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## NOTES ON THE TEXTUS ROFFENSIS.\*

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Section 1. Former descriptions of the Textus Roffensis.—2. Date of the joining of the different parts.—3. Two works contained in it.—4. Till when separate.—5. Traces of separate existence.—6. The first work A formed out of two volumes.—7. The inscription covers, most likely, all the three volumes.—8. In what sense was Ernulf considered to be the author?—9. Not Ernulf's autograph.—10. Age of the handwriting.—11. Ernulf is the father of the Textus.—12. I am concerned only with the Leges.—12A. Authors of Collections who have used the Textus itself.—13. The Chartulary of different hands.—14. The oldest one, of about 1145, perhaps identical with the writer of the Leges.—14A. Value of the Chartulary.—15. Every piece of the part A (Leges) is but a copy.—16. But some pieces are only preserved to us in this Textus Roffensis.—17. Roffensis used a few large compilations; he did not collect State Papers.—18. One of his sources was a Christ Church (Canterbury) volume.—19. There existed a common source used by Roffensis and Corpus Cambridge 383.—20. One of Roffensis' sources was a composition of about A.D. 1000.—21. Distinct groups in Roffensis A.—22. Kentish Law.—23. Alfred and Edmund groups.—24. Æthelstan group.—25. Instituta Cnuti.—26. The Canonical Tract.—26A. The Mass.—27. The Successions.—28. The History of Textus Roffensis since the sixteenth century.—29. Concordance between Textus Roffensis and the best prints.

1. A careful Catalogue of the contents of the Textus Roffensis was given (a) by Wanley, *Libr. Septentrional Catal.*, 1705, p. 273, which forms vol. iii. of Hickes' *Antiq. liter. Septentr.*; (b) Pegge, *Archæologia*, i. (1770); (c) Schmid *Gesetze der Angelsachsen*, 1858, p. xxiii. A short mention of it and a very meagre biography of Ernulf are to be found in T. D. Hardy's *Descriptive Catalogue of MSS. relative to Great Britain*, ii., p. 150. A facsimile of folio 44 is in plate 73 of the *Palæograph. Soc.*, ii. ser., 1894.

2. The Textus was foliated about A.D. 1400. Therefore the different parts of which it consists [see secs. 3—6] had been brought under one cover at the end of the fourteenth century at the latest, but perhaps earlier; not, however, earlier than the middle of the twelfth century (see sec. 4). If my hypothesis in sec. 7 about the meaning of "Textus Roffensis" is right, the connection between Laws and Records exists at least since the end of the thirteenth century.

3. Two different works are contained in the Textus:—

A. Leges, without an original collective title.

B. *Privilegia S. Andreae Hrofensis*.

According to the original inscription on f. 119, B was begun not much, if at all, later than A (*cf.* sec. 14).

\* These remarks were hastily jotted down in 1893, and were not intended to be printed. The reader, therefore, is requested kindly to pardon the quantity of formal shortcomings, too numerous to be corrected in the proof sheets.—F. Liebermann.

4. A was separate from B in the middle of the twelfth century, because among the different pieces of B there is, f. 228, a Catalogue of the Cathedral Library (ed. Coates,\* *Archæologia Cantiana*, 1866, Vol. VI., p. 126), naming as its first number at the top *Instituta Regum Anglorum*, i.e. A or A's, vol. ii.

5. A and B were bound under separate covers. This is proved by sec. 4, and by the fact that the quire (quaternio) commencing on f. 119 and ending on f. 126 verso is marked I. on the lower margin. Accordingly f. 134 verso is marked II. and so on. As a third argument that a new volume begins on f. 119, I may adduce that fos. 117, 118 must have been fly-leaves. Formerly they were empty; the insertions on them are of later date.

6. But A itself consists of two volumes not originally bound together, the former of which ended f. 57 verso, which still bears the character of a fly-leaf. Accordingly fos. 65, 73, 87, 95, shew under their back pages the faint quire marks I., II., III., IV.. These marks have been sometimes cut by the binder of the thirteenth or fourteenth century, or perhaps by a more modern one. There is also an internal division between these two parts of A, viz., the former volume contains laws not later than about A.D. 1080, while the latter begins with a twelfth-century translation, and contains Henry I.'s Charter.

7. The inscription on the first page "per Ernulfum Episcopum" was written about the end of the thirteenth century. It remains uncertain whether its scribe intended to designate Ernulf as the author of all the three volumes. Perhaps, if the three volumes were not all under one binding at that time, he intended to ascribe to Ernulf the authorship of A. 1 only. More likely, however, he meant all the three volumes, as the local tradition in the sixteenth century considered the *Textus* as it now is as one whole compiled by Ernulf; besides, a book would hardly be called *Textus Roffensis* if it had contained only (as fos. 1—57, even fos. 1—118 do) universal English matter without local reference, while the title "*Textus Roffensis*" is very appropriate for a Rochester Chartulary connected with legal matter. The word *Textus* means sometimes Chartulary, Ledger-book, Register. MS. Cotton, Vespas. A 22, quotes among the books given by Ernulf: *Textum*.

8. Ernulf's authorship must not be understood in a modern sense; there is no author of *Textus Roffensis* in our sense. Nor must the inscription of 1300 necessarily mean anything more than a collector or compiler; nay, it even designates, perhaps, only the owner, and (afterwards) donor or bequeather of the volume.

9. Ernulf's own hand has most likely not written any stroke in the whole volume, because great Bishops were used to leave this tedious copyist's work to junior clerks. It is certain that he did not write the Chartulary, the oldest hand of which penned a record of 1146. It is not impossible, though not the slightest argument is to be dis-

\* He collated the later catalogue of 1202 (ed. Rye, *ib.* iii., 47).

† Sterne therefore (Tristram Shandy) ought not to have made Ernulf responsible for an anathema which is purely Anglo-Saxon.

covered for it, that Ernulf did the correction of the early part of the work.

10. The character of the handwriting is decidedly everywhere later than the style of the eleventh century. The general look of it would point rather to 1140—1150; but a monk born, say 1100, would shew the same penmanship in 1120 as in 1145. Educated and induced to copy this volume by Ernulf, he would designate it as Ernulf's work, though he might continue it through two decades after the Bishop's death. The list of the Archbishops of Canterbury (f. 110 v.) seems to be written by the same man who wrote the Kentish Laws (f. 1), though of course at a later period of his work. Now this list appears to have been done under Archbishop William, as his name is the first without obit's date, and by a later hand. (The Rochester List having been tampered with by erasures, proves only that since 1148 a contemporary continuator was at work.) The pieces which are latest in date in part A, viz., the *Instituta Cnuti*, and Henry's Charter, shew in the majority of cases still æ or ƿ (for the classical æ), only rarely the mere e, which becomes universal after about 1150.

11. In the limited sense here pointed out Ernulf may be called the father of *Textus Roffensis*, or its first collector.

A. In the first place the character of the man answers very well to this part. Ernulf, perhaps owing to his French (not Norman) nationality, had a feeling for the antiquity of the Anglo-Saxons. Under him the Anglo-Saxon *Eadmer* became Precentor of Christ Church; under him the last Anglo-Saxon historical phrases\* were penned in Christ Church; under him Peterborough finished the string of the Anglo-Saxon annals.† The prayer of the Anglo-Saxon historian (A.D. 1114) for Ernulf is touching indeed; also (A.D. 1124) he is called "eadig," i.e. beatus. On the other hand Ernulf must have possessed a certain legal training: (a) coming out of Ivo's school and Lanfranc's;‡ (b) at Canterbury as well as at Peterborough he cared for the Monastic temporalities; the Chartulary would be considered as part of the "exterior" (administrative) business; (c) Ernulf was deeply interested in the struggle between Church and State under Anselm (see Anselm's *Correspondence*); (d) Ernulf got from Anselm important State Papers to be preserved and copied at Christ Church (see especially Ep. Anselmi, iv., 40, f. 58, A.D. 1104); (e) Ernulf is known as a scholar§ and an author legally trained;|| (f) the material of the *Textus* came partly from Canterbury, as Ernulf himself did (see below, sec. 18).

\* Edited by me, *Anglonormann. Geschichtsquellen*, p. 1.

† Edited by Earle, *Two of the Saxon Chronicles*, cf. p. xlviii.

‡ Both Ivo and Ernulf were in monastic houses at Beauvais about the same time. They corresponded, and Rochester possessed, about 1120—1150, *Epistolarium Ivonis Carnotensis*, according to *Textus Roffensis*, f. 227.

§ Cf. Liebermann, *Raginald von Canterbury*, p. 527.

|| He wrote, 1089—1098, to Bishop Walkelin of Winchester, *De Incestis Conjugiis*, a tract of Canon Law, at the end of which he refers to a personal conversation about the matter with the late Lanfranc. This was printed by D'Achery (Ed. *La Barre*, iii., 464), and thence by Migne, *Patr. Lat.*, 163, 1458. *Raginald*, p. 539, l. 2, puts him into the rank of doctors who rule and legislate.

B. Several of these features (*a* to *f*) do not fit in with the character of Bishop Ralph, or of Bishops John, Asceline, and Walter, while for Gundulf's time (see below, sec. 14) the handwriting of the Textus would be too late, and for the end of the twelfth century too early. A second younger scribe was already at work about 1130 (sec. 14, *c*); also the linguistic forms are too well preserved for the reign of Henry II. If the work had been begun after Bishop John, Stephen's coronation charter would hardly be wanting. We should find the so-called Laws of Edward the Confessor, or of Henry, or pieces from the Latin Quadripartitus; instead of the Canonistic tract on fos. 81—88, we should have got an extract out of Gratian (see below, sec. 26); instead of Anglo-Saxon we should find Latin, as Rochester wrote its annals in Latin about 1170. The original end of the Canterbury and Rochester lists, fos. 110, 111, fits in with Ernulf's time; later continuators carry them on into the reign of Henry II. (*a*) If the Textus had been written by order of the Prior of Rochester without the Bishop's knowledge, or if it had been composed just a few years before or after Ernulf's episcopate, it would be very hard to explain how it could come to be traditionally called Ernulf's.

12. The Textus has been used by me only as far as it concerns Anglo-Saxon laws; besides, I tried only to ascertain facts about the origin of the volume. I therefore hardly looked through part B, the Chartulary. This was printed almost entirely by John Thorpe (*Registrum Roffense*, Lond., 1769, folio). Single pieces from it were selected by almost every writer on the Anglo-Saxons, or on Kent, or on Early English Law, or on the Early English Church. After Hearne (see sec. 28), Wilkins, and J. Thorpe, only very few antiquaries went to the Textus itself, the majority relying on the printed books. For the important exceptions, see sec. 12A. For the antiquaries who used Textus Roff. before Hearne and Thorpe, see below, sec. 28, *a—p*.

12A. Record Collections whose authors used Textus itself:—

1. Kemble, *Codex Diplomaticus Ævi Saxonici*, Lond., 1839—1848. He gave all the Textus Charters.

2. Benjamin Thorpe, *Diplomatarium Ævi Saxonici*, 1865. He printed a few Roffensis Charters. However, he sometimes simply repeated Kemble's print.

3. John Earle's *Hand-book to the Land Charters and other Saxon Documents*, 1888. He printed some Charters, if I mistake not, mostly out of Kemble.

4. Walter de Gray Birch, *Cartularium Saxonicum*. He has printed every Charter out of the Textus Roffensis itself. His vol. ii., 1887, reaches as far as A.D. 947, and vol. iii. only to 975.

13. The Chartulary is written by different hands.\*

14. The oldest hand may be identical with the writer of the Leges (Part A). It certainly comes from the same Scriptorium

\* The portions (Hearne's Edition, p. 153) mentioning Henry I. and Archbishop Ralph are of later hand.

and age. The latest entry of this oldest hand I have found is of A.D. 1146, f. 206=Jaffé-Löwenfeld, *Reg. Pontif.*, No. 6215.

(a) This oldest scribe calls Gundulf "beatæ memoriæ," that is to say, he wrote after 1108.

(b) He wrote after Ernulf's consecration, f. 190 v.=Hearne's Edition, p. 180. By the first hand is also f. 183; f. 196 v.=Hearne, p. 191; f. 199=Hearne, p. 196; f. 228, Library Catalogue.

(c) On the other hand the records of about 1130—1150 are generally by a later hand, for instance, f. 203=Hearne, p. 203 (A.D. 1125—1136); Imar of Tusculum's Charter, 1142—1159; Eugenius iv.=Hearne, p. 208.

14A. The pieces of which the Record register consists still partly exist in the original. For instance, the Charter of A.D. 778 which Roffensis, f. 129, copied can be collated with his transcript; and this comparison proves that he worked most carefully. (*Cf.* Earle, *Land Charters*, 53.) I cannot tell whether every piece in the Register has been printed; if not, all the records are sure to appear with Walter de Gray Birch (see above, sec. 12A, No. 4). If there are, however, other unprinted pieces in the Charters they would not concern him, and ought to be edited at once.

15. No piece of Part A is original, that is to say, the writer did not compose one phrase in the volume; he was a copyist throughout.

16. But the direct source is not known to us of any element of the work. There are several pieces for which Roffensis gives better readings (*i.e.* a more original text) than any other Codex, and of some pieces there is no other MS. existing. Textus is unique for fos. 1—5, Kentish Law; 32, Ordeal; 32 v., Tomb-robbery; 38, King's Peace; 47, William I. in Anglo-Saxon; 48, Æthelred's Wantage Statute; 49 v., Exorcismus (well known in other arrangements of its elements, at least partly); 81 v., Accusatores [the single decreta are mostly (perhaps all of them) known, but the tract as a whole in this form is a copy of a work perhaps otherwise lost]; 88, Æthelstan's London Law.

17. The labour of collecting,\* bringing into order, and ascribing to the different kings, had been at least partly done in a lost volume, from which the Roffensis scribe copied page after page. There are several proofs of this.

(a) On f. 44 the laws of Edmund follow Eadward, leaving out Æthelstan. The same curious omission occurs also in the Corpus Cambridge MS. 383, and in the Quadripartitus† (no doubt also in his lost Anglo-Saxon original).‡ Both of these latter works are not derived from Roffensis. All three must therefore have been derived from a (lost) legal compilation, written *circa* 950—1080.

\* Rochester possessed, according to the Catalogue quoted in sec. 4, several Anglo-Saxon volumes, *viz.*, *Pastoralis*, *i.e.* King Alfred's version of St. Gregory, and *Sermonalia Anglica* in vol. ii., *i.e.* Aelfric.

† Edited by me, p. 133.

‡ In the same way Roffensis and Corpus Cambridge 383 put after Alfred-Ine: Be blaserum, and Be forfange (*cf.* below, sec. 19).

(b) The Wessex genealogy on f. 7 verso goes before the laws of Alfred-Ine. The same connection exists in Corpus Cambridge 173, a Christ Church volume of about 980.

(c) Folio 57 verso, the scribe begins to copy a Christ Church Charter, but breaks off in the middle of the sentence, perceiving that this local Canterbury matter does not concern Rochester. He would surely never have picked out this single record foreign to his monastery, but would easily be misled into copying what he found in his source.

(d) Fos. 100—111 contain Catalogues of Princes and Prelates; these are, all of them, a mere copy of a well-known and widespread work, begun about A.D. 815 at Canterbury. Among its numerous MSS. Roffensis is most akin to Cotton, Tiberius B, V, about A.D. 1000. Both of them bring the lists of the Bishops of Leicester, Lichfield, Hereford, Lindsey, Dunwich, and York, exactly to the same date, as does MS. Corpus Cambridge 183, but nine other lists end in Roffensis and Tiberius about A.D. 990. In Tiberius and Roffensis (and in no other MS. of this work) two Archbishops of Canterbury of that time are honoured by surnames—the “Good One,” “Dei amicus.” I therefore conclude that their common source\* was a Canterbury monk continuing his predecessor’s work of the ninth century about the end of the tenth.

18. The volume, or one of the volumes, copied by Roffensis was a Christ Church book. (See above, sec. 17, *b, c, d.*)

19. One (lost) source of Roffensis was used also by Corpus Cambridge 383† (see above, sec. 17, *a*), as in the Laws of Alfred-Ine, Edward, Æthelstan II., they offer some common readings deviating from the other MSS.

Secondly, Roffensis, f. 95, “charm for stolen cattle,” answers in many peculiarities to 383, while other MSS. differ. This charm does occur in many other MSS., but only in two in the middle of legal matter, viz., in Roffensis and 383.

Thirdly, Roffensis, f. 7 verso, and MS. 383 contain the Wessex Genealogy, *cf.* below, sec. 23.

20. One of the Collectanea volumes copied by Roffensis had been composed about A.D. 1000, as the Wessex Genealogy, f. 8, ends at a time when the duration of Æthelred’s reign was not yet known; also the tabular work (see above, sec. 17, *d*) was derived from a composition of about 990. Perhaps the two works of about A.D. 1000, mentioned in this sec. 20, formed one identical volume.

21. There are distinct groups to be discerned in the Textus:—

(a) Kentish group, fos. 1—5, exists only here; (b) Early Wessex, fos. 7 v.—32, exists also in Corpus Cambridge 383 (see above, sec. 19); (c) Æthelstan group, fos. 32 v.—37; (d) Edward-

\* Roffensis, though younger, gives some better readings than Tiberius, and is therefore not derived from it.

† This comes from St. Paul’s, London; it was written about A.D. 1120. By the Editors of Anglo-Saxon Law it is called B.

Edmund group; (*e*) *Instituta Cnuti*, fos. 58—80; (*f*) *Successions of Kings and Prelates*, fos. 101—116. They constitute one work.

22. The Kentish law does not appear in the *Textus* in a language which can have been spoken in Kent about 600 and 700, but generally in the Wessex forms of about A.D. 1000. The modernization is far too harmonious to be a mere copyist's work of the twelfth century, who can easily be proved\* sometimes to have misunderstood his text. I conclude, therefore, that Roffensis used a book where the three first pieces had already been collected and transliterated. There remain, however, in the *Textus Roffensis* some distinct traces of very early and Kentish provincial dialect.†

23. The early Wessex group. Alfred himself embodied Ine's laws into his code. The Wessex genealogy was connected with these laws already in their oldest MS., viz., MS. *Corpus Cambridge* 173, of the beginning of the tenth century (*cf.* sec. 17, *b*). From this MS. the genealogy was printed in B. Thorpe, *Anglo-Saxon Chronicle*, and Earle, *Two of the Saxon Chronicles*,‡ but Roffensis gives a continuation through the tenth century. In this connection I suppose Alfred's law and genealogy came into the hands of a man who augmented them by some short paragraphs, and modernized them by:—(*a*) putting in definite articles; (*b*) putting in prepositions instead of the instrumental case; (*c*) avoiding obsolete words, *geswican*, *unsyngian*, *middangeard*.

This anonymous scribe may have annexed the Edward-Edmund group (see sec. 21, *d*). At any rate his work, as well as the latter group, was clearly used, not only by Roffensis, but by *Corpus Cambridge* 383 (*cf.* above, sec. 19).

Roffensis shews a distinct trace of having used (though as I said not directly) an Alfredian MS., in preserving the vowel *ö* before nasals; for instance in *mön*, which either the copyist or the corrector modernized by adding a stroke and perverting into *man*; in the same way single vowels have been altered into broken ones, and *i* into *y*.

24. The *Æthelstan* group is only partly preserved in MS. *Corpus Cambridge* 383, out of which, unluckily, many leaves have been torn. Even this *may* belong to the same class of laws mentioned in sec. 23.

25. The Latin version of Cnut is not the common one printed by Thorpe§ and Schmid,§ but the so-called *Instituta Cnuti*,|| printed by Kolderup-Rosenvinge, *Anniversaria Univers. Havn.* (Kopenhagen, 1826), where Roffensis has been collated.

26. The Canonical tract about the suitor in Ecclesiastical Law seems to me (who unluckily took too short notes of it) to be a copy or an extract from a work written shortly before Gratian. The decretals it contains are not all of them to be found in Gratian

\* He confounded *h* with the thorn-rune, and he separated the words wrongly.

† Another archaic trace is the use of the *f*-like form for *y*.

‡ Sweet, *Oldest Texts*, 179, printed a fragment from Additional MS. 23,211, of the ninth century.

§ See sec. 28, *w*.

|| *Cf. Transact. Histor. Soc.*, 1893, p. 77.



or Ivo, or *Anselmo Dedicata*, or *Benedictus Levita*, or Burchard, but they—at least those I noted—come from Pseudo-Isidorus, hardly, however, directly.\* This tract ought to be identified (which could easily be done if one had the inscription and first two or three words of every decretal). It may be an “Ineditum,” and may constitute a hitherto unknown monument either of Ernulf’s canonistic scholarship or of his school; at any rate it is an important link in the history of the canon law, introduced into England from Bec through Lanfranc, Anselm, and their circle. Possibly the same canonistic collection was used by Roffensis and by the contemporary author of the so-called *Leges Henrici I.*

26A. I have no note whatever of the treatise about the Mass, f. 116 v. There exist legions of similar tracts. The identification could not be difficult from three or four lines of the beginning. Can it be connected with Ernulf’s letter to Lambert of St. Bertin about the sacrifice of the altar? This was printed by D’Achery and Migne. (See above, sec. 11.)

27. The lists of Princes and Prelates are only partially printed from Roffensis by Gale and Hearne (see below), and made use of by the authors of *Fasti Eccl. Anglic.*, for instance Hardy’s *Le Neve* (1854), and Will. Stubbs’ *Registr. sacr. Angl.* (1858). Only the Anglo-Saxon Princes and Prelates are at all of historical importance. They have been printed, and commented on from several MSS. which are older and better than Roffensis. These lists, therefore, are valuable chiefly from the later inserted continuations, because these by the date of their handwriting help to determine the age when *Textus* was in process of formation.

(a) F. 101, Wessex Genealogy. An older form of this exists in Cotton, Tiberius B, V, of about A.D. 1000, f. 22; cf. Kemble, *Stammtafel der Westsachsen* (München 1836), p. 10. This ends with Æthelred II., while Roffensis, or rather his source, added Eadmund, 1016. This number (a), as well as below (b) and (c), were printed, though not from Roffensis, in Wright and Halliwell’s *Reliquiæ Antiquæ*, vol. ii., pp. 169—173 (from Tiber. B, V), in *Florence of Worcester* (see below, g), in *Alfred of Beverley*, in Langebeke, *Script. Hist. Dan.*, ii., 1770.

(b) F. 102. *The not-Wessex Heptarchy* (cf. Tiber. B, V, f. 22 v.), printed from Vespasian B, VI, of the beginning of the ninth century in Sweet, *Oldest English Texts*, 169.

(c) F. 103 v. *Hec sunt genealogia Regum Occid. Sax.=* Tiberius B, V, f. 23.

(d) F. 105, Popes. The first hand ends exactly at the same point as the earliest known MS. of this work, Vespasian B, VI, with “99 Leo Sanctus,” 816. The other one of Henry II.’s reign leads on from “C. Stephanus [816]—Celestinus” [1191—1198]. This continuation must have been written 1191—1198. This list was printed by Pauli, *Neues Archiv*, v. 63, 1880, from Tiber. B, V, f. 19 v.

\* Its source may have been one or both of the works which the Catalogue, 227 v., entitles, *Canones et decreta pontificum* (possibly Pseudo-Isidore) and *Exceptiones de eisdem*.

(e) F. 107, Emperors' List. The beginning of this was most likely on the lost former leaf, 107 verso, which has been now replaced.\* The List now commences "34. Constantinus filius Constantini et Helene" [323—331], and ends "67 Leo." I cannot tell for certain whether Leo IV., 775—780, is meant; generally the lists leap from him to the Frankish Emperors. The same Catalogue is in Tiber. B, V, f. 20.

(f) F. 107 verso *The Oriental Patriarchs*. The same Catalogue is in Tiberius B, V, f. 20 v. Jerusalem ends in A.D. 386.

(g) F. 110 v., *The Anglo-Saxon Bishops*. This collection exists also in Vespasian B, VI, f. 108; Sweet, *Oldest Texts*, p. 167, published its Anglo-Saxon names. The whole work is printed, only in a continued and altered form (viz., in *Florence of Worcester*,† of about A.D. 1115), but its author lived and all of the lists ended originally in 800—810. From six other MSS., partly of the ninth century,‡ and from Roffensis the work could be reconstructed. Among them Tiberius B, V, f. 20, is next akin to Roffensis in this respect as in the foregoing numbers a—f, though not his source. They both used a common Canterbury source of about A.D. 990.§

28. The history of the Textus Roffensis is almost the history of Anglo-Saxon studies in general. If the archives of Rochester Cathedral contain MS. notes about the scholars who lent or read the Textus, especially in the sixteenth and seventeenth centuries, their publication would be a boon for the elucidation of the Anglo-Saxon revival.

(a) John Joscelyn used Anglo-Saxon legal MSS., and, it is said, also the Textus Roffensis for his Anglo-Saxon Glossary, which is now MS. Cotton, Titus A, 16.

(b) William Lambarde, the first editor of Anglo-Saxon law, did not know the Textus Roffensis when he published his *Archæologia*, 1568, 4<sup>o</sup>,|| but he perceived its paramount value at once¶ as soon as he saw it, and in his *Perambulation of Kent*, 1576,\*\* he printed, pp. 307, 357, 364, from f. 193, Be Leod geþincðum, and from the Chartulary the duty of keeping Rochester Bridge in order and Beorhtric's Will.

(c) Francis Tate copied large parts of Textus Roffensis in 1589. So says Wanley (see sec. 1), p. 185 seq.; he describes this copy, Cotton MS., Julius C, 2 (see next line).

(d) An anonymous copy of the seventeenth century, descriptum ut videtur ex Jul. C, 2, is quoted by Wanley, p. 305.

(e) Henry Spelman, *Concilia et decreta Eccl. Britann.* (1639, fol.), vol. i., p. 127, printed the beginning of Text. Roff.: Æthelbert,

\* Else one cannot see why a writer of the twelfth century begins the list of the Roman Emperors, f. 107, not by No. 1, but by No. 34.

† There are different editions, the best is *Monum. Hist. Britann.*, by Petrie, Sharpe and Hardy (1848), p. 616.

‡ Cf. Thompson's *Catalogue of Ancient MSS. in the British Museum* (1884), p. 79.

§ Cf. above, sec. 17, d. || Repeated by Abr. Wheloc, 1644, folio.

¶ See his marginal note signed W. L., 1573, Textus Roffensis, f. 1.

\*\* Second edition 1596; third edition without date.

sec. 1, and p. 194, a Latin translation of Wihtried, and p. 406, Be hadbote=Roff., f. 7.

Spelman caused transcripts from Textus Roff. to be made for the use of Abr. Wheloc's projected Glossary, which exists in Harley MS. 761. Spelman sent these or other transcripts from the Textus to

(f) John de Laet, who published from those transcripts at Anvers, 1640, his Latin translation of the laws of Æthelbert and Hlothare without printing the Anglo-Saxon text.

(g) Wheloc, who in 1644 re-edited Lambarde's *Archaionomia* with many additions, did not use the Textus Roff.

(h) Edmund Gibson acquired John de Laet's, or rather Spelman's, Anglo-Saxon copy and gave it to George Hickes, who printed it in *Ling. vet. Sept. Thes. II., Diss. Epist.*, Oxon, 1703, folio, p. 89. This then was the first edition of the Kentish Law, except Wihtried, not taken from the Textus Roff. directly, but through an intermediate copy of about A.D. 1635. Furthermore, Hickes laid great stress on the importance of the different unedited parts of the Textus Roff., pp. 79—94, and printed (p. 79) Lambarde's marginal note (see above, b).

(i) William Somner, *Dictionarium Saxonico-Latino Angl.* (1659, fol.), used the Textus (or copies of it) and printed some short fragments from it. He printed some records of the Chartulary in his *History of Gavelkind*, 1660.

(j) *Monasticon Anglicanum*, ed. by Dodsworth and Dugdale (1681, fol.) (and perhaps the new *Monasticon* of Ellis still more so), contains Anglo-Saxon records most likely from Roffensis. (I have not these books at hand at present.) (j k) Edw. Browne's *Pascie rerum expetend.*, 1689, printed the *Exorcismum Ordalii*.

(k) Henry Wharton, *Anglia Sacra*, 1691, folio i., 329, De sede Roffensi gave "Ernulf Collect. Roff." This was repeated by Migne, *Patrol. Lat.*, 163, 1443.

(l) Gale, *Hist. Britann. Script.*, xv. (1691), 792=Roff., f. 102.

(m) Wanley. See above, sec. 1.

(n) William and Elizabeth Elstob printed, about 1710, *Proposals for Editing Anglo-Saxon Law* and collated Wheloc (see g) with T. R., but William died 1715 (? cf. Petheram, *Historical Sketch of Anglo-Saxon Lit.*, 1840, p. 89), and this project came to nothing.

(o) Sir John Fortescue Aland, *Difference between an Absolute and a Limited Monarchy* (1714), Preface, used the Elstob papers for Anglo-Saxon Law.

(p) Harris, *History of Kent*, 1719, printed the Laws of Æthelbert and Hlothare and Byrthric's will from De Laet's transcripts and translations from Textus Roff.

(q) Thomas Hearne, *Textus Roffensis*, 1720.\* He did not print immediately from the Textus, but from Harley MS. 6523. He left out purposely and expressly everything printed by Lambarde, though Lambarde had used inferior MSS.

\* See above, sec. 12.

(r) David Wilkins, *Leges Anglo-Saxonicae* (London, 1721, fol.) collated Lambarde, Spelman, and Hickes, with Julius C, 2 (sec. c), and Textus Roffensis. Several of its pieces were here printed for the first time (for instance Wihtred), or rather at the same time with Hearne's edition (see above), which was not yet known to Wilkins. Indeed Wilkins had begun his work (which directly continues the Elstob project hatched by Hickes) by 1716.

(s) John Thorpe and the other prints from the Chartulary, see above, sec. 12.

(t) Samuel Pegge, *Archæologia*, vol. i., 1770, gave a valuable description of Textus Roffensis.

(u) J. Webb projected an edition of Anglo-Saxon Law about 1810 (cf. Bosworth's *Elements of Anglo-Saxon Grammar*, 1823, p. xxxv.), but in vain.

(v) Reinh. Schmid, *Über die Angelsächs. Rechtsquellen*, in the periodical *Hermes*, xxxi. (1828). This man, who unluckily never saw an Anglo-Saxon MS., has done more for the history of the earliest English law than anybody before or since.

(w) Reinh. Schmid based *Die Gesetze der Angelsachsen* (1832) only on printed books. The value of this book consists therefore in its explanations, and in the very careful collector's work.

(x) Benjamin Thorpe (so generally quoted, though the best part of the work was done by Price), *Ancient Laws and Institutes of England*, 1840, 2 vols. octavo and 1 vol. folio. Thorpe or Price collated and exhausted the legal part of Textus Roffensis altogether.

(y) Reinh. Schmid, *Die Gesetze der Angelsachsen*, 2 Aufl., 1858, used Thorpe's edition, and the deep researches of the German historians and jurists of Grimm's school, to which J. M. Kemble's *Saxons in England* belongs, and so brought out what must be considered the Standard Edition up to now.

(z) Osw. Cockayne, *Leechdoms of Early England* (Rolls Series, 1866), iii., 286, printed Text. Roff., f. 95 (not 50), without perceiving that from l. 13 the charm ends, and there begins the legal formula which Thorpe had printed long before.

(aa) For a new edition of Anglo-Saxon Law,\* which the Bavarian Academy of Munich entrusted me with, I collated the Textus Roffensis, fos. 1—100, all through, with the exception of the Canonical collection, f. 82, which I excerpted, but too briefly. I copied fos. 7—9, Wessex Genealogy, f. 95 charm (see above z), fos. 101—104, Royal Genealogies, f. 110 v., Bishops' Lists. All these four pieces have been lying for some years in my desk in readiness for the printer. I shall edit them from older and better MSS., using the Rochester readings for variation notes.

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\* The first fascicle of my *Gesetze der Angelsachsen* appeared in 1898.

## 29. LIST OF CONTENTS OF THE TEXTUS ROFFENSIS.—PART A.

Folio.		Hearne Edition, 1720.	B. Thorpe, Svo Ed., Vol. I.	B. Thorpe, Folio Ed.	Schmid Gesetzo der Angel- sachsen, 1858.
1	Æthelbert	1	2	1	P. 2.
3 v.	Ellothare	6	26	11	10.
5	Wihfred	9	36	16	14.
7	Had		II., 240	393	Anhang ix.
7 v.	Wessex Genealogy		Wanting	Wanting	Wanting.*
9	Alfred; 24 v. Ine	Wanting	44; Ine 102	27; Ine 45	58; Ine 20.
31 v.	Blaseras		224	96	Anhang xiii.
32	Forfang		224		" xiv.
"	Ordal	12	226	96	" xvi.
32 v.	Walreaf	13	228	96	xv.
"	Æthelstan II.		196	83	P. 130.
37 v.	" V.	Wanting	220	93	152.
38	King's Peace		224	95	Anhang xii.
38 v.	Oath forms	13	178	76	" x.
39 v.	Oath	14	182	78 c. 12 and 13	Anhang viii., 2, viii., 1.
"	Wergeld	15	190	80	Anhang vii., 3.
40	Edward and Guthrum		168	71	P. 118.
41 v.	Wergeld		174	75	Anhang vii., 1.
42	Edward I.		158	68	P. 110.
43	" II.	Wanting	160	69	114.
44	Edmund I.		244	104	172.
45	Edmund II.		248	105	176.
46	Æthelred I.		280	119	198.
47	William II.	16	488	210	352.
48	Æthelred III.	17	292	124	212.
49 v.	Exorcismus-aquæ	19			Anhang xvii., 1.
53 v.	" ferri	29			Anhang xvii., 2.
53 v.	" panis	33	Wanting	Wanting	Anhang xvii., 3.
57 v.	Cnut for Ch. Church	37			Wanting.
	VOL. II.				
58	Instituta Cnuti, I.				Instituta Cnuti collated, p.
63	" II.	Wanting			250, as versio Colbertina.†
75	" III.	39			Anhang xx.
80	William III.	Wanting	490	211	P. 354.
81 v.	Exceptiones ex decre- tis pontificum, quales accusatores	Wanting	Wanting	Wanting	Wanting.‡
88	Æthelstan VI.		228	97	156.
93	Leodgethineð	48	190	81	Anhang v.
93 v.	Wergeld	Wanting	186	79	" vii., 2.
94 v.	Wedding	49	254	108	" vi.
95	Charm				Wanting.§
95	Bequeathing form	Wanting	Wanting	Wanting	Anhang xi.
96	Charta Henrici I. coron.	51	184	78	" xxi.
98	Excommunicatio major	55	497	215	
99 v.	" minor	59	Wanting		
101	Succession of Kings— Adam to Eadward				
	Ironsides	59-60			
102	" Northumbria	Wanting			
"	" Mercia				
103	" Kent	(Part) 60			
" v.	" Wessex	61			
105	" Popes				
106	In place of lost leaf?				
107	Succession of Emperors				
107 v.	" Patriarchs, Jerusalem		Wanting	Wanting	Wanting.
109	" Patriarchs, Alexandria	Wanting			
109 v.	" Patriarchs, Antiochia				
110 v.	" English Bishops				
116 v.	History of the Mass¶				
119	Part II., Chartulary**				

\* Partly edited by Thorpe and Earle, see sec. 23.

† Ed. Kolderup, cf. sec. 25.

‡ Perhaps unedited, see sec. 26.

§ See sec. 28, z.

|| See sec. 27.

¶ Perhaps unprinted, see sec. 26A.

\*\* See secs. 12, 12A.