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PRELIMINARY ACCOUNT OF "NOTES ON
THE TEXTUS ROFFENSIS, BY DR. F.
LIEBERMANN."

BY A. A. ARNOLD, F.S.A.

It is somewhat remarkable that hitherto only some very meagre references have been made in *Archæologia Cantiana* to the Textus Roffensis. The "Catalogue of the Library of the Priory of S. Andrew, Rochester," taken from it, appeared in Vol. VI., pp. 120—128, but with that and other slight exceptions, and some allusions to the pedigrees contained in it in Mr. Haigh's Paper on "The Jute, Angle, and Saxon Royal Pedigrees" in Vol. VIII., the book would seem to have almost escaped notice by any of the contributors to our Society's publication.

The Rev. A. J. Pearman, a member of our Council, in his recent work on the Diocese of Rochester (one of the series of Diocesan Histories published by the Society for Promoting Christian Knowledge in 1897), referred to the book "as one of the most remarkable documents in existence, and, as such, claiming a notice in any account of the Diocese of Rochester." He gives a short description of it, and after several references to Dr. Liebermann's MS., Mr. Pearman tells us that "during the seventeenth century this invaluable manuscript fell into the hands of a physician named Leonard, who secreted it for two years, but was at length forced by a decree of the Court of Chancery to restore it to its rightful owners. They were again in imminent danger of losing their property; for an accident having happened through stress of weather to the vessel in which Dr. Harris sent it to London, it lay for some hours under water. The doctor, who was one of the canons, had borrowed the MS. for the use of his intended History of Kent. It is now in safe custody and but little the worse for its immersion in the Thames."

Mr. Pearman had the advantage, in writing his remarks, of having before him some valuable notes on the Textus Roffensis which had been made by Dr. Felix Liebermann of Berlin. The learned

Doctor's name is as well known in England as in Germany for his conscientious researches and accurate work. In 1892 he published the *Quadripartitus*, an English law-book of 1114, and is the editor of the *Consiliatio Onuti*, the *Leges Anglorum*, *Leges Edwardi Confessoris*, and of other well-known publications. So far back as 1886 the Textus was lent to the British Museum by the Dean and Chapter for Dr. Liebermann's inspection and examination;* and again in 1893 he spent several days in the Cathedral library at Rochester examining and taking extracts from the volume. It was after this second examination that he favoured the Dean and Chapter with the notes which follow, and are the excuse for this introduction; and the publication of Mr. Pearman's volume having called attention to the notes, I have been permitted by the Dean and Chapter—with the approval of Dr. Liebermann—to make a transcript of them for publication in our Journal. Dr. Liebermann has indeed done more than give his approval—he has kindly revised the proof of the notes, and not only that, but he has added to them some further notes, and has made use of such fresh points as have come to his notice during the five years which have passed since the notes were originally written by him.

The Textus was exhibited among other MSS. of the same or

* A copy of his letter to the late Dean Scott on his first inspection of the volume, and which is to be taken as giving only his first impressions, is too interesting to be omitted, and is here given:—

"LONDON, Sept. 18, 1886.

"VERY REVEREND SIR,

"Having twice collated the Textus Roffensis, I have placed the precious MS. in the hands of Mr. E. M. Thompson, and now beg to thank you once more for the liberal permission you so kindly granted me to use it.

"I herewith note some points which may interest the owners of that invaluable treasure:—

"1. The volume once consisted of three parts: the first ended fol. 57, the second fol. 118. They were bound together not later than about A.D. 1400, at which time the foliation was done.

"2. The first scribe worked in Ernulf's time (this can be proved from the bishops' lists), though, judging by paleography only, the handwriting would rather appear to be a little later.

"3. There is no proof of Ernulf's authorship; the entry on the first page is not earlier than about A.D. 1300.

"4. The scribe used a Christ Church (Canterbury) volume, see fol. 57*.

"5. For the Laws of Alfred-Ine he used an ancient MS., whose obsolete language he was anxious to modernize for his own time: so he alters almost every *o* before nasals into *a*, and *i* into *y*, and introduces articles and prepositions; all this is the scribe's own work done by sharp erasures—your MS. is in fact almost a palimpsest. This discovery is most valuable for the history of the English language.

"6. Among the sources he used there was a collection of lists of English bishops. As ten out of these end about the year 990, it is quite clear that this collection belonged to Æthelred II.'s time.

similar kind in the British Museum for the Domesday Millenary commemoration in 1886; it was either in connection with this exhibition by the Paleographical Society, or on the publication of the *Cartularium Saxonicum*, that a facsimile of one of the pages of the volume was made, and I am enabled by the courtesy of Dr. de Gray Birch, F.S.A., of the British Museum, to add a copy of this facsimile (see pp. 97, 98). It is folio 44 of the original, and the passage forms, or rather includes, a portion of folio 50 of Lambarde's translation of it in the *Archæionomia*; it is a part of one of the laws of King Edward (A.D. 900—924), edited by Dr. Liebermann in his *Gesetze*, pp. 142, 184.

Accompanying the facsimile was a description of the Textus, which is here given:—

ROCHESTER. CHAPTER LIBRARY.

Series II., Plate 73.

“TEXTUS ROFFENSIS.”—[12TH CENTURY.]

The Laws of Kent and of the Anglo-Saxon kings of England and of William I., together with a chartulary of the lands of the church of Rochester, and lists of early popes, kings, bishops, etc.; Latin and Anglo-Saxon. Compiled in the time of Bishop Ernulph, who died in 1125. Vellum; 234 leaves, measuring 9 by 6½ inches; with 24 lines in a page.

“7. For the short articles of William I. (which Stubbs thinks to be the only genuine rest of his legislation) your MS. is the oldest text (about 50 years older even than that which Stubbs first edited).

“8. Also for Henry I.'s Charter the Rochester text is the oldest known.

“9. The bishops' lists, which I hope soon to print, give some new names for Elmham (Norwich).

“10. The genealogy of Anglo-Saxon kings, fos. 8, 101, contains some names more than the text which precedes the (Alfredian) Anglo-Saxon Annals. I shall edit this form also, which was brought down to Æthelred II. (cf. No. 6).

“11. There existed a common source for your MS. and the Corpus Cambridge MS. 383. Not only do the readings and faults of both these codices coincide, but there is also the ‘charm for stolen cattle’ in both of them, not yet printed from the latter MS.

“12. The Decreta Pontificum, f. 81, I find to be excerpted from Pseudo-Isidorus. They do not come from Gratian's Canon Law. This is very important for the history of English ecclesiastical law. [Of course the author may have used a special continental tract, which however I am not able to identify.] The contents however are hardly worth printing.

“13. All the other pieces are printed.

“14. The Catalogue of Rochester books, interesting for the literary history of the Anglo-Normans generally, mentions our very MS., part I., on fol. 228, l. i.

“15. The British Museum copy of Hearne's Textus Roffensis contains MS. Collations (done for Dering) with your Codex. This was not then known to S. Pegge, whose learned Paper (in the *Topogr. Britann.*, vol. i.) is, I think, by far the best history of your MS.

“Believe me to remain, Very Rev. Sir,

“Your obedient Servant,

“F. LIEBERMANN.”

ferdan ne feorran. pillef ne gepalder. Gif
 hpa ðis ofen hebbe. 7 hit ad. 7 his pæd wece ðe
 eal ðeod 7 seald hærð. bete swa dombooc tæce.
 Gif he ðonne nelle. ðolige ure ealra fneofnes.
 7 ealles ðæs ðe he aze. Gif hine hpa feorringe
 sýððan. bete swa seo dombooc sæce. 7 se scyle ðe
 flyman feorringe. Gif hit sý hep inne. gif hit
 sý ealr inne. gif hit sý nops inne. bete beðam
 þe þa frid 7 heppitu sæcgan. Gif hpa huph stæl
 cihclan fneot for pýnce. 7 his hand onhand
 sýlle. 7 hine his maza forlætan. 7 he nýte
 hpa him fore bete. ðonne sý he ðæs ðeop peon
 ces pýnde. ðe ðær to gebýrge. 7 oð fealle se
 pep ðam mazum. Ne under fō nanman oðres
 mannes man butan þæs leafe ðe he ær fýliz
 de. 7 hær he sýllad leas wið ælce hand. gif hit
 hpa dō. bete mine ofen hyppnesse. Ic wille þæt
 ælc gepesa hæbbe gemot a ymbe feopen pu
 can. 7 gedon ðæt ælc man sý folc rihtes pýnde.
 7 ðæt ælc spæc hæbbe ende. 7 andagan hpean
 ne hit forð cume. gif hit hpa ofen hebbe.
 bete swa pe ær cwædon. Eadmundes cýmnges

EADMUND cýmng asen nýsse.
 7 se somnode mýcelne sinod to lundebyrig

The list of the archbishops of Canterbury (f. 110b), originally brought down to Ralph d'Escures, *ob.* 1122, is continued by a second, and apparently not much later, hand to Richard, who succeeded in 1174 and died in 1184. The same hand makes additions also to the list of the Rochester bishops, the last being that of Waleran, who succeeded in 1182 and died in 1184.

Gatherings. The MS. is made up of quires of various sizes, but generally of eight leaves. There are two sets of signatures. Those which mark the quires in the earlier part of the volume shew that probably as much as three more quires once stood at the beginning. They must, however, have been lost before the early part of the 14th century, as the title of the book, "Textus de ecclesia Roffensi, per Ernulphum Episcopum," is written in a hand of that time on the first page. The second set of signatures begins with the chartulary (f. 119), shewing that the present volume is made up of two MSS.; but they have been written at the same time and in the same form.

Ruling. On one side of the leaf with a hard point; except on a few inserted leaves of a rather later date, in which plummet is used.

Writing. There is a variety of writing in the course of the volume, in the strong bold style characteristic of the 12th century. The curved mark of contraction peculiar to the period, and the sparing use of the round s, may be noticed.

Ornamentation. Simple initials of green and red are used throughout the volume; and at the beginning of the chartulary the large letter R is formed of the standing figure of an angel and a winged dragon, coloured with green, lake, and vermillion.

It may be of interest also to have the page of the "facsimile" in modern Anglo-Saxon characters, together with Lambarde's translation of a portion of it into Latin, and from the Latin into English. These are therefore appended here:—

THE "FACSIMILE PAGE" OF THE TEXTUS ROFFENSIS,
PRINTED IN MODERN TYPE.

*friðian ne feormian . willes ne gewealdes . Gif
hwa ðis oferhebbe . and his að . and his wæd brece ðe
eal ðeod geseald hæfð . bete swa domboc tæce .
Gif he ðonne nelle . ðolige ure ealra freonscipes .
and calles ðæs ðe he age . Gif hine hwa feormige
syððan . bete swa seo domboc sæge . and se scyle ðe
flyman feormige . Gif hit sý her inne . gif hit
sý east inne . gif hit sý norð inne . bete be ðam
þe þa frið gehwritu sæcgan.† . Gif hwa þurh stæl

* The last words of the preceding page are "ne fúl nāwār" (= nor foul anywhere), but they are not, as Lambarde supposed, the beginning of this paragraph, which commences with the words "Eac ic wylle pæt æle man hæbbe" (three lines before).

† Here this "law" ends in Lambarde's numeration.

tihtlan freot forwyrce . and his hand on hand
 sýlle . and hine his magas forlætan . and he nýte
 hwa him fore bete . ðonne sý he ðæs ðeow weor-
 ces wýrðe . ðe ðær to gebýrige . and oðfealle se
 wer ðam magum . Ne underfó nan man oðres
 mannes man butan þæs leafe ðe he ær fýlig-
 de . and hær he sýllað leas wið ælce hand . gif hit
 hwa dó . bete mine oferhýrnesse . Ic wille þæt
 ælc gerefa hæbbe gemot á ýmbe feower wu-
 can . and gedon ðæt ælc man sý folerihtes wýrðe .
 and ðæt ælc spræc hæbbe ende . and andagan hwæn-
 ne hit forðcume . gif hit hwa oferhebbe .
 bete swa we ær cwædon . Eadmundes cýninges

ÆADMUND cýning asetnýsse .
 Gesomnode mýcelne sinoð to lundebyrig

Lambarde's translation of the first portion of the facsimile page (see fol. 50 of the "Archaionomia"), being one of the laws of Edward. Lambarde entitles it: "De eo qui sceleris damnatum admisit."

Nemo cum sceleris damnato pacem habeto, neve eum sciens volensque hospitio excipito: qui contra fecerit, adeoque iurjurandum violarit fidemque a se & universa plebe datam fefellerit, id mulctæ quod in judiciali libro describitur, subito. Id si recusarit, nostra et reliquorum omnium amicitia privatus, fortunis suis omnibus mulctator.

Atque si quis ei deinceps suppetias tulerit, is etiam id compensationis quod in libro judiciali continetur, præstato.

Porro autem qui fugitivo, sive in hac nostra, sive in orientali, aut boreali regni plaga victum subministrarit, prout ipsa iubent pacis conscripta, plectitor.

Translation of the "facsimile page" from "Ancient Laws and Institutes of England" (1840) [with illustrations by Dr. Liebermann in brackets], by Price and B. Thorpe, p. 70.

7. Also I will that every man have constantly those men ready on his land who may lead those men who desire to seek their own [straggling cattle], and for no meed-mones prevent them, nor anywhere protect or harbour a convicted offender [a criminal] wilfully nor violently [intentionally].

8. If any one disregard this, and break his oath and his "wed" [formal promise], which all the nation has given, let him make "bôt" [amends] as the doombook may teach; but if he will not, let him forfeit the friendship of us all, and all that he has. If any one harbour him after that, let him make "bôt" as the doombook may say, and as he ought who harbours a fugitive [banished outlaw] if it be here within [England proper]. If it be in the east country [East Anglia], if it be in the north country [Northumbria], let him make "bôt" according as the "frithgewritu" [articles of the peace with the Norse invaders] say.

9. If any one, through a charge of theft, forfeit his freedom, and deliver himself up [to slavery], and his kindred forsake him, and he know not who shall make "bôt" for him, let him then be worthy of the "theow" [servile] work which thereto belongs, and let the "wēr" [payment for his person in case he be slain] abate from the kindred.

10. Let no man receive another man's man [*vassal*] without his leave whom he before followed [*was subjected to*], and until he be blameless towards every hand. If any one so do, let him make “bōt” my “oferhyenes” [*the mulct for disobedience to me, the King*].

11. I will that each reeve have a “gemōt” [*Court of Law*] always once in four weeks; and so do that every man be worthy of folk-right [*be treated according to common law*], and that every suit have an end and a term when it shall be brought forward [*ended, settled*]. If that any one disregard, let him make “bōt” as we before ordained.

King Edmund's Institutes [p. 104].

King Edmund assembled a great synod at London.

It is very much to be desired that the Chartulary or second part of the Textus should be edited by a competent Anglo-Saxon scholar having the necessary topographical knowledge. Nothing in this way has, I believe, been done since the publication by J. Thorpe in 1769. It was contemplated by the British Archæological Association in 1853 to undertake the work, but it appears never to have been carried out.

NOTE.

I am able to add from a local newspaper the account given of the “Textus” by Mr. Black, formerly Assistant Keeper of the Public Records, on the occasion of the visit of the British Archæological Association to Rochester in 1853. The Paper, although mentioned in the Journal of the Association (vol. ix., p. 358), seems never to have been published.

Mr. Black's Paper was entitled “On the Contents, Compiler, and Handwriting of the celebrated Record of Rochester, called the *Textus Roffensis*,” and this is the report of it:—

“After a brief notice of the importance of this Record to the antiquary, whether engaged in legal, or historical, or topographical researches, he distributed its contents into three parts or classes:—1, Anglo-Saxon laws and institutions; 2, Charters and other grants to Rochester Cathedral; and 3, Miscellaneous pieces touching the rights and possessions of the see, and of the church of St. Andrew, in Rochester. The first part comprises the laws of Wihtred and other Kentish kings, with the forms of oaths for various purposes, the ceremonies of ordeal, or the judgment of God (as it was called) in certain cases, by the use of red-hot iron, boiling water, immersion in water, or barley-bread and cheese. These curious and important contents are, for the most part, in the Anglo-Saxon language and character, and have been preserved to us with few exceptions in this MS. only. Among them are some singular genealogies of the Saxon kings, traced up to Adam, through a son or grandson of Noah, said to have been born in the ark of Scafa. The second part contains various charters of the kings of Kent and Wessex,

and their successors, from Ethelbert to Henry I. inclusively, together with several testaments bequeathing lands, etc. These latter, and the boundaries of the lands mentioned in the former, are described in Anglo-Saxon. This part of the volume is a chartulary or register-book of most ancient documents from the first planting of Christianity among the Anglo-Saxons to the beginning of the 12th century; and the principal of them were enumerated and described by Mr. Black. The third part consists of the lists of benefactions and churches belonging to the see of Rochester, statements regarding its possessions and privileges, and a remarkable catalogue of the library of the cathedral, with two or three later documents added after the original compilation, the latest being of the time of Edward III. Mr. Black then proceeded to explain the origin and meaning of the title by which the book is known; and the original MS. being exhibited, by permission of the Dean and Chapter, he pointed out a note on the first page containing these words, *Textus de Ecclesia Roffen. per Ernulfum Episcopum*. Mr. Black quoted several ancient authorities to shew that the word *Textus* was used to designate a gospel-book written in large letters, such as the books of Durham and Kells, and the Countess Goda's Gospels, in the British Museum, which formerly belonged to this cathedral. The term was perhaps applied to this book on account of its large writing and the solemn nature of its contents. He then undertook to shew that the MS. was not written or compiled by Bishop Ernulf, as is commonly supposed; having, on inspection of the original about twenty-four years ago, at once perceived the identity of the handwriting with that of Humphrey the precentor of Rochester, who was contemporary with Bishop Ernulf, and who wrote several noble MSS., still preserved in the British Museum. He proved, from various examples of like notes, written in books formerly belonging to this cathedral, that the word *per* did not imply authorship, but benefaction; of which the most striking proof consists in a note in the same words, written by the same hand in the Countess Goda's Gospels, ending thus, *per Godam Comitissam*; and in one instance the word *donatus* occurs. Mr. Black then gave an outline of the Catalogue of the Library as recorded in the *Textus* about A.D. 1120, also of another catalogue thereof made in A.D. 1202, in which he pointed out the mistake made by Denne in imagining that the monks of Rochester were not provided with a single copy of the entire Scriptures, by producing proof that they were abundantly supplied with copies of the Scriptures, commentaries on them, works of the Latin fathers, Latin classics, Anglo-Saxon homilies, and works on law and medicine."