

Further thoughts on some late tenth-century documents from Rochester

The early history of the church of Saint Andrew of Rochester is only sparsely documented. That is true of the period covered by Beda's 'Ecclesiastical history': Beda was a long way away, and none of his informants had any special interest in Rochester. It is all the more painfully true of the period between the 730s and 1070s, when even the list of bishops -- bare names and dates -- has question marks all over it.

For one short interval, documents of different kinds have been preserved in some number -- a number sufficient to encourage the hope that it may be possible (by confronting one document with another, by reading between the lines, by doing, in short, what historians usually do) to get some definite sense of what was going on. That interval is, roughly speaking, the last third of the tenth century. Years ago I wrote an article looking at this range of evidence (Flight 1996). More recently, Simon Keynes has gone over the ground again (Keynes 2015). He knows (why am I even saying this?) much more about tenth-century English history than I ever did or do; so I am gratified to see that his interpretation does not differ greatly from mine.* There are, no doubt, many facets of the evidence which deserve some further thought. Here I will comment on just two of them -- and then have done.

* To clarify one detail: it is not some eccentric notion of mine that the place called *Earhið* in the tenth century and the place called Erith now are not the same. On the contrary, it is common knowledge that the place-names in this part of Kent have undergone some strange mutations (Ward 1932:46).

1

First, I want to question the meaning of a phrase which occurs repeatedly in one of the vernacular documents. The document in question is the will made jointly by a married couple, Byrhtic and Ælfswith (Campbell 1973, no 35, from *Privilegia*, fos 144r--5r); it dates (in my opinion) from about 970.* It survives through having been copied into Rochester's twelfth-century cartulary, where it is followed by a Latin translation (no 35b, from fos 145v--7r), mostly accurate enough, but not to be trusted absolutely.

* It is an odd feature of this will that it makes no provision for Ælfswith's maintenance, in the event that she survives her husband. I am doubtful how that can be explained; but some explanation does seem to be required.

So that the questionable phrase can be seen in context, I print the whole document as it was translated by Benjamin Thorpe, dividing it into paragraphs, making (tacitly) a few small adjustments and omitting one self-contained block of text which is definitely not relevant. Here it is:

+ This is the last testament of Byrhtric and Ælfswith his wife, which they declared at Meopham, with the witness of their kinsmen: that was, Wulfstan Ucca, and Wulfsie his brother, and Sired Ælfred's son, and Wulfsie the Black, and Wine priest, and Ælfgar of Meopham, and Wulfeh Ordeh's son, and Ælfheh his brother, and Byrhtwaru Ælfric's relict, and Byrhtric her kinsman, and bishop Ælfstan.

First to his [1] one torque of eighty mancuses of gold, and one hand-seax of as much, and four horses, two caparisoned, and two belted swords, and two hawks, and all his tall-deer hounds.

And to the lady, one torque of thirty mancuses of gold, and one steed, for her mediation that the will might stand.

And for his soul and his parents', two sulungs at Denton to Saint Andrew's; and she, for her soul and her parents', two at Longfield, and thereto, for her thirty mancuses of gold, and one neck-torque of forty mancuses, and one silver cup, and half a golden band; and every year, on their commemoration, provision for two days from Hazelholt, and two from Wateringbury, and two from Birling, and two from Harrietsham.

And to Christ Church sixty mancuses of gold, thirty to the bishop, thirty to the community; and one neck-torque of eighty mancuses, and two silver cups, and the land at Meopham.

And to Saint Augustine's thirty mancuses of gold, and two silver cups, and half a golden band.

And to Byrhtwaru, the land at Darenth for her day; and after her day, to Saint Andrew's, for us (two) and our parents.

And Birling to Wulfeh; **and let him give ten hundred pence to Saint Andrew's, for us and our parents.**

And to Wulfsige, Wateringbury, **within that generation.**

And to Sired, Hazelholt, **within that generation.**

And to Wulfeh, and Ælfheh his brother, Harrietsham, **within that generation**, to Wulfeh the inland, and to Ælfheh the outland.

And to Wulfstan Ucca, Walkingstead, **within that generation**; and one hand-seax of three pounds.

[2] And to Wulfsige, Titsey, and the charters, **within that generation**; and two spurs of three pounds.

And the ten hides at Stratton to the minster at Walkingstead.

[3]

And to Wulfstan sixty mancuses of gold, to distribute for us (two) and our parents; and another such to Wulfsige to distribute; and be it between them and God if they do it not.

And I pray, for the love of God, my dear lord, that he will not

allow any man to pervert this our testament; and I pray all God's friends that they give support thereto. Let him have to account to God who violates it; and may God be ever merciful to him who will observe it. (Thorpe 1865:500--3)

Comments -- [1] I omit the word *kynehlaforde* (144r13), 'royal lord', which fits the context perfectly well but was not written by scribe 3. Though Campbell does not mention the fact, the word was supplied, over an erasure (Whitelock 1930:26n5), by a different hand (Sawyer 1962:15). (This is all very mysterious. What did scribe 3 write here? And why did some later scribe feel impelled to erase it entirely, whatever it was, and replace it with something else? I have no answers.)

[2] This clause is misplaced in our copy of the English text, omitted altogether from the Latin version,* presumably because of some muddle in the original. I put it where it obviously ought to be (so that this item accompanies the others with which it is in verbal agreement, and so that Wulfsige follows his brother Wulfstan, just as he does further up and further down).

* The whole clause is missing, not just the mention of the pair of spurs, as Whitelock (1930:132) seems to say.

[3] Here I omit the section of this will which repeats some of the provisions of somebody else's will (relating to land at Fawkham, Bromley and Snodland). Because that man's widow was still alive, his intentions had not yet been fulfilled, and Byrhtic and Ælfswith were anxious to make sure that they were not forgotten. But that is a different story (Flight 1996:129--35), and need not detain us here.

The questionable phrase, printed bold, occurs five times: *innon þæt gecynde* in the text, "within that generation" in Thorpe's translation. I am not going to ask what meaning Thorpe saw in that. Rather than trying to translate his translation, I will simply note that the expression is an odd one, and that its meaning is not instantly apparent.

The man who translated the document into Latin does not make a very convincing job of this expression. Encountering it for the first time, he paraphrases it so: "for himself and his offspring for future inheritance", *sibi et suae progeniei in hereditatem futuram* -- seven words, not one of which matches up in any obvious way with any of the English words. After that he repeats "for future inheritance" once but otherwise prefers to stay silent. Though it may be true that *gecynd*, at a stretch, can be taken to mean "offspring",* no one who tries translating this Latin phrase back into English is going to arrive at *innon þæt gecynde* or anything remotely similar.

* This is sense XI, subsense a, in the supplement to Bosworth--Toller, "descendants, progeny"; and this expression is the only instance to be cited. ("Progeny" is an echo from the Latin version.)

The will of Byrhtic and Ælfswith was first put into print by William Lambard (1576:357--62, 1596:492--7),* with a translation into contemporary English between the lines. Taking his cue (I suppose) from the Latin version, Lambard turned *innon þæt gecynde* into "within that kinred"; in the second edition he added a note in the margin: "A kinde of guift, in Taile" (1596:495). As he understood it, the intention was for the land to be kept in the family -- not given to anyone outside the "kindred",† however that might be defined.

* For documents printed in saxon type, it is fairer to Lambard to cite the second edition. The compositor who set the first edition was so unfamiliar with this font that he used "S" for "d" throughout. (When he needed an "S", meanwhile, he borrowed one from his roman or italic font.)

† Lambard's spelling "kinred" is etymologically correct. The intrusive "d" only started appearing in the seventeenth century.

When Whitelock reedited this will, she interpreted the phrase in the same sort of way -- not because she was following Lambard (of whose edition she seems to have been unaware), but because, like him, she took her cue (so I suppose) from the Latin version. As she translates it, *innon þæt gecynde* means "to remain in his (or their) family" (Whitelock 1930:29). There is some evidence -- not much, but enough -- proving that the owner of a piece of bookland, in passing it to someone else, could stipulate that it was not to be given "out of the family".* I am not denying that. The question is whether that is what Byrhtic and Ælfswith were trying to say. It seems doubtful whether the word *gecynd* can, even at the furthest stretch, be taken to mean "family". Even if it can, the words "to remain" and "his (or their)" are Whitelock's own contribution. In the end, the only word not open to challenge is "in". More seriously, the meaning which she wanted to find in this expression is not a meaning conveyable in three words, and her translation proves as much.

* The key passages are "from his kindred", *of his mægburge*, in the laws of king Ælfred, "from my kin", *of minum cynne*, in the same king's will. The will of Byrhtic and Ælfswith itself goes to prove that an owner could impose conditions which he expected future owners to comply with. Four of the estates in Kent, before they are assigned to their new owners, are each charged with the payment "every year" of two days' farm. In accepting the estates, the new owners will be honour-bound to make those payments.

When I started looking closely at this text, it seemed to me to be saying something quite different. Whether or not the words were well-chosen, I thought that it was clear from the context what the meaning was. Byrhtic and Ælfswith were saying that each of these five estates is subject to the same condition which has just been spelled out for Birling. That is, the new owner, on getting possession,* "is to pay a thousand pence to Saint Andrew's on behalf of us and our ancestors" (Whitelock's translation). At the time, I found no one to agree with me; so I deferred to the advice that I was given and dropped the idea. But I would not have yielded so quickly if I had known that I had William Somner on my side.

* Not *omni anno*, "every year", as the Latin version would have it. These are one-off payments, distinct from the annual payments which some of these estates will also have to make (see the previous note).

Much later, I came across a passage in Somner's book about gavelkind which refers in passing to this very expression. After quoting Lambard's translation, "within that kinred", Somner sets about demolishing it. ("Gecynd' misconstrued by Mr. Lambard", as the margin puts it.) In his opinion, he says,

that version is not good: for, under favour, *gecynde* there importeth not ... 'kinred', but rather 'kynd', nature, sort, quality or condition, and consequently *innon þ' gecynde* ... is thus (I take it) ... to be Englished, viz 'in that kind,' or, after that nature, or, upon the same terms, or, with the same condition, having relation (if you mark it) to the tie upon the next precedent ... devises of other land, charged either with alms, or with rent, in way of alms,* payable thereout by the ... Devises, for the Devisor ... his souls health. (Somner 1660:37--8)

When John Harris printed the will again,† in his *History of Kent*, he took the text from Lambard but "compared and rectified it" with the help of the manuscript (which was on loan to him for a while); and he also revised the translation, in the light of Somner's comment. As Harris translates it, *innon þæt gecynde* means "in that Kind, (or after the same Manner)" (Harris 1719:201--3). That is what Somner thought; that is what Harris thought; and that is what I think too. In this context, in one word, *innon þæt gecynde* means "ditto".

* This gets unnecessarily complicated, because Somner did not realize that the Titsey clause was misplaced.

† Whitelock seems not to have been aware of Harris's edition, any more than she was of Lambard's. (She did not cite John Thorpe's

edition either; but that is just a reprint of George Hickes's (Thorpe 1769:25--6 from Hickes 1703:51).

2

The second point, I am glad to say, can be disposed of much more briefly, and with a less bathetic result. In 995, at the request of bishop Godwine, king Æthelred restored six sulungs* at Wouldham and one at Littlebrook to the see of Rochester, and a pompous charter was drawn up to record the transaction. It survives as a copy in the twelfth-century cartulary (Campbell 1973, no 31, from *Privilegia*, fos 152r--5r); there is nothing suspicious about it.

* "... six blocks of land which the people of Kent customarily call 'six sulungs'", *sex quidem mansas, quas Cantuarii syx sulunga nominare solent* (153r3--5). This, I take it, is the passage which Francis Tate was intending to cite when he compiled his list of "hard words" (Keynes 2008:51).

After the anathema (the curse on anyone who thwarts the king's intentions), it switches into English to give the boundaries of the land in question -- Wouldham first, Littlebrook next -- before switching back into Latin for the date and the names of the witnesses. In the English section, at the end of the Wouldham paragraph, a fragment of text occurs which certainly does not belong there. After a small erasure, which may or may not be significant,* we read this:

... and with all the people, just as it stood, when previously I possessed it, *and mid eallum þam mannum swa swa hit stod þa ic hit ær hæfde* (154r10--11).

This is the king speaking -- speaking in the first person, in the language that he and all his subjects understand. This is, unmistakably, the wording of a writ.

* It means, at a guess, that the scribe started copying the Littlebrook paragraph but changed his mind almost at once.

This evidence, I think, is significant on more than one level. Locally, it ties in with the suggestion I made before: that bishop Godwine, when he got possession of Wouldham, discovered that all the slaves had been removed -- whereupon he had to persuade the king to send in other slaves to replace them (Flight 1996:141). More generally, it seems to prove that writs had already become part of the apparatus of government, as far back as the 990s. Even from a single instance, I think we can infer that much.* When the king caused a charter to be written, he also wrote a letter to the members of the shire court concerned, informing them what he had done. The charter was in Latin: it was a large,

impressive-looking document, intended to be preserved for all time. The writ was in English: it was nothing much to look at and had only ephemeral value. At the moment when it was delivered to the shire court, at the moment when it was opened and read out, the writ had the same authority as if the king had been present in person. Once that moment had passed, its potency was spent. The thought that a used writ might be worth saving did not cross anyone's mind (until the 1040s). On this particular occasion, the king's words had to be remembered for a little longer, because they amounted to a promise of which he would need to be tactfully reminded. To give them real permanency, however, they had to be interpolated into the charter. And that is how -- instead of evaporating as soon as they were read aloud -- the king's words are still audible to us, upwards of a thousand years later.

* But in fact we do hear of the existence of another writ at just about the same time. Soon after 995, the king "sent a letter and his seal to archbishop Ælfric", *sende he gewrit and his insegl to þam arcebisceope Ælfrice*, ordering him to convene a meeting to settle a dispute about Snodland (Campbell 1973, no 37).

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