begins with a note of the year of the Incarnation (correctly given as 679); the grantee's monastery is explicitly identified as Reculver; the Sturry land is said to extend to twelve hides and is granted 'liberam ut superiorem ab omni seculari servitio, exceptis istis tribus expeditione, pontis et arcis constructione'; even the anathema is different

<sup>26</sup> Bede, *Opera Historica*, ed. Plummer, i, pp. 87–88.

<sup>27</sup> *Ibid.*, i, p. 63.

<sup>28</sup> *Ibid.*, i, pp. 70, 85.

<sup>29</sup> *Ibid.*, i, p. 90; *E.H.D.*, i, pp. 357–59.

<sup>30</sup> Levison, *op. cit.*, pp. 174–233.

<sup>31</sup> *B.M.F.* I. 1; *B.C.S.*, no. 45; E. A. Lowe, *English Uncial* (Oxford, 1960), plate xxi and p. 20.

<sup>32</sup> *O.S.F.* I. 15; *B.C.S.*, nos. 880–81. See also *English Hist. Review*, xxix, p. 692, n. 18.

from that of the original.<sup>33</sup> Here we are confronted with a typical case of a genuine charter which was transformed out of all recognition by a later scribe, not necessarily a conscious forger, but at least someone who had no scruples about adapting very freely his exemplar to the modern needs of his community: he abridged the text in some ways, expanded it in others; genuine early formulae were suppressed and methodically replaced by others of a later age, after a fashion with which the compiler of the *Liber Landavensis* was all too familiar.<sup>34</sup> Perhaps the extant spurious texts of Ethelbert's grants should also be regarded as representing later versions, drastically revised, of early genuine charters which have not been preserved.

Two passages in Eddi's *Life of Bishop Wilfrid* could be interpreted to mean that Northumbria, like Kent, may also have had some experience of written grants a decade or so before Theodore arrived in England. In the first passage, which mentions Alchfrith's grants of 'Stanford' and Ripon to Wilfrid (c. 660), the words used by Eddi, 'Alchfrithus dedit primum . . . terram decem tributarium et Stanforda et post paululum coenobium in Hrypis cum terra triginta mansionum, pro animae suae remedio, concessit ei', read like extracts from charters.<sup>35</sup> It may be to these problematic charters that the second of Eddi's texts (671x678) refers:

Stans itaque Sanctus Wilfrithus episcopus ante altare, conversus ad populum, coram regibus enumerans regiones, quas ante reges pro animabus suis, et tunc in illa die cum consensu et subscriptione episcoporum et omnium principum illi dederunt, lucide enuntiavit.<sup>36</sup>

In truth, one cannot positively state that the Anglo-Saxon charter was established as early as Augustine's time or even before Theodore's arrival, but the evidence for an early origin of the charter is at least as strong as the evidence against it. Besides, the primitive features of the charter, as displayed in its earliest extant examples and retained throughout its history, can in my opinion be explained more satisfactorily by an early origin: they seem to be more compatible with the rudimentary secretarial organization of early missionaries than with the apparently more sophisticated one of Theodore. Of all the royal diplomas it is the only one in Europe which was never provided with any outward marks of authenticity. It was never sealed, even in the reign of Edward the Confessor, although there was then an English royal seal. Anglo-Saxon charters end with a number of crosses and subscriptions, those of the grantor and of *testes* and *consentientes*, but the crosses and subscriptions, being non-autograph,<sup>37</sup> amount to nothing more than a list of witnesses. Such a list would have had a probative value if the charter had been attested by a notary or even by an identifiable monastic scribe, but even this attestation is lacking. Once the grantor and witnesses had died, nobody could prove the genuineness or otherwise of the document, at least by any of the secular methods which would fully satisfy a modern diplomatist.

What sort of authenticity can the land-book have had, which was obvious to the contemporaries and is no longer evident to us? It was in my view a purely religious and ecclesiastical one. Throughout its history, the land-book remained essentially an ecclesiastical instrument, at least in form if not always in purpose. It begins with a pictorial or verbal invocation to God. The proem which follows sometimes consists of a banal statement that the probative value of written grants is superior to that of oral declarations of gift;<sup>38</sup> more often, it is a pious discourse on the brevity of life, on the need for man to expiate his sins on earth and think of eternal salvation.<sup>39</sup> The Anglo-Saxon diploma, unlike the majority of royal charters on the Continent, does not provide for any secular penalties against those who would presume to infringe the grant, but only for religious sanctions to be meted out on the Day of Judgment. To find such religious formulae in grants to the Church is not surprising, but their

<sup>33</sup> *Monasticum Anglicanum*, i. 455; R. Twysden, *Hist. Anglicanae Scriptores decem* (London, 1652), col. 2207; *English Hist. Review*, xxix, p. 696, n. 37. Compare J. Armitage Robinson, 'The Early Community at Christ Church, Canterbury', *Journal of Theological Studies*, xxvii (1926), p. 235.

<sup>34</sup> E. D. Jones, 'The Book of Llandaff', *The National Library of Wales Journal*, iv (1945-46), pp. 123-57.

<sup>35</sup> Eddius Stephanus, 'Vita Wilfridi Episcopi', *The Historians of the Church of York*, ed. J. Raine, i (Rolls Series, 1879), p. 12; *The Life of Bishop Wilfrid*, ed. B. Colgrave (Cambridge Univ. Press, 1927), p. 16.

<sup>36</sup> Raine, *op. cit.*, p. 25; Colgrave, *op. cit.*, p. 36. See *E.H.D.*, i, pp. 343, 693.

<sup>37</sup> I cannot agree with the editors of *Ch.L.A.* (iii, nos. 190, 221) that some of the crosses may be autograph.

<sup>38</sup> *B.C.S.*, nos. 107, 111 (proems of the 'Quamvis solus sermo' type); V. H. Galbraith, 'Monastic Foundation Charters of the Eleventh and Twelfth Centuries', *Cambridge Hist. Journal*, iv (1932-34), pp. 205-22, especially p. 207. Proems are rare in early charters; when they occur, they are short.

<sup>39</sup> *B.C.S.*, nos. 164, 182, 187, 206 (proems of the 'Nihil intulimus' type). See also nos. 202-4, etc.

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<sup>51</sup> *Ibid.*

presence in grants to laymen is disconcerting. It is true that in Anglo-Saxon England charters in favour of laymen were often indirect grants to the Church, but all modern scholars agree that this was not always the case.<sup>40</sup> Even King Æthelwulf's grant to himself of twenty hides in the South Hams begins with an unexpected preamble on the theme 'Facite vobis amicos de mammona iniquitatis', and contains an anathema and blessing.<sup>41</sup>

To dismiss proems and curses as mere verbiage would be dangerous. They were essential elements in a complicated process of religious guarantees which surrounded the issue of land-books. Sometimes the original charter was placed on a church altar by the grantor;<sup>42</sup> sometimes it was copied into a gospel or some other sacred book,<sup>43</sup> a practice frequent in England and Wales from the ninth to the eleventh century, but apparently unknown on the Continent. Such originals and copies would, of course, be endowed with complete authenticity, since one had the right to assume that nobody would dare place on the altar anything which was not sincere, or copy a forged document into a holy book. Surviving gospel documents mostly consist of manumissions and of a few writs of the eleventh century, but a similar practice may have been used for landbooks in the earlier period.<sup>44</sup>

Let us consider for a moment the earliest original diploma to have been preserved, the charter granted by King Hlothere of Kent in 679 to Beorhtwald, abbot of Reculver.<sup>45</sup> Hlothere's charter displays a number of interesting features, one of which concerns its script. It is written in uncials, a type of script which on the Continent was used for books such as gospels, and occasionally for relic labels (*authentiques*), but apparently not for charters.<sup>46</sup> If we agree with Professor E. A. Lowe that the scribe of the charter was not Italian, but English,<sup>47</sup> we might perhaps suggest that the uncial script was the only one known to him. The argument would have some force if the Reculver charter was an isolated case of the use of uncials for documentary writings, but there are indications to the contrary. The post-Conquest scribe responsible for the forged charters of St. Augustine's, Canterbury, was so convinced that early charters were normally written in uncials that he imitated this type of script in two of his fabrications.<sup>48</sup> Uncials were not only used in early Kentish charters, but also in Mercian documents as late as 736.<sup>49</sup> It would be strange if some sort of minuscule and cursive script had not been practised in England in Theodore's time, at least for the writing of letters and of such documents as the vernacular code of King Ethelbert and the record of the Council of Hertford of 672, the work of the notary Titillus. In the eyes of a seventh-century scribe uncials may have represented a superior kind of script, possibly even a sacred script, reserved for writings of unquestionable authenticity.

In Sir Robert Cotton's library the Reculver charter formed the last leaf, probably only a fly-leaf, of a volume which contained two other items, a psalter of the ninth century and a fragment of a gospel-book written not later than the beginning of the eighth century in the same scriptorium as the Codex Amiatinus.<sup>50</sup> Later, the volume went abroad, eventually to become MS. 32 of the Utrecht University Library, but without the charter, which remained in the Cottonian Library. Cotton's reputation for binding together manuscripts of diverse origins makes one hesitate to attribute any particular significance to the association in the same Cottonian volume of the gospel, psalter and charter.<sup>51</sup> As, however, there is no doubt that the psalter and the charter were both in Christ Church,

<sup>40</sup> Stenton, *Latin Charters*, pp. 59 ff.; John, *op. cit.*, pp. 77-79.

<sup>41</sup> *B.M.F.* II. 30; *B.C.S.*, no. 451.

<sup>42</sup> *Anglo-Saxon Wills*, ed. D. Whitelock (Cambridge Univ. Press, 1930), H. D. Hazeltine's preface, pp. xxxii-xxxiii and notes; John, *op. cit.*, pp. 168 ff.; Finberg, *E.C.W.*, pp. 159, 208.

<sup>43</sup> F. Wormald, 'The Sherborne "Chartulary"', *Fritz Saxl Essays*, ed. D. J. Gordon (Nelson, 1957), p. 106, n. 2; N. R. Ker, *Catalogue of Manuscripts containing Anglo-Saxon* (Oxford, 1957), p. 557: list of records in Old English preserved in gospel-books.

<sup>44</sup> For manumissions, see *E.H.D.*, i, pp. 348-49. For records of several types, see *The Text of the Book of Llan Dâw*, ed. J. G. Evans and J. Rhys (Oxford, 1893), pp. xliii-xlviii (from the Book of St. Chad).

<sup>45</sup> *B.M.F.* I. 1; *B.C.S.*, no. 45; Lowe, *English Uncial*, plate xxi and p. 20; *Ch.L.A.*, iii, no. 182.

<sup>46</sup> For 'authentiques', see *Ch.L.A.*, i, nos. 15-17. For an interesting case of the 'reverse process', a charter parchment being used after erasure as an additional leaf for a gospel-book, see *ibid.*, ii, no. 175.

<sup>47</sup> E. A. Lowe, 'The Uncial Gospel Leaves attached to the Utrecht Psalter', *Art Bulletin*, xxxiv (1952), pp. 237-38.

<sup>48</sup> Levison, *op. cit.*, pp. 174-75 and notes.

<sup>49</sup> *B.M.F.* I. 7; *B.C.S.*, no. 154; *Ch.L.A.*, iii, no. 183; Lowe, *English Uncial*, p. 21; *E.H.D.*, i, pp. 453-54.

<sup>50</sup> *Art Bulletin*, xxxiv, pp. 237-38.

<sup>51</sup> *Ibid.*, *loc. cit.*

Canterbury, in the twelfth century,<sup>52</sup> we may reasonably claim the same home for the gospel. It is difficult to say how early the connexion between the gospel and the charter may have been. The script of the gospel cannot be accurately dated, but it is roughly contemporary with that of the charter, and it is therefore not impossible for the two items to have been associated as early as 679. They may both have belonged to the abbey of Reculver before they went to Canterbury, the charter being inserted in the gospel as from the date of its issue. A charter kept in a book would be neither endorsed nor folded, both of which requirements are met in the case of the Reculver document: unlike most Christ Church deeds, it bears no endorsement of any kind, nor is it certain that it was folded for any length of time if ever.<sup>53</sup>

Another uncial charter, a grant of Æthelbald of Mercia dated 736, was in Cotton's time prefaced to a book, the Vespasian Psalter, but here the connexion between book and charter is a modern one: the charter was originally at Worcester whereas the psalter belonged to the library of St. Augustine's, Canterbury.<sup>54</sup> Besides, the charter is endorsed and it was kept folded for a considerable period. Perhaps Cotton's librarian inserted it in the psalter after the Reculver diploma had been found in a similar book. The later copying of manumissions on blank leaves of gospels may have been the relic of a more ancient and more general practice consisting of placing original land-books in sacred volumes. Similar links between Anglo-Saxon charters and sacred objects are well known. One could quote the example of Edgar's famous charter of 966 for the New Minster, Winchester, which, as Professor Wormald has suggested, may have been kept on the altar.<sup>55</sup> Anglo-Saxon kings were also in the habit of housing in the royal sanctuary not only their relics, but also their land-books, thus providing for the latter a safe repository and at the same time conferring upon them a kind of *ex post facto* authenticity.<sup>56</sup> It was probably for the same reasons that ordinary laymen often chose to deposit in a monastery the charters of which they were the beneficiaries.<sup>57</sup>

The religious guarantees which surrounded the issue and custody of the Anglo-Saxon charters largely explains the confidence placed in them by contemporaries. It is clear that the Anglo-Saxons attached as much importance to their land-books as the Franks did to their sealed royal charters. They do not appear even to have been aware that the authenticity of their books could be challenged. Whoever had a land-book in his possession was automatically presumed to have the title to the land granted in it.<sup>58</sup> The transfer of title to someone else was often effected by the mere handing-over of the original book, and it was only when the transfer of title did not extend to the whole of the original grant that difficulties seem to have arisen.<sup>59</sup> The loss of charters by accident, fire or theft was such a calamity that it often resulted in an application to the king for their renewal, 'ut alii . . . libri scriberentur eodem modo quo et priores scripti erant in quantum eos memoriter recordari potuisset'.<sup>60</sup> Not until we reach the reign of Cnut do we find any evidence of the depreciation of the Anglo-Saxon charter as a diplomatic form. This depreciation we gather from a remark which Archbishop Lyfing of Canterbury is supposed to have made to the king that 'he had

<sup>52</sup> *Codices Latini Antiquiores* (hereafter *C.L.A.*), ed. E. A. Lowe, x (Oxford, 1963), no. 1587. See *Medieval Libraries of Great Britain*, ed. N. R. Ker (Royal Hist. Soc., Guides and Handbooks, no. 3, 2nd edition, 1964), p. 39. Folio 92 of the Utrecht Psalter contains scribbles in a Canterbury script: see the facsimile in *Latin Psalter in the Univ. Library of Utrecht* (London, ? 1874).

<sup>53</sup> I am not sure that the 'five existing crosswise folds' mentioned by the editors of *Ch.L.A.* (iii, no. 182) are in fact folds; the lines are very indistinct.

<sup>54</sup> Ker, *Catalogue of Manuscripts containing Anglo-Saxon*, no. 203 and note; *Medieval Libraries*, p. 43; *E.H.D.*, i, pp. 453-54.

<sup>55</sup> F. Wormald, 'Late Anglo-Saxon Art . . .', *Studies in Western Art (Acts of the 20th International Congress of the Hist. of Art, Princeton, 1963)*, pp. 19-26, especially p. 25.

<sup>56</sup> *Anglo-Saxon Wills*, p. 151; *Anglo-Saxon Charters*, ed. A. J. Robertson (Cambridge Univ. Press, 2nd edition, 1956), no. lxxxv and p. 419.

<sup>57</sup> Some of the charters to laymen which are either found in the original in monastic archives or transcribed in monastic cartularies relate to lands which were never in the possession of the monasteries concerned. This seems to be true of *B.M.F.* IV. 18 and of *O.S.F.* II, Winchester Cath. ii.

<sup>58</sup> *Anglo-Saxon Wills*, p. xxxvi; John, *op. cit.*, p. 172.

<sup>59</sup> John, *op. cit.*, *loc. cit.*; *E.H.D.*, i, p. 441.

<sup>60</sup> *O.S.F.* III. xxiii; *B.C.S.*, no. 603. See also *B.C.S.*, no. 410 (Finberg, *E.C.W.*, no. 565), no. 1186 (Finberg, *E.C.W.*, no. 607), etc.; Stenton, *Latin Charters*, pp. 14-15, 52-53; John, *op. cit.*, p. 174. Compare the continental *pancarta* (or *preceptum*) de chartis perditis (or combustis), A. Giry, *Manuel de diplomatique* (Paris, 1894), pp. 14-17; A. de Bouard, *Manuel de diplomatique française et pontificale*, i (Paris, 1929), p. 168; *Mon. Germ. Hist., Leg. Sect. V, Formulae*, ed. K. Zeumer (Hanover, 1886), pp. 63-64, 150-51, 302-3.

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charters of freedom in plenty if only they were good for anything'.<sup>61</sup> It is only a proof that the charter was by then becoming obsolescent; this was due to no other reason than the invention of a new and more effective diplomatic instrument, the sealed writ.<sup>62</sup>

It was natural that in a credulous age any document which was kept in the company of sacred objects should have been presumed genuine. It has long been known, however, that even relics could be false, and one cannot help wondering whether both grantor and beneficiary of land-books, once the charter system had been well established, would not have insisted on more tangible guarantees of authenticity than those of a purely religious nature. In any case, some of the safeguards associated with religion probably lost much of their meaning as time went on. For example, the use of uncials as a charter script, which, as I have suggested, may have at one time been regarded as such a safeguard, had already been discontinued early in the eighth century. One way of protecting the interests of all concerned was to reserve the drafting and writing of the charters to a body of 'authentic' persons who could play among the Anglo-Saxons the same rôle as public notaries and royal secretariats did on the Continent.

It is generally agreed among modern scholars that until about the reign of Athelstan (924-39) Anglo-Saxon charters were drafted and written by or for the recipients. These conclusions have been based on a palaeographical study of the few extant originals and on a comparison of the formulae found in originals and copies.<sup>63</sup> On the actual identity of the draftsmen and scribes we can only speculate, since the charters themselves do not disclose it. Indeed, any Anglo-Saxon diploma which reveals the identity of its scribe is to-day open to suspicion.<sup>64</sup> One exception has been made, however, in the case of a seventh-century Wessex charter (670-76), granted by Cenred, the father of King Ine of Wessex, to Bectun, the abbot of an unidentified monastery.<sup>65</sup> The land granted, extending to thirty hides (*manientes*), was situated south of the river Fontmell and north of the land of Bishop Leuthere 'of blessed memory' (*beate memorie*). One could argue that, since Leuthere witnesses the charter, he should not be referred to as 'of blessed memory', but Levison has shown that these words could be applied to living persons; in a later original, a writ of Henry I written by a royal scribe and dated 13 January 1130/31, Innocent II is also mentioned as 'domini et beate memorie Innocentii pape'.<sup>66</sup>

One of the curious features of Cenred's charter is that its anathema is followed by a clause of continental and probably Frankish origin, 'et hoc quod repetit vendicare non valeat'. This clause is so unusual in Anglo-Saxon charters that, so far as I have been able to discover, it only occurs in one other document, Edward the Confessor's alleged grant of Dawlish to his chaplain Leofric (A.D. 1044).<sup>67</sup> In King Edward's charter—an apparent original—the clause is found in a garbled form 'et quod indigne seu procaciter repetit non eum dicet', the scribe having misread the 'evindicet' of his model as 'eum dicet'.

Cenred's charter contains a second unusual feature, probably to be also attributed to continental influence: it concerns the last subscription, which reads 'Ego Wimbertus presbiter qui hanc cartulam rogantes [*sic*] supra effato abbate scripsi et subscripsi'. Levison, who identified the subscriber as Winberht, later abbot of Nursling, suggested that these continental formulae could be easily explained if one assumed that Bishop Leuthere of Winchester, who is mentioned in the text and also subscribes, had drafted the charter. Leuthere with his Frankish background—he was the nephew of Bishop Agilbert of Paris—was likely to introduce some continental clauses in the documents he drafted. This argument, however, does not explain why the charter should in some respects follow an Anglo-Saxon pattern and in others a Frankish one.

<sup>61</sup> Harmer, *Anglo-Saxon Writs*, no. 26.

<sup>62</sup> Stenton, *Latin Charters*, pp. 87-91.

<sup>63</sup> Parsons, *op. cit.*, pp. 18, 20, 32 and notes; *Ch.L.A.*, iii, *passim*.

<sup>64</sup> Levison, *op. cit.*, pp. 227 ff.; *E.H.D.*, i, p. 341.

<sup>65</sup> Levison, *op. cit.*, *loc. cit.*; *B.C.S.*, nos. 107 and 186; *E.H.D.*, i, pp. 441-43; Stenton, *Latin Charters*, pp. 23-24.

<sup>66</sup> T. A. M. Bishop, *Scriptores Regis* (Oxford, 1961), no. 675.

<sup>67</sup> *O.S.F.* II, Exeter xii. This charter will be discussed in a forthcoming paper on 'The Authenticity of the Royal Anglo-Saxon Diplomas of Exeter', to appear in the *Bulletin of the Inst. of Hist. Research*. The formula occurs in Longobard charters, e.g. in the Farfa register; see *Il regesto di Farfa*, ed. I. Giorgi and U. Balzani, ii (Rome, 1879), nos. xxxii, xxxviii, etc.

The charter displays yet another abnormal feature. In the form it has come down to us in the Shaftesbury cartulary, it is a transcript not of an original but of what is known as an 'insertion', a kind of early authentic copy, the ancestor of the *inspeximus* and *vidimus*.<sup>68</sup> This early copy is supposed to have been made in 759 on the occasion of the settlement of a dispute between the monastery of Tisbury and the abbey over which Bectun had ruled. It is attested by Bishop Cyneheard of Winchester, who explains why the document was drawn up in that form.<sup>69</sup>

We cannot be certain that the insertion practice, current on the Continent as from the latter part of the eighth century, was not used in England as early as 759; if genuine, our example deserves to be quoted as one of the earliest to have survived in Europe. What is more disturbing is that some of the wording of Cenred's charter and of Cyneheard's attestation reappears respectively in a charter for St. Augustine's, Canterbury, dated 686, and in another, also for St. Augustine's, dated 762.<sup>70</sup> Winberht attests, as draftsman (*dictans*), a charter of King Ine for Malmesbury (A.D. 701) and, as scribe, a charter of the same king for Abingdon (wrongly dated 687), the second of which documents is undoubtedly spurious as its stands.<sup>71</sup>

In view of all its varied connexions, the Cenred charter is bound to raise doubts, and no great value should therefore be attached to its scribe's attestation. At least Winberht should certainly not be described as 'clericus regis', a title given to him by William of Malmesbury.<sup>72</sup> He can only have been what the charter claims for him, a scribe writing at the beneficiary's request.

The earliest royal scribe to have been credited in modern times with the drafting and writing of royal charters is Felix, 'secretary' to King Æthelwulf of Wessex. He was a Frank, like Lupus of Ferrières, who refers to him in a letter to Æthelwulf as 'qui epistolarum vestrarum officio fungebatur'.<sup>73</sup> This reference has been taken to mean that Felix was a Wessex chancery official, an interpretation which in my view cannot be accepted without further independent evidence, since letters and charters were not necessarily dealt with by the same scribes. Two famous original charters of Æthelwulf have been quoted as supporting evidence, the Chart diploma for the thegn Æthelmod (Mereworth, 28 May 843),<sup>74</sup> and the grant by Æthelwulf to himself of twenty hides in the South Hams (Dorchester, 26 December 846).<sup>75</sup>

In the charter of 843 Stevenson detected traces of Frankish influence, which he tentatively ascribed to Felix.<sup>76</sup> One of them, in the boundary clause, concerns the use of the word *theodoice* in the phrase 'unus . . . silva . . . quem nos theodoice snad nominamus'. The word, Stevenson suggested, should have read *theodisce*, a vernacular equivalent for such Latin expressions as *saxonice* or *in saxonica lingua*. Since it is true, of course, that *snad* is a correct translation for *silva*, Stevenson may be right. It is surprising, however, that in a boundary clause the name of the wood should not have been given more precisely, in a form similar to 'Biscopessnad'. To arrive at such a form, one would have to correct 'theodoice' to 'Theodo[r]ice[s]', an alternative reading which was rejected by Stevenson although the emendations required are not in fact more drastic than those suggested by him.<sup>77</sup>

As another sign of Frankish—and probably Felix's— influence Stevenson quoted the spellings *Alahhere* and *Walahhere* in the list of subscriptions found at the foot of the charter. These Old High German forms contrast with the normal Old English spellings *Althere* and *Wealthere* given in a small

<sup>68</sup> H. Bresslau, *Handbuch der Urkundenlehre für Deutschland und Italien*, 3 vols. (Berlin/Leipzig, 1912-60), i, pp. 90-91; ii, pp. 30, 301-3.

<sup>69</sup> *B.C.S.*, no. 186.

<sup>70</sup> *B.C.S.*, no. 67: 'quae supradicta terra conjuncta est terrae quam sanctae memoriae Lotharius quondam rex beato Petro pro remedio animae suae donasse cognoscitur'; compare *B.C.S.*, no. 107: 'ex meredie habet terram beatae memoriae Leotheri episcopi'. *B.C.S.*, no. 192: 'et ut nulla esset in posterum de hac contentio, hoc ipsum in libello primae donationis meae faciendum descripsi'; compare *B.C.S.*, no. 186: 'subtraxit tamen et donationis primae litteras . . . ; . . . terram de quam diu altercatio erat et praesens libellum ego descripsi atque excerpsi'. Compare also *donare decreverim* in *B.C.S.*, no. 107 (*cf.* no. 70), with *donare decrevi* in no. 193, *conferre . . . decrevi* in no. 65 and *impendere decrevi* in no. 71.

<sup>71</sup> *B.C.S.*, nos. 100, 103, See F. M. Stenton, *The Early History of the Abbey of Abingdon* (Oxford, 1913), pp. 11 ff.

<sup>72</sup> William of Malmesbury, *Gesta Pontificum*, ed. N. E. S. A. Hamilton (Rolls Series, 1870), p. 355.

<sup>73</sup> *Asser's Life of King Alfred*, ed. W. H. Stevenson (Oxford, 1959), p. 225; Parsons, *op. cit.*, p. 18, n. 29.

<sup>74</sup> *O.S.F.* III. xvii; *B.C.S.*, no. 442.

<sup>75</sup> *B.M.F.* II. 30; *B.C.S.*, no. 451.

<sup>76</sup> *Asser's Life of King Alfred*, pp. 202-4 and notes.

<sup>77</sup> Compare the form *ruenis* for *rurigenis* in *O.S.F.* II, Exeter vii, line 8.

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schedule stitched to the charter. Since Stevenson's time Miss Parsons has proved beyond doubt that the charter, which incidentally comes from the archives of Christ Church, Canterbury, was drafted and written by a Canterbury scribe, and that the list of subscriptions at the foot of the charter was copied, and partly rearranged, by the same scribe from the attached schedule.<sup>78</sup> Thus it would seem that the Frankish spellings and any other peculiarities found in the charter should be attributed not to Felix but to a Canterbury scribe. In so far as the schedule is concerned, two scribes were involved, neither of whom can be identified with the writer of the charter. One of them, scribe A, wrote the column of witnesses headed by the king, while the other, scribe B, wrote the second column headed by the archbishop of Canterbury. Miss Parsons is probably right to argue that B belonged to the Canterbury scriptorium, but her suggestion that A was a royal scribe does not seem to be based on sufficient evidence.

Of all the charters of Æthelwulf none had better qualifications for being drafted and written by a royal scribe than the diploma of 846, a grant by the king to himself of twenty hides in the South Hams.<sup>79</sup> Indeed it is Miss Parsons' opinion that this document must be regarded as a chancery product.<sup>80</sup>

In the seventeenth century the charter was in Winchester Cathedral, as is proved by one of its endorsements (*Saxon*) written in about 1640 by John Chase<sup>81</sup>, notary public and registrar of Winchester Cathedral. It is possible, although by no means certain, that it was already there in Æthelwulf's time. The fact that its rare proem 'Siquidem sacris insertum voluminibus . . .' should have been found in only two other charters, one of which is a dubious document of Evesham provenance and the other a grant of Edgar for the Old Minster, Winchester, makes this possibility a very real one.<sup>82</sup> In other parts of its text, the charter of 846 resembles a number of other Wessex documents granted to various beneficiaries and coming from several archives, and its boundary clause is in a West-Saxon dialect.<sup>83</sup> It is therefore reasonably certain that the draftsman came from Wessex.

The script of the charter, a very distinctive one, reappears in one book, which in the fourteenth century belonged to the library of St. Augustine's, Canterbury.<sup>84</sup> It is also found in two original charters connected with Æthelwulf's first confirmation of the Council of Kingston, which confirmation, issued at Wilton in 838, is couched in what appears to be a Wessex formula. Both charters were in the archives of Christ Church, Canterbury, in the latter part of the twelfth century, but probably only one of them was already there in Æthelwulf's reign.<sup>85</sup> The other may have then belonged to a Kentish abbey, if we trust the following private note which is written on the dorse, in the hand of our scribe:

These are the agreements of Egbert and Æthelwulf with the archbishop and with their people's councillors [about] your election. If anyone should molest you for your election, then show this writing.<sup>86</sup>

<sup>78</sup> Parsons, *op. cit.*, pp. 15-19. Æthelwulf's charter of 843 (*O.S.F.* III. xvii; *B.C.S.*, no. 442) is written in the same hand as *B.M.F.* II. 6 (*B.C.S.*, no. 310), a record of the Council of 12 Oct. 803 which abolished the archbishopric of Lichfield and affirmed the primacy of Canterbury; this record is drawn up in the name of the archbishop of Canterbury and comes from the archives of Christ Church, Canterbury. There is therefore no doubt that the two documents were written by a Canterbury scribe, and that the record of the council cannot possibly be regarded as an original, but may be a copy made c. 843. There is a striking resemblance between the formulac of Æthelwulf's charter and those of a charter of Ceolnoth, archbishop of Canterbury, for the Canterbury familia (*B.C.S.*, no. 406).

<sup>79</sup> *B.M.F.* II. 30; *B.C.S.*, no. 451; *E.H.D.*, i, pp. 481-83; Finberg, *The Early Charters of Devon and Cornwall*, no. 10.

<sup>80</sup> Parsons, *op. cit.*, p. 18, n. 29; p. 32, n. 95.

<sup>81</sup> Compare the endorsements of Cotton Ch. VIII. 16A (*B.M.F.* III. 3; *B.C.S.*, no. 677), *O.S.F.* II, Winchester Cath. ii (*B.C.S.*, no. 1003), Cotton Ch. VIII. 12 (*B.M.F.* III. 21; *B.C.S.*, no. 926) and Cotton Ch. VIII. 9 (*B.M.F.* IV. 31; *K.C.D.*, no. 781). For a facsimile of a document written by John Chase, see *Documents relating to the History of the Cathedral Church of Winchester in the Seventeenth Century*, ed. W. R. W. Stephens and F. T. Madge (Hampshire Record Soc., 1897), see plate opposite p. 57.

<sup>82</sup> *K.C.D.*, no. 797; Finberg, *E.C.W.M.*, no. 356. The Winchester charter of Edgar (*B.C.S.*, no. 1307; Finberg, *E.C.W.*, no. 122; from B.M., Add. MS. 15350, fo. 116<sup>v</sup>) is corrupt in places: it contains two interesting mis-readings in the proem, *unitatis* for *uanitatis*, and *largitur* for *legitur*.

<sup>83</sup> *B.C.S.*, no. 410, 431; Finberg, *E.C.W.*, no. 567.

<sup>84</sup> Bodleian Library, MS. Bodley 426; *C.L.A.*, ii, no. 234.

<sup>85</sup> *B.M.F.* I. 17, dorse; *B.M.F.* II. 27, face; *B.C.S.*, no. 421. In both documents, the second confirmation (839) is written in a similar hand, but probably by a different scribe from the first confirmation.

<sup>86</sup> *B.M.F.* II. 27, dorse.

The abbot whose election was in dispute may have been that of any of the monasteries which were later abandoned and whose title-deeds were acquired by the archbishop of Canterbury. The tone of the note and the way in which it refers to the kings and to the archbishop show that whoever dictated it was neither in the service of the king nor in that of the archbishop of Canterbury. He was undoubtedly a high ecclesiastic, either the bishop of Winchester or the bishop of Sherborne, the two Wessex bishops; both commonly witnessed Æthelwulf's charters. The actual scribe of the note, who, as we have seen, also wrote the charter of 846, was probably connected with one of the two bishops. A case can be made for Winchester: documents written at Winchester and Southampton have formulae in common with the scribe's works.<sup>87</sup> Arguments can also be adduced in favour of Sherborne: for example, Æthelwulf's first confirmation of the Council of Kingston took place at Wilton; Ealhstan, bishop of Sherborne, witnessed the charter of 846, whereas the bishop of Winchester did not. There would be a slightly stronger case for Winchester if one could be sure that the charter of 846 was already in the archives of Winchester during the reign of Æthelwulf. It is true that the period covered by the scribe's works (838-46) corresponds to the episcopate of only one bishop of Sherborne, Ealhstan, and of two bishops of Winchester, Eadhun and Helmstan, but this does not really affect the point at issue, because, if the bishop drafted the documents, he most probably did not write them himself. In so far as the formulae are concerned, they were probably handed down from one bishop to his successor, and we cannot be sure that formulae used by a bishop of Winchester always differed from those adopted at Sherborne.

If the drafting and writing of Æthelwulf's grant to himself was left to the care of an ecclesiastical scriptorium, we can hardly argue that there was then anything resembling a royal chancery. Was the composition and writing of Æthelwulf's charters left to chance or was it governed by a deliberate policy? Perhaps it was shared by several ecclesiastical scriptoria working either simultaneously on a territorial basis or successively on a rotating system similar to that followed in Alfred's court.<sup>88</sup> Such principles may have been adopted for charters concerning lands situated in Wessex proper or for charters issued there. They certainly did not apply to all the charters relating to persons or lands in recently-conquered Kent. There Æthelwulf's charters were sometimes drawn up according to a purely Kentish pattern which varied slightly from one beneficiary to another; this happened in the case of the Chart diploma of 843, which, as we have seen, was drafted and written by a Canterbury scribe. Sometimes Kentish formulae were used side by side with Wessex ones.<sup>89</sup> This suggests that the beneficiary could still play a considerable part in the drafting and writing of royal charters in Æthelwulf's reign.

To speak of Kentish, Mercian or Wessex formulae, before the reign of Athelstan, may give the impression that from an early date each Anglo-Saxon kingdom had evolved a uniform and distinctive charter pattern. This is only partly true. In the first place, all Anglo-Saxon charters at one given time are roughly drawn up on the same lines, this being due partly to their common Italian origin, partly to the relations which continued to exist between the churches of the various kingdoms. Secondly, formulae could vary within a single kingdom, at least from diocese to diocese. For example, throughout Kent, early charters often made the king address the grantee in the second person, *tibi*. But some formulae were more common in Canterbury than in Rochester and vice versa. In Canterbury the granting words used both in royal and in archiepiscopal charters normally are *dabo et concedo*.<sup>90</sup> The same formula is also found in Rochester, but there the use of one single verb in the present tense is more common, *concedo* or *trado* or *perdono*.<sup>91</sup> In Wessex as a whole the granting verb is generally in the past tense, *largitus sum*, etc.

The fact that royal charters for Canterbury differ from those for Rochester and that royal charters for Canterbury resemble their archiepiscopal counterparts is an indication that, before the tenth

<sup>87</sup> *B.C.S.*, no. 431; Finberg, *E.C.W.*, pp. 206-8.

<sup>88</sup> *Asser's Life of King Alfred*, pp. 86-87; P. Hunter Blair, *An Introduction to Anglo-Saxon England* (Cambridge Univ. Press, 1962), p. 212.

<sup>89</sup> *B.C.S.*, nos. 438, 449, 459. The actual record of the Council of Kingston of 838 (*B.C.S.*, no. 421) follows a Canterbury pattern and is in *B.M.F.* I. 17 written in a Canterbury hand (compare the hand in *B.M.F.* II. 26, which has no royal confirmation).

<sup>90</sup> *B.C.S.*, nos. 342, 380, 406 (archiepiscopal charters); nos. 213-14, 328, 340, 346, 348, 370, 396, 400, 442, 496, etc. (royal charters).

<sup>91</sup> *B.C.S.*, nos. 194, 227-28, 242, 257, 260, 339, 502.

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<sup>92</sup> *B.C.S.* 246, 267, 41  
<sup>93</sup> *B.C.S.*  
<sup>94</sup> *Asser*  
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<sup>97</sup> *B.C.*  
<sup>98</sup> R. I  
<sup>99</sup> *Ibid.*  
*Catalogue of*

century, the 'administrative unit' for the drawing up of royal charters in Kent was the diocese, and that the head of that unit was the bishop or archbishop, perhaps acting in collaboration with the beneficiary if the latter was a monastic community with a scriptorium. If we turn to Mercia, we also find that, in the eighth and ninth centuries, royal charters for grants within the diocese of Worcester have many points in common with the few extant charters of the bishops. Again the similarity applies to the granting words, *concedens donabo* or *donans donabo* or *tradens donabo*, and also to the dating clause, *conscripta est* or *gesta est*, and to the words introducing the grant, *cogitavi quod*, *precogitavi ut*, etc.<sup>92</sup> The same could be said of the anathema and blessing, *pax audentibus*, etc.<sup>93</sup>

If, as seems likely, the Anglo-Saxon bishops recruited the scribes of royal charters from among the personnel of near-by monastic communities, their task must have become well-nigh impossible by the reign of King Alfred, when most monasteries had either fallen into decay or been destroyed by the Danish invaders. The drafting of charters implied a reasonable knowledge of the Latin tongue, and this knowledge, we are told, was virtually non-existent when Alfred came to the throne.<sup>94</sup> Judging from the Latin of the Chart diploma of 843 and of Æthelwulf's grant to himself of 846, Latin scholarship was already very low in Æthelwulf's reign, in Kent as well as in Wessex. This, incidentally, had probably contributed to the gradual replacement of the short boundary-clause of Roman origin in Latin by a more detailed one in the vernacular, an evolution which had also taken place in parts of the Continent:<sup>95</sup> in many respects, the clause was the most important part of the charter and had to be understood by all. There is no evidence to show that the situation, in so far as learning and monastic life were concerned, had much improved generally by the time of Athelstan. Yet, during his reign, the flow of royal charters, which had virtually ceased fifteen years or so before his accession, started again with a renewed vigour.<sup>96</sup> The Latin of Athelstan's charters may be involved and full of hellenisms, but it certainly does not display a lack of learning. At the same time, the charters indicate that this learning was still confined to a privileged few. We no longer find, as before, that the majority of charters vary in form from diocese to diocese. There is now a striking tendency towards a uniformity of style which, instead of being restricted to isolated formulae as in Æthelwulf's charters, extends in some cases to all the formal parts of the document. This applies to charters concerning a wide variety of beneficiaries (mostly laymen), granting lands distant from one another and issued in places as far apart as Buckingham, Winchester and Lifton, Devon.<sup>97</sup> Not only are the charters similar or identical in their formulae, but some of them are also written in the same hand. The practice of using the same draftsmen and scribes for a large number of charters which were connected with one another in no obvious way continued under Athelstan's successors and lasted apparently until some time in Edgar's reign.<sup>98</sup>

Since the only connexion between such royal charters appears to be the king as grantor, it is tempting to identify their draftsmen and scribes as officials of a royal chancery. Common draftsmen and scribes, however, can be explained without assuming the existence of a problematic chancery. If the state of learning in England at the beginning of the tenth century was such that most scriptoria had ceased to exist, it is obvious that the drawing up of royal charters would have had to be concentrated into the hands of the scribes of whatever scriptorium remained. Thus uniformity would have been achieved, not by royal design, but by accident. One such scriptorium continued to be active in the early part of the tenth century, the Winchester scriptorium, and it is with that scriptorium that at least six—and probably seven—out of eight so-called royal scribes found at work during the period 931–63 are associated.

Here is the list of the works of the eight scribes:<sup>99</sup>

Scribe (1): *B.M.F.* III. 3, 5 (*B.C.S.*, nos. 677, 702).

<sup>92</sup> *B.C.S.*, nos. 241, 283, 304, 455, 490 (abbatial and episcopal charters); nos. 117, 137–38, 164, 201–3, 216, 229–30, 246, 267, 450, 482, 488, 511, 513, 540, etc. It is not claimed that all the charters in this list are genuine.

<sup>93</sup> *B.C.S.*, nos. 304, 490, 534 (episcopal charters); nos. 295, 356–57, 360, 492, 509 (royal charters).

<sup>94</sup> *Asser's Life of King Alfred*, pp. 225, 303; Hunter Blair, *op. cit.*, p. 173.

<sup>95</sup> G. M. Young, *The Origin of the West-Saxon Kingdom*, p. 25.

<sup>96</sup> Stenton, *Latin Charters*, pp. 52–53.

<sup>97</sup> *B.C.S.*, nos. 677, 702, 704.

<sup>98</sup> R. Drögereit, 'Gab es eine angelsächsische Königskanzlei?', *Archiv für Urkundenforschung*, xiii (1935), pp. 335–436.

<sup>99</sup> *Ibid.*; T. A. M. Bishop, 'A Charter of King Edwy', *The Bodleian Library Record*, VI. i (Oct. 1957), pp. 369–73; Ker, *Catalogue of Manuscripts containing Anglo-Saxon*, p. lix.

- Scribe (2): *B.M.F.* III. 9, 10; *O.S.F.* III. xxv (*B.C.S.*, nos. 741, 753, 780).  
 Scribe (3): *B.M.F.* III. 12, 13, 16; *O.S.F.* III. xxvi, xxvii (*B.C.S.*, nos. 791, 813, 820, 869, 877).  
 Scribe (4): *B.M.F.* III. 21 (*B.C.S.*, no. 926).  
 Scribe (5): *B.M.F.* III. 20; *The Crawford Collection*, V (*B.C.S.*, nos. 961, 1347).  
 Scribe (6): *B.M.F.* III. 22, 23, 24, 25; *O.S.F.* III. xxx (*B.C.S.*, nos. 1055, 1066, 1082, 1083, 1101).  
 Scribe (7): *O.S.F.* II, Winchester Cath. ii (*B.C.S.*, no. 1003).  
 Scribe (8): *O.S.F.* II, Winchester Coll. iii (*B.C.S.*, no. 748).

Scribe (4) has been identified by Mr. N. R. Ker as the probable writer of the 951 annal in the Parker Chronicle (Cambridge, Corpus Christi College 173) and is therefore a Winchester scribe.<sup>100</sup> Scribes (2), (3), (5), (7) and (8) write a hand of the same style as (4); (4), (5) and (7) use the same type of decorated chrismon, and so on. If we except (6) and possibly (1), the style of all the other scribes is so alike that one cannot even be sure that some of the works listed here under different hands were not in fact written by the same scribe.

The case of (1) and (6) is more difficult to solve. One of the two originals ascribed to (1), a grant of Ham, Wilts., to the thegn Wulfgar, was written (*perscripta*) at Lifton, Devon, on 12 November 931; the other, a grant to the thegn Ælfwold of land near Canterbury was written at Winchester on 28 May 934. The scribe cannot be identified with absolute certainty as a Winchester scribe, but his hand is in some ways similar to the script of a manuscript probably written at Winchester (Cambridge, Corpus Christi Coll. 183);<sup>101</sup> in addition, a document closely connected with the Ham charter, Wulfgar's will in which Ham is left to the Old Minster, Winchester, after the death of Wulfgar and his wife, is written in a hand resembling that of a passage in the Parker Chronicle.<sup>102</sup> It is therefore likely that (1) was also a Winchester scribe.

Scribe (6), the latest of the eight scribes, writes in a different style. Two of his works come from the archives of the abbey of Abingdon: one is a grant to the abbey itself (*B.C.S.*, no. 1066) and the other a grant to one of the abbey's benefactors, the thegn Wulfric (*B.C.S.*, no. 1055). This evidence is too slight to warrant a definite conclusion, but there is at least a possibility that the scribe may have been working at Abingdon during the abbacy of Æthelwold.<sup>103</sup>

From the end of Edgar's reign the situation seems to have reverted approximately to what it had been before the reign of Athelstan. This is true of the actual writing of the charters, which in a number of cases can be definitely related to the scriptorium of the immediate or eventual beneficiary, when the latter was an ecclesiastical community: for example, a charter of Æthelred for Bishop Ælfwold of Crediton (A.D. 997) is written in the same hand as the bishop's will;<sup>104</sup> other examples relating to Canterbury, Crediton and Winchester could also be quoted.<sup>105</sup> In so far as the drafting of the charters is concerned, it would seem that this part of the work was sometimes done under the direction or at the command of the bishop in whose diocese the lands granted were situated.<sup>106</sup> Occasionally, in the charters themselves either one bishop (not always the diocesan), or the abbot in whose favour the grant was made, claims in his subscription to have drafted (*dictavi, composui, perscribere jussi*, etc.) or even written the charter (*calamo scripsi*, etc.). Some of these charters are open to suspicion, but there are so many of them that their evidence cannot be entirely dismissed.<sup>107</sup> Since during the episcopate of Bishop Ælfeah of Winchester (934-951) royal charters were drafted and written at Winchester, the same procedure may have in turn been followed at Glastonbury and Abingdon under Dunstan and Æthelwold, both Ælfeah's pupils. Thus, after being concentrated into the hands of Winchester

<sup>100</sup> Ker, *op. cit.*, *loc. cit.*

<sup>101</sup> *Ibid.*, no. 42; regarding the initials of this manuscript, see F. Wormald, 'Decorated Initials in English MSS. from A.D. 900 to 1100', *Archaeologia*, xci (1945), pp. 115-16.

<sup>102</sup> *B.M.F.* III. 3B; *B.C.S.*, no. 678; Corpus Christi Coll., Cambridge, 173 (Ker, *op. cit.*, no. 39), fo. 25, lines 1-7. I owe this information to the kindness of Mr. Ker.

<sup>103</sup> See T. A. M. Bishop, 'Notes on Cambridge Manuscripts, Part IV', *Trans. Cambridge Bibliog. Soc.*, II. 4 (1957), p. 333.

<sup>104</sup> *O.S.F.* III. xxxv; *The Crawford Collection*, X.

<sup>105</sup> Compare *O.S.F.* III. ii and xxxix; *B.M.F.* IV. 18 and *O.S.F.* II, Exeter xi; *B.M.F.* IV. 24 and 31.

<sup>106</sup> Harmer, *Anglo-Saxon Wrists*, pp. 34-41.

<sup>107</sup> *B.C.S.*, nos. 724, 726, 816, 880, 889, 906, 920, 930, 935, 938, 941, 949, 956-57, 964-65, 967-68, 971, 978, 987, 1009, 1035, 1047, 1112, 1138, 1165, 1197, 1282, 1284; *K.C.D.*, nos. 621, 684, 736, 743-44, 787, 811, 817, 1289, 1292, 1296, 1305, 1308, 1316, 1332; *O.S.F.* II, Exeter viii, x-xii, xivd. See also *K.C.D.*, no. 754 (*O.S.F.* I. xxii), a charter of Archbishop Æthelnoth of Canterbury.

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<sup>1</sup> See *Ab*

scribes for lack of any others, the drafting and writing of royal charters may have become more and more decentralized as new monastic and episcopal scriptoria were being set up or revived, following the monastic renaissance of Dunstan's time.

If, as I believe, the diplomas of all the Anglo-Saxon kings were drawn up by ecclesiastics, their authenticity may have depended on the degree of trust which was placed in bishops and abbots by grantors and grantees alike. Could we, at any rate, regard Anglo-Saxon bishops as *authentice persone* on the ground that their word was as good as the king's word, whether or not it was supported by an oath?<sup>108</sup> This is mere speculation, like so much else connected with Anglo-Saxon charters.

<sup>108</sup> *E.H.D.*, i, p. 363, art. 16.

## DESTRUCTION SCHEDULES: QUARTER SESSIONS', MAGISTRATES' COURTS' AND CORONERS' RECORDS

BY HUGH M. WALTON, M.A.

WHEN I was asked to comment at the Annual Conference of the British Records Association in November, 1963, on the use by historians and lawyers of modern Quarter Sessions and Magistrates' Courts records, and the likely effect on those records of destruction schedules whether past or contemplated, I expressed the hope that some points might emerge which would be of help when any new schedules under the Public Records Act, 1958 were under consideration, and this paper is a fuller version of what I then said.<sup>1</sup>

It is necessary first of all to consider what the records of these courts are. They are largely concerned with the criminal jurisdiction, but there are among them important classes of records dealing with civil matters, such as, to name only a few examples, matrimonial causes, the care of children, affiliation orders, highways and licensing work. Quarter Sessions records include indictments, convictions, depositions, exhibits, notes of evidence, recognizances, costs orders, probation orders, correspondence, appeal papers and orders of the court, as well as precepts and writs to the sheriff, jury panels and various others too numerous to specify. Magistrates' Courts records include the court registers, informations, complaints, summonses, convictions, orders, recognizances, probation records, correspondence and the like. In this paper I propose also to say something about Coroners' records. These comprise such items as jury summonses, reports of Coroners' officers, depositions and their accompanying exhibits and inquisitions and riders.

It may be helpful at the outset to consider the importance of the modern records of these jurisdictions to historians and lawyers. The historian and the research worker are interested in the histories of individual persons and places, in social history generally, in the incidence and nature of crime, in the sentencing policies of the courts and in matters of psychiatric and social welfare. The lawyer requires exact and accurate information about offences charged, orders made, convictions and acquittals, and verdicts of inquests, all in precise detail free from speculation and hearsay. The historian and research worker will require records to be kept indefinitely for their purposes, and the lawyer will need to consult them for as long as their subject matter can give rise to legal problems. In the case of a highway order, this could be indefinitely and in criminal cases for at least the life-time of the accused person. I have tried to examine the destruction schedules issued under the authority of the Inspecting Officers of the Public Record Office under the Public Record Office Act, 1877, to see how they met those tests.

When I first began to consider the effect of destruction schedules on county records, I decided first of all to satisfy my curiosity about their history and how it was that under the Public Record

<sup>1</sup> See *Archives*, vol. VI, No. 31, April 1964, pp. 147-153.