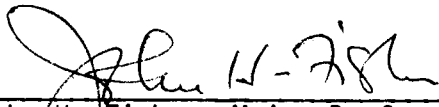
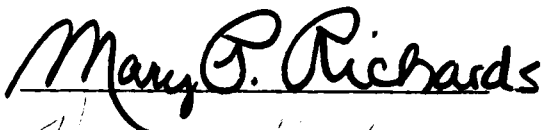


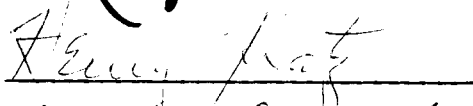
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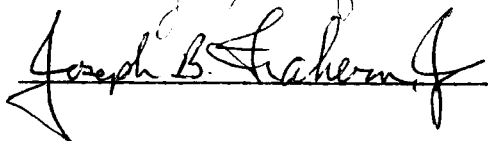
I am submitting herewith a dissertation written by B. Jane Stanfield entitled "Standardization in the Anglo-Saxon Laws: A Diplomatic Study." I have examined the final copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, with a major in English.


John H. Fisher, Major Professor

We have read this dissertation
and recommend its acceptance:


Mary P. Richards


Henry Katz


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Accepted for the Council:


The Graduate School

STANDARDIZATION IN THE ANGLO-SAXON LAWS:
A DIPLOMATIC STUDY

A Dissertation
Presented for the
Doctor of Philosophy
Degree
The University of Tennessee, Knoxville

B. Jane Stanfield
August 1984

ACKNOWLEDGEMENTS

I wish to thank the English Department of The University of Tennessee, Knoxville, for the Thaler Fellowship which enabled me to examine manuscripts at both the British and Cambridge Corpus Christi Libraries. I also owe a debt of thanks to the members of my committee, Dr. Joseph Trahern and Dr. Henry Kratz. But, three people deserve special thanks: Dr. John Fisher, my director, from whose ideas this dissertation was generated; Dr. Mary P. Richards, whose work in the Anglo-Saxon laws made it possible, and Dr. Chadwick B. Hilton, my husband, whose continuing support--both academic and personal--was invaluable.

ABSTRACT

To date, the argument over the possible existence of an Anglo-Saxon chancery has concentrated on the degree of standardization evidenced in royal writs and charters. However there is another body of evidence that has not been considered: the six Anglo-Saxon legal collections extant for the period ranging from mid-tenth to early twelfth century. The most frequently occurring code, Alfred-Ine, is contained in five and is the subject of analysis in this dissertation. The dissertation is in three sections. Chapter 1 consists of a survey of the scholarship dealing with the chancery question, followed by the general conclusions of the study. Chapter 2 is an analysis of the physical format of Alfred-Ine in four of the legal collections: Cambridge, MS. Corpus Christi College (CCCC) 173; London, MS. British Library Cotton Nero A. I; Cambridge, MS. Corpus Christi College (CCCC) 201; Cambridge, Corpus Christi College (CCCC) 383; Rochester, Cathedral Library MS. A.3.5. The fragmentary and badly burned MS. British Library Cotton Otho B. XI has been omitted.

The analysis is followed by tables and specific conclusions regarding the individual manuscripts and their relationship to each other. Chapter 3 is a linguistic analysis of Chapter XXXVI of Alfred-Ine as contained in five legal collections, again followed by a summary and specific conclusions.

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CHAPTER 1

INTRODUCTION

Historical Overview

One of the many definitions of culture is that it is a series of communicative acts. Of these acts, speech is the most expressive, and writing, specifically alphabetic writing, gives speech a semi-permanent form.¹ This objectification and recording of language permits communication over time and space and provides man with a marking, mnemonic device.² As a people move from a tribal, oral community to a national literate society, their progress may be traced through the evolution of written records which satisfy the demand, as expressed in one Anglo-Saxon diploma, for "testimony more permanent than that of mortal witnesses."³ The stability of a society is reflected in the number and regularity of its written documents.⁴ The creation of such documents in turn implies the existence of an organized agency responsible for their production.

¹Jack Goody, The Domestication of the Savage Mind (Cambridge: Cambridge University Press, 1977), p. 37.

²Ibid., p. 78.

³F. E. Harmer, Anglo-Saxon Writs (Manchester: Manchester University Press, 1952), p. 35.

⁴John H. Fisher, "Chancery and the Emergence of Standard Written English in the Fifteenth Century," Speculum, 52 (1977), 870.

In the case of the non-literate Germanic tribes of early medieval Europe, the independent evolution of written records was cut short through their adoption and perpetuation of the highly developed notarial system of the Roman empire as preserved in the curia of the Roman Church. On the Continent, Latin continued as the language of written law because traditionally it had always been so.⁵ The earliest extant legal code--that of the Visigoth, Euric, the Codex Euricianus (late fifth century)--is reminiscent of Roman Vulgar Law, as are later codes such as King Gundobald's Lex Burgundionum (early sixth century) and Childebert II's Decretio, both of which are associated with Roman advisors; the preface to the Lex Bavaria mentions a specific Roman, Claudius, by name.⁶ A fully organized Merovingian Chancery existed as early as the fifth century, modelled on papal curia, as were the later Carolingian and Imperial German chancelleries, all of which issued royal administrative documents in Latin, using the basic formulae of the papal chancellery, modified and regularized to fit their own practice. The clerks responsible for the production of documents in the European chancelleries were provincial priests and monks who adapted Roman protocols to the administrative needs of Germanic kings.⁷

⁵Patrick Wormald, "Lex Scripta and Verbum Regis: Legislation and Germanic Kingship, from Euric to Cnut," in Early Medieval Kingship, ed. P. H. Sawyer and I. N. Wood (Leeds: The School of History, University of Leeds, 1977), p. 115.

⁶Ibid., p. 126.

⁷Ibid.

Records of the existence of secular chancelleries are less clear in England than on the Continent. But the earliest English documents are very interesting because, unlike those of the continent, they are in the vernacular. Although the Germanic tribes possessed a developed legal system upon their arrival in Britain, it was not until the arrival of Augustine and his mission in 597 that any of this body of oral legal custom was written down.⁸ And these first laws of Anglo-Saxon England, the domas of Aethelberht of Kent, c. 602-3, were written in the vernacular, a practice that was followed until the Conquest in the succeeding secular codes: the laws of Hlothære and Eadric, Withræd, Alfred and Ine, Eadweard, Aethelstan, Eadgar, Aethelred, and Cnut. In addition, one kind of royal charter, the writ, was also written in English, the earliest extant writ dating from Aethelred's reign.⁹ In the first half of the ninth century, diplomas, another type of royal charter, usually in Latin, also began to give boundaries in the vernacular.

These two types of royal administrative documents, known collectively as charters, belong to two distinct categories. The diploma, issued by the king and usually approved by his council, is an "evidentiary" document which confirms the creation or transfer of

⁸Dorothy Whitelock, ed., English Historical Documents, I, 2nd ed. (London: Eyre Methuen, 1979), p. 357.

⁹*Ibid.*, 380; Felix Liebermann, Die Gesetze der Angelsachsen, 3 vols. (1903-1916; rpt. Halle, 1960). I follow F. Liebermann's spellings for the names of the Anglo-Saxon kings.

bookland. Based on the late Roman private deed as transmitted through the curia, it was usually in Latin although boundaries are often given in the vernacular by the ninth century.¹⁰ The second kind of royal charter, the writ, was a letter of petition or instruction. Although always in English, the writ likewise employed the formulae of the ancient Latin epistolary tradition: the name of sender, the name of receiver(s), the greeting. Augustine and his missionaries would have been familiar with these conventions and would no doubt have introduced them after their arrival in 597.¹¹

Although over 1600 charters survive from the reign of Aethelberht through that of Cnut (c. 600-1035), their production cannot be attributed to a clearly defined official organization like the chancelleries on the continent. It is this question of the origin of these documents that has long fascinated students of Anglo-Saxon culture. Scholars have suggested two possible agencies for the production of the Anglo-Saxon charters: a royal administrative office of the king's household with its embryonic beginnings in the royal chapel, hence the term chancellery or chancery (staffed by secular clergy), and responsible to the king, or else ecclesiastical scriptoria staffed by monks or priests responsible to their abbots or bishops.

¹⁰Whitelock, Documents, pp. 377-78.

¹¹Harmer, Writs, pp. 25-26.

Survey of Criticism

The current debate over whether the royal diplomas of the tenth and eleventh centuries were produced in a royal chancery or an ecclesiastical scriptorium was initiated in 1896 by W. H. Stevenson addressing the assertion of A. Giry in his Manuel de Diplomatique that the Anglo-Saxon kings "n'avient pas, semble-t-il de chancellerie organisée . . . et . . . les documents de cette période n'ont pas servi de modèles à ceux de l'époque suivante."¹² Stevenson's article is based on an examination of a 1068 charter of William the Conqueror in favor of St. Martin's-Le-Grand, London. The charter is in Latin, followed by a shorter Old English translation. Stevenson based his argument for the existence of a royal chancery from the reign of Aethelstan forward on four criteria:

1. the use of certain formulae from the reign of Aethelstan forward;¹³
2. the "superiority" of the Anglo-Saxon charter over the Norman charter;¹⁴
3. the persistence of Anglo-Saxon charter conventions in the diplomata of Anglo-Norman kings;¹⁵

¹²Simon Keynes, The Diplomas of King Aethelred "the Unready": 978-1016 (Cambridge: Cambridge University Press, 1980), p. 14.

¹³W. H. Stevenson, "An Old English Charter in Favour of St. Martin's-Le-Grand, London A. D. 1068," English Historical Review, 11 (1896), 731.

¹⁴*Ibid.*, 732.

¹⁵*Ibid.*, 733.

4. the fact that such parallels indicate the employment of Anglo-Saxon clerks of the Old English chancery in Norman service.¹⁶

In addition to using the formulae of the Old English charter, Stevenson argued that William's charter in favor of St. Martin's-Le-Grand parallels the usual form of the late Old English royal diplomata in physical arrangement: "It was written across a large oblong sheet of parchment; the attestations of the king and queen, their son, the archbishops, and some of the bishops were apparently written from side to side of the sheet in continuous lines, whilst those of other witnesses were arranged in six columns side by side with their rank . . . ranged at the end of each column, with a space between the name and rank."¹⁷ Stevenson concluded that the 1068 Latin/English charter proved "beyond the shadow of a doubt" that the format and formulae of William's charter were simply extensions of the conventions of the Anglo-Saxon royal chancery.¹⁸ Stevenson again addressed the question of an Anglo-Saxon chancery in a series of lectures delivered in 1898, arguing that the Anglo-Saxon culture was administratively capable of developing a chancery prior to the arrival of the Conqueror.¹⁹

¹⁶Ibid., 734.

¹⁷Ibid., 735-36.

¹⁸Ibid.

¹⁹Keynes, Diplomas, pp. 14-15.

In this century, arguments in support of the existence of an Anglo-Saxon chancery have more or less revolved around Stevenson's initial arguments, refining and supplementing his points and postulating various reigns for the genesis of the chancery. In a 1962 lecture, R. R. Darlington summarized most of Stevenson's arguments and concurred that Anglo-Saxon culture was indeed capable of developing a chancery prior to the arrival of the Conqueror. In addition, he observed that the Norman ducal charters of 911-1066 gave no indication that William had a chancery in Normandy; so he would have had to employ clerks of the Anglo-Saxon chancery to carry on their work after the Conquest. This argument is supported by the appearance of the names of some of Eadward's chaplains as clerks in William's service. In this context, Darlington specifically cites Regenbald as possibly Cancellarius during the reigns of both Edward the Confessor and William I.²⁰

H. W. C. Davis also tentatively proposed persons responsible for the direction of the royal chancery in the Confessor's reign, including successively Stigand, Leofric, Ulf, Cynesige, and Giso.²¹ But it was in R. Drögereit's seminal work, "Gab es eine angelsächsische Königskanzlei?" that the question of a royal chancery was first

²⁰R. R. Darlington, The Norman Conquest (London: The Athlone Press, 1963), p. 5.

²¹H. W. C. Davis, Regesta Regum Anglo-Normannorum, I (Oxford: Oxford University Press, 1913), p. xv.

addressed through paleographical analysis of primary sources. Arguing from the fact that certain groups of diplomas for different beneficiaries from 931-935 were written by individual scribes, Drögereit concluded that a royal chancery must have existed during the reigns of Aethelstan, Eadmund, and Eadred. Like Davis, who had earlier suggested that persons responsible for its direction were rewarded with bishoprics, Drögereit attributed the disappearance of the chancery in 951 to the deaths in the same year of Aelfheah, bishop of Worcester, and Theodred, bishop of London. But on the basis of cartulary copies, assuming the draftsman and scribe of a diploma to be the same person, he noted the possibility of some chancery activity in Eadgar's reign. Finding no activity after 963, he assumed that the royal power declined and that the influential Benedictine reformers must have taken on the role of a royal secretariat.²²

Not all arguments for the existence of a royal chancery have concentrated on royal diplomas. F. E. Harmer in 1952 pointed out that the extant Anglo-Saxon royal writs are so similar in the verbal formulas and physical format that they must have had a common origin. This common origin she attributed to the clerks of the royal secretariat.²³ Like Davis, who had earlier noted that the name of Bishop Giso appeared on four writs in the period of Eadward the Confessor and

²²R. Drögereit, "Gab Es Eine Angelsächsische Königskanzlei?" Archiv für Urkundenforschung, 13 (1935), 410-418.

²³Harmer, Writs, p. 47.

that the employment of a priest in both the king's chapel and his writing office reflected later English usage,²⁴ Harmer noted the dual role of scribe and priest exemplified by William, "Wilhelmus, quo Kantus maior et scriba et sacerdote."²⁵ She also cited Galbraith on "the close association of the activity represented by the word chancery with the sanctuary and the chapel of Anglo-Saxon kings."²⁶ T. A. M. Bishop and Pierre Chaplais likewise observe that both the wording and form of the Confessor's writs are remarkably similar and, like Harmer, note the possibility that the royal clerks--Aelfwine, Aethelred II's "faithful writer"; William, Cnut's priest and scribe; and Regenbald, Eadward the Confessor's chaplain--could have been chosen from among the royal chaplains to serve in the king's writing office.²⁷ But Chaplais sees an organization which could be deemed a chancery as an "embryonic" office consisting of a seal and its royal keeper, originating in the reign of Eadward at the earliest.²⁸

Finally, some have argued that the seal found on the vernacular writ is evidence for the existence of a royal chancery. Bishop and

²⁴Davis, Regesta, p. xv.

²⁵Harmer, Writs, p. 58.

²⁶V. H. Galbraith, Studies in the Public Records (Oxford: Oxford University Press, 1948), p. 36.

²⁷T. A. M. Bishop and Pierre Chaplais, eds., Facsimiles of English Royal Writs to A. D. 1100 (Oxford: Oxford University Press, 1957), p. ix.

²⁸Pierre Chaplais, English Royal Documents: King John-Henry VI, 1199-1461 (Oxford: Oxford University Press, 1971), p. 42.

Chaplais inferred that the sealing of writs in the Confessor's reign must have taken place in a royal office with a seal entrusted to the king's chaplain.²⁹ Darlington sees William's use of a seal modelled on that of Edward the Confessor's to authenticate writs as further proof that the Conqueror took over an already existing chancery.³⁰

In the most recent discussion of the question, Simon Keynes concludes that a royal chancery was the agency responsible for the production of the diplomas of Aethelred. He offers five propositions that must be considered in determining the agency which produced the diplomas:

1. that the religious element in a diploma does not necessarily indicate production in an ecclesiastical scriptorium but rather very simply reflects the fact that writing was a clerical monopoly;
2. that the fact that most diplomas owe their preservation to ecclesiastical interest does not mean they owe their production to the same;
3. that the secular interest evidenced in some diplomas would have made their production in an ecclesiastical scriptorium unlikely;
4. that the king would scarcely have relinquished control over production of the royal diplomas;
5. that the production of such documents depended on an agency able to function at the witenagemot where the transactions took place.³¹

Keynes further observes that it was quite possible scriptoria other than the one attached to the Old Minster at Winchester were in operation at the beginning of Aethelstan's reign so that centralization of

²⁹Bishop and Chaplais, Facsimiles, p. xii.

³⁰Darlington, Conquest, p. 5.

³¹Keynes, Diplomas, p. 39.

production here was not simply due to necessity. But he also cautions that the identification of the script of a scribe known to have been at Winchester with a single diploma does not necessarily mean that this diploma was produced at Winchester, i.e., the scribe may not have been continuously employed there (cf. Whitelock).³²

Keynes also notes that the scripts of diplomas attributed to Winchester exhibit variety, that although some diplomas are clearly the work of interested ecclesiastics (their houses stood to benefit from the diploma), this does not mean that all diplomas were drawn up by interested ecclesiastics (cf. Whitelock and Harmer),³³ and that diplomas presumably produced in monastic scriptoria often vary in formulae from other contemporary diplomas.³⁴ Keynes thus emphasizes the danger of viewing the fact that some diplomas can be attributed to monastic composition as evidence that the diplomas were always drawn up in monastic scriptoria as opposed to the king's writing office. Keynes concludes that many of the royal diplomas of King Aethelred were the products of an organization capable of acting on the occasion of the witenagemot, which points to the existence of a moveable royal secretariat. From this he infers that such a staff would also have been responsible for producing other administrative documents for Aethelred.³⁵

³²Whitelock, Documents, p. 377.

³³Ibid., p. 378; Harmer, Writs, p. 40.

³⁴Keynes, Diplomas, pp. 22-28.

³⁵Ibid., p. 229.

However, not all scholars support the existence of a royal chancery. Arguments attributing the production of diplomas and writs to ecclesiastical scriptoria staffed by monks or other ecclesiastics responsible not to the king but to their own superiors have adduced five facts: the lack of pre-Conquest citations for the term cancellarius; the lack of marks of authentication on diplomas; the assumption that the diplomas contained in the archives of a scriptorium were written in that scriptorium; the strong religious element of the diploma; and the possibility that the consistency of formulae in the writs could be due to oral tradition.

Hubert Hall emphasized that although citations of "chancellor" for Wulfwig and Regenbald appear in contemporary documents during the Confessor's reign, the one pertaining to Wulfwig is a forgery, and the other, in which the title reads Regenbaldus Regis Cancellarius³⁶ must be rejected since the charter was in the style of the Frankish chancery. Concerning the Domesday citation, Reinbaldus canceler,³⁷ Hall objected to the interlinear status and noted, once again, the likelihood that this may have been an anachronistic term introduced by French scribes. However, he did infer that it would

³⁶J. M. Kemble, Codex Diplomaticus Aevi Saxonici I (London, 1839-48), DCCCXIII.

³⁷A. Farley and Sir H. Ellis, eds., Domesday Book I (London: Record Commission, 1738-1816), 180.b.

not have been unlikely that a prominent Anglo-Saxon churchman could have held such an office prior to the Conquest.³⁸

The most comprehensive studies proposing the ecclesiastical scriptoria as the agencies responsible for the production of the Anglo-Saxon diplomas are those of Pierre Chaplais. In a 1965 article, "The Origin and Authenticity of the Royal Anglo-Saxon Diploma," Chaplais postulated that diplomas treating the church as beneficiary were drawn up by ecclesiastics as early as the time of Augustine. Noting that Aethelberht's laws begin with articles concerning theft from the Church and its servants and that they were written down by Augustine's missionaries or someone trained by them, he inferred that these same scribes could have written charters to record royal grants, a practice which could have been followed by later Anglo-Saxon kings. He further observed that the Anglo-Saxon royal diploma was the only one in Europe which never bore any outward marks of authenticity,³⁹ a point that Hall had made in 1906,⁴⁰ and that although subscriptions and crosses are found at the bottom of diplomas, these do not in themselves authenticate a document. Like Hall, Chaplais regarded the royal diploma as a "purely religious and ecclesiastical

³⁸Hubert Hall, Studies in English Official Historical Documents (1908; rpt. New York: Burt Franklin, 1969), pp. 164-65.

³⁹Chaplais, "The Origin and Authenticity of the Royal Anglo-Saxon Diploma," Journal of the Society of Archivists, 3, No. 4 (1966), 52.

⁴⁰Hall, Studies, p. 177.

document."⁴¹ Stressing the religious elements of all the diplomas (invocation to God, pious proem, and religious curses rather than secular punishment for violation of the diploma), Chaplais saw ecclesiastical scriptoria as their source. Further, he observed that documents produced by ecclesiastical scriptoria would gain authenticity by the practice of Anglo-Saxon kings of keeping land-books in the royal sanctuary where relics were also housed for safe-keeping.⁴²

Chaplais postulated that during the reign of Aethelwulf, there may have been a rotating responsibility among various ecclesiastical scriptoria for the production of royal documents, or a responsibility based on territorial boundaries. This supports Hall's theory that the grantee employed a local cleric to compose the charter to be ratified by the court when the king came into the locality.⁴³ The consistency in formulae could be explained by their genesis in the hands of Augustine's missionaries and by communication between scriptoria.

Addressing Drögereit's findings that from the reign of Aethelstan through part of the reign of Edgar the same scribal hand and strikingly similar formulae found in charters dealing with widely

⁴¹ Chaplais, "Origin," 52.

⁴² Ibid., 54.

⁴³ Hall, Studies, p. 177.

separated lands and beneficiaries must be due to the common element of the king as grantor, Chaplais notes that this does not necessarily mean the diplomas were produced by a royal secretariat. Contending that the Winchester scriptorium was one of the few which weathered the decline in learning in the early tenth century, he considered the uniformity due to chance rather than design. Chaplais further emphasized that six of eight scribes identified for the period 931-963 were associated with Winchester, a finding that caused David Parsons to ask: "And is this not tantamount to a central chancery? It does not mean a royal chancery, it is something more insidious."⁴⁴ But Chaplais sees the sharing of responsibility for the drafting of diplomas becoming the mode once again as other scriptoria developed following the Benedictine Revival.

In a 1966 article, Chaplais continued to cite "proofs" which indicated that Winchester, Glastonbury, and Abingdon were all centers active in producing royal documents. In the latter part of this study he turned his attention to the writs. Questioning the traditional view that Alfred's words "aerendgewrit and hys insegel" meant "sealed letter," Chaplais observed that this could have been a reference to a letter accompanied by a seal, and that even if we are to accept "sealed letter," it does not necessarily follow that the method of sealing in Alfred's time was still in use in the Confessor's

⁴⁴David Parsons, ed., Tenth Century Studies (London and Chichester: Phillimore and Co., Ltd., 1975), p. 4.

reign. Chaplais believed that the uniformity of the Confessor's writs could be explained by the "long tradition of oral declaration"⁴⁵ rather than a royal secretariat. He argued that no objective evidence exists of a chancery between the seventh and eleventh centuries⁴⁶ and observed that both the Anglo-Saxon kings and William I had ruled their countries successfully without a chancery prior to 1066.⁴⁷

The Anglo-Saxon Laws

So far one argument over the possible existence of an Anglo-Saxon chancery has been about the degree of standardization evidenced in writs and charters. However, there is another body of evidence that has not been considered: the Anglo-Saxon laws. If we accept the proposition that writs and charters possibly issued from a royal chancery, it seems even more likely that the laws of the kings of England would have emanated from the same source and would have experienced a similar degree of standardization. This study will examine the degree of standardization in the laws of Alfred and Ine, the most frequently occurring body of laws in the six legal collections extant for the period ranging from the mid-tenth to the early twelfth centuries. Following Mary P. Richards' scheme of organization by origin, these six collections are:

⁴⁵Pierre Chaplais, "The Anglo-Saxon Chancery: from the Diploma to the Writ," Journal of the Society of Archivists, 3, No. 4 (1966), 175.

⁴⁶*Ibid.*, 166.

⁴⁷*Ibid.*, 175.

I. Winchester

- (1) Cambridge, MS. Corpus Christi College (CCCC) 173, "The Parker Manuscript"--mid-tenth century [designated as MS. E];
- (2) London, MS. British Library Cotton Otho B. XI--eleventh century [designated as MS. Ot];

II. Connected with Archbishop Wulfstan, possibly from Worcester or York

- (3) London, MS. British Library Cotton Nero A. I--early and mid-eleventh century [designated as MS. G];
- (4) Cambridge, MS. Corpus Christi College (CCCC) 201--mid-eleventh century [designated as MS. D];

III. Southeast England

- (5) Cambridge, MS. Corpus Christi College (CCCC) 383--late eleventh and early twelfth-century, from St. Paul's London [designated as MS. B];
- (6) Rochester, Cathedral Library MS. A.3.5., the Textus Roffensis--early twelfth century [designated as MS. H].⁴⁸

These six manuscripts include the laws of: Aethelberht, Hlothære and Eadric, Withræd, Ine, Alfred, Eadweard the Elder, Aethelstan, Eadmund, Eadgar, Aethelred, Cnut, and William I, as well

⁴⁸Mary P. Richards, "The Manuscript Contexts of the Old English Laws: Tradition and Innovation," forthcoming in Studies in Earlier Old English Prose, ed. Paul Szarmach, to be published by the SUNY-Binghamton Press, p. 2.

as a variety of treaties and anonymous codes. No given group of laws is contained in all six manuscripts, but Alfred-Ine is contained complete or in part in five of the collections: MSS. E, Ot, G, H, and B. These five manuscripts include both the earliest (MS. E) and the latest (MS. B) legal collections and represent the three geographic areas (Winchester, York or Worcester, Southeast England). Thus, these manuscripts make possible the examination of the degree of standardization of a single body of laws as they are copied and recopied over a period of two centuries. Although none of the extant collections contain the original, the earliest extant code, Alfred-Ine of MS. E., was copied at Winchester (c. 925) shortly after Alfred's death from an Alfredian manuscript at a time when these laws still would have been considered of vital importance. Probably the scribe reproduced the paragraphing and other external features of the original manuscript.⁴⁹ Thus we may assume that MS. E would closely resemble the Alfredian original, and as such provide a model of chancery usage with which the other manuscripts containing Alfred-Ine might be compared.

Earlier scholarship has concentrated largely on content, specifically verbal formulae and internal organization. However, as W. H. Stevenson has pointed out, physical format is as important an evidence of standardization as is content.⁵⁰ The five versions of

⁴⁹Milton H. Turk, The Legal Code of Alfred the Great (1893; rpt. Boston: Ginn and Company, 1973), p. 19.

⁵⁰Stevenson, "Old English Charter," 70.

Alfred-Ine make possible the study of format. This study begins with an examination of this aspect of diplomatics. This is followed by an analysis of the language of Chapter XXXVI of Alfred-Ine, which is contained in four of the five manuscripts.

Conclusion

In general the study of the Alfred-Ine portions of the manuscripts provide evidence of continuity of Anglo-Saxon diplomatic forms over two centuries. They grow less definite after the Conquest, as one would expect, yet the manuscripts do exhibit a regularity in gross physical format (Capitula, division of laws into chapters accompanied by Roman numerals, and large initial capitals). The orthography and morphology of these laws exhibit greater change, but the lexicon remains stable in successive recopyings from the early tenth to the early twelfth centuries during which time the language was experiencing great vocabulary change. It is especially significant that the two Winchester manuscripts, MSS. E and Ot, are identical in morphology, lexicon, and (with one exception) phonology. For as Simon Keynes points out, the one point on which Drögereit and Chaplais agree is that in the 930's and 940's a single agency located at Winchester was responsible for the production of royal diplomas.⁵¹ It is in this period at Winchester that MS. E, the earliest extant manuscript of the Alfred-Ine laws, was produced. It is also at

⁵¹Keynes, Diplomas, p. 28.

Winchester that the nearly identical MS. Ot was also produced almost a century later. Although such regularity by itself does not establish that an official secretariat was located at Winchester in the early tenth and eleventh centuries, simply to attribute this similarity to an unusually scrupulous scribe seems to stop short of the full implication.

First, we have a legal manuscript (MS. E), whose overall physical format and language continue to be reflected in successive copyings for nearly two centuries, produced during a period and in a location that previous scholarship has found responsible for the production of "standardized" charters which are strongly similar in both their external and internal features. Second, we have a later manuscript, nearly identical in morphology, lexicon, and phonology to MS. E, copied at Winchester at a time when Gneuss believes the school of Aethelwold to have been actively engaged in disseminating a standard written Anglo-Saxon vocabulary. Gneuss based this conclusion on a group of late tenth and early eleventh century texts written at Winchester which exhibit definite lexical preferences, i.e., the "Winchester words." Yet, the Alfred-Ine portions of MS. E and Ot make use of some of these "Winchester words," e.g., gylt or sunu, before Aethelwold. Thus we find in a legal manuscript evidence of a standardized vocabulary, as defined by Gneuss, and of a physical format which were to remain influential for two centuries produced in the period and place cited by previous scholarship as having produced the "standardized" Anglo-Saxon diploma. While this does not

indicate whether this organization approximated a royal chancery or an ecclesiastical scriptorium, it does reinforce the notion that an organized and influential agency actively engaged in regularizing the physical format and lexicon of official writings existed in the early tenth century at Winchester.

These observations point the direction which new study of the question of an Anglo-Saxon chancery should take--an examination of the influence of the lexicon of the charters and laws produced at Winchester c. 925-60, the period of the composition of MS. E, and of the diplomas on which Drögereit and Chaplais based their conclusions. By comparing the lexical preferences of MS. E and diplomas to each other as well as to non-official productions of the period, one should be able to draw conclusions concerning the degree of standardization in vocabulary as well as of the existence of an official style, whether royal or ecclesiastical. If the same lexical preference is attested in all three, it may be, as David Parsons briefly remarked in his introduction to Tenth Century Studies, that perhaps in the search for the Anglo-Saxon chancery too much emphasis has been placed on the word royal,⁵² i.e., all seem to emanate from an ecclesiastical scriptorium. But if we see a distinction in lexical preferences between official and non-official documents, this would seem to point to two distinct agencies.

⁵²Parsons, Tenth Century Studies, p. 4.

CHAPTER 2

THE MANUSCRIPTS

Introduction

To the extent that there was an official form of written Anglo-Saxon, it would have been represented in the laws and charters. For the purpose of this investigation, the laws of Alfred and Ine have been selected for the study of the continuity of tradition in the laws because, as mentioned earlier, they represent the language which appears most continuously in the Anglo-Saxon legal collections. Although they appear complete or in part in five of the manuscripts, MSS. E, Ot, G, B, and H, the laws of Alfred-Ine (only fragments of four leaves remain) contained in the badly burned and fragmentary MS. Ot will not be included in this discussion of physical format, but will be included in the linguistic analysis in Chapter 3.

Both the code of Alfred and the code of Ine were originally written in Wessex, and although Ine's laws were written c. 688-94 and those of Alfred c. 892-93, the two appear in extant manuscripts as a combined code, with the laws of Alfred always preceding those of Ine. This arrangement of "the joint codes of Alfred-Ine . . . epitomize[s] two of the most striking features of the Old English laws. First, the more recent code takes priority in the collection. Secondly, the earlier code supplements the latter code in an integral

way. The result is that the codes of Alfred-Ine form a single, continuous, complete and up-to-date collection."¹

The typical arrangement of a complete Alfred-Ine collection in the manuscripts is as follows:

Capitula, a list of short titles numbered I-CXX

Historical Introduction, unnumbered

Introduction Proper, last paragraph numbered I

Laws of Alfred, numbered II-XLIII

Ine Introduction, numbered XLIIII

Laws of Ine, numbered XLV-CXX.

The Capitula are short titles, or chapter headings, usually numbered I-CXX, which correspond to the individual chapters in the body of the laws, the one exception being Roman numeral I which refers to the last clause of the Introduction Proper. Roman numerals II to XLVIII refer to the laws of Alfred and XLV to CXX to those of Ine, although no such authorial distinction is made in the Capitula.

The lengthy preface to Alfred-Ine which follows the Capitula has been divided traditionally into the Historical Introduction and the Introduction Paper. The Historical Introduction begins with a translation of the Ten Commandments and passages from Exodus, and accounts of Apostolic history and of church law, and concludes with

¹Mary P. Richards, "The Manuscript Contexts of the Old English Laws: Tradition and Innovation," forthcoming in Studies in Earlier Old English Prose, ed. Paul Szarmach, to be published by the SUNY-Binghamton Press, pp. 3-4.

the statement that compensations for violations were established and written in the records at many councils.² As F. L. Attenborough points out, the foregoing part of the introduction has no bearing on Anglo-Saxon law.³ But in the last paragraph of the Introduction Proper (numbered I), Alfred states that having collected the laws of Offa, Aethelberht, and Ine, he has given instructions for those which met with approval to be copied and for the others to be annulled.

The laws of Alfred begin with Roman numeral II and continue to XLII. The laws of Ine, usually untitled, begin at XLIII with Ine's prologue and continue to CXX.

The remainder of this chapter will deal with the physical format of these laws as they are contained in the individual manuscripts. The manuscripts, MSS. E, G, H, and B, are arranged in chronological order according to the dating of the Alfred-Ine portion of the manuscripts.

The topics dealt with in discussing each manuscript are as follows:

- I. Overview of the manuscript
 - A. Dating, provenance, contents
 - B. Condition, size, structure
 - C. Alfred-Ine portion of manuscript (A and B above)

²Agnes J. Robertson, ed., The Laws of the Kings of England from Edmund to Henry I (1925; rpt. New York: AMS Press, Inc., 1974), pp. 34-35.

³F. L. Attenborough, ed., The Laws of the Earliest English Kings (1922; rpt. New York: AMS Press, Inc., 1974), p. 35.

II. The Capitula of Alfred-Ine

- A. General format
- B. Scribal practice
 - 1. Title
 - 2. Roman numerals
 - 3. Capitalization
 - 4. Abbreviation
 - 5. Punctuation
 - 6. Rubrication and ornamentation
- C. Correction devices
 - 1. Superior line insertions
 - 2. Inferior line insertions
 - 3. Superscript insertions

III. Laws of Alfred-Ine

- A. General format
- B. Scribal practice
 - 1. Title
 - 2. Roman numerals
 - 3. Capitalization
 - 4. Abbreviation
 - 5. Punctuation
 - 6. Rubrication and ornamentation
- C. Correction devices
 - 1. Superior line insertions
 - 2. Inferior line insertions
 - 3. Superscript insertions

List of Terms

Body capital--a capital beginning a sentence or clause within the text of an individual law.

Chapter--an individual law.

Chapter heading--the "title" of an individual law listed in the Capitula or, as in MS. B, preceding the individual law in the text of the laws.

Inferior line insertion--see superior line insertion below.

Initial or initial capital--the first letter of the first word of a Capitula entry or law.

Long line--a line which extends from the left ruled margin to the right margin.

Median point--a dot placed at mid-level of a letter.

Low median point--a dot placed between mid-level of a letter and the ruled line below.

One-line space--a one line space is the space allotted between any two lines on a ruled sheet. Two-line space, the space between any four lines.

Ornamentation--decoration exclusive of color or of an otherwise plain capital.

Rubrication--the use of red ink.

Self-inclusive line--a line which contains no inferior or superior line insertions.

Inferior line insertion--a word left out in line b is inserted in the blank space at the end of the writing of the following line c.

Superscript insertions--a superscript insertion above the written line but beneath the ruling of the superior line.

line a	Superior line	<u>superior line insertion</u>
line b	Line under discussion	superscript
line c	Inferior line	<u>inferior line insertion</u>

Both superior and inferior line insertions are usually enclosed or preceded by brackets.

MS. E (MS. Cambridge Corpus Christi 173)

I. Overview of the manuscript

A. Dating, provenance, contents

The portion of MS. E (Ker's 39 and Liebermann's E) containing Alfred-Ine is a collection of non-literary texts copied at Winchester in the first half of the tenth and early eleventh centuries. These texts are: a genealogy of the West Saxon kings to Alfred (f.1), the oldest copy of the Anglo-Saxon Chronicle (ff. 1v-32v), the earliest extant texts of Alfred-Ine (ff. 33-52v), a list of popes and archbishops of Canterbury (ff. 53-54v), and a list of English archbishops and bishops (ff. 55rv).⁴

⁴N. R. Ker, Catalogue of Manuscripts Containing Anglo-Saxon (Oxford: Clarendon Press, 1957), pp. 57-58.

B. Condition, size, structure

The manuscript is of heavy parchment and in excellent condition. Overall size is c. 287 x 206 mm.

It consists of seven quires totalling 56 pages. Collation:

(ff. 1-7) 1⁸ wants 1

(ff. 8-16) 2⁸ + 1 leaf after 8 (f. 16)

(ff. 17-25) 3⁸ + 1 leaf after 8 (f. 25)

(ff. 26-32) 4⁸ wants 8, probably blank, after f. 32

(ff. 33-41) 5⁸ + 1 leaf after 8 (f. 41)

(ff. 42-52) 6¹⁰ + 1 leaf after 8 (f. 50)

(ff. 53-56) 7⁴ (56rv is blank)

Half sheets: 2 and 7 in quire 2; 3 and 6 in quire 3;

4 and 7 in quire 6.⁵

C. The Alfred-Ine portion of the manuscript

The Anglo-Saxon Chronicle, contained in quires 1-4, exhibits five main hands. The Alfred-Ine portion of the manuscript (ff. 33-52v) is written in a single hand (Hand IV) and contained complete in quires 5⁸ and 6¹⁰. These are the only laws found in the manuscript. As Malcolm Parkes points out, this section of the manuscript initially existed as a separate booklet written c. 925,⁶ which was added to the Chronicle booklet (quires 1-4) "at the second stage in the

⁵Ibid., p. 58.

⁶F. Liebermann, Die Gesetze der Angelsachsen, I (1903-16; rpt. Halle, 1960), xxiv.

history of the Parker compilation, represented by the state of the manuscript in the mid-tenth century."⁷

II. The Capitula of Alfred-Ine

A. General format

The Capitula (ff. 33r1-35r8), numbered I-CXX, to Alfred-Ine occupy five pages (f. 35v is blank). These pages measure c. 287 x 206 mm. They have been pricked and ruled for twenty-six lines, yielding a fixed vertical writing surface of c. 230 mm and a horizontal surface of c. 165 mm. The top margin is c. 20 mm, the bottom c. 30 mm. With few exceptions, the scribe maintains a regular right- and left-hand margin.

The chapter headings are written in long lines across the page, and most occupy a single line each with one exception, chapter heading I (33r1-2) which occupies two lines. The second line is indented, aligned with the e of Be, the first word of the superior line.

B. Scribal practice

1. Title

The Capitula are untitled, but the first page (f. 33r) has an enlarged top margin (25 mm) compared to the remainder of the folios of the Capitula: f. 33v (21 mm), ff. 34r, 34v, 35r (16 mm). However, the second folio also exhibits an enlarged top margin (21 mm).

⁷M. B. Parkes, "The Paleography of the Parker Manuscript of the Chronicle, Laws and Sedulius, and Historiography at Winchester in the Late Ninth and Tenth Centuries," Anglo-Saxon England, 5 (1976), 166.

2. Roman numerals

Each of the 120 chapter headings in the Capitula is preceded by a Roman numeral.

3. Capitalization

No capitals appear within the Capitula, but each of the chapter headings begins with an enlarged lower case b (b), the first word of each title being be. The b of chapter heading one (f. 33r1) is significantly larger (9 mm) than the others (7 mm).

4. Abbreviations

The Capitula contain few abbreviations (ten), all of which are marked by a hooked or slightly hooked horizontal line (↵) over the last letter of the word, e.g., monnū (p. 33r16) which occurs twice, or as in one case, bišc, over the last two letters. In all cases except two, poñ(ne) which occurs twice and bišc(epe), the abbreviation mark indicates an omitted m, e.g., twyhyndū, cumenū, unalefdū, usually the m of dative plural.

5. Punctuation

Two punctuation marks are used in the Capitula, the simple median point (·) and the simple median point followed by an "inverted comma" (·↵). The first page (f. 33r) is heavily punctuated, all but one chapter heading (XVI, f. 33r17) being followed by one of the two marks, four by the median point, and twenty by the period and comma. On the following four pages, there are only five end marks, all median points (e.g., 33v12).

The median point has one other function in the Capitula. It appears thirteen times following a Roman numeral before a chapter

heading, e.g., f. 33r17). When a Roman numeral is used within a chapter heading, e.g., XXVI, 33r2, be .xii. hyndum men, a median point is placed on either side of the Roman numeral, presumably to indicate that these letters represented numbers.

6. Rubrication and ornamentation

The Capitula exhibit neither rubrication nor ornamentation.

C. Correction devices

1. Superior line insertions

Most chapter headings consist of single lines. However, lines 33v11, 34v6, and 35r18 employ superior line insertions at the end of the preceding lines. In each instance, the insertion is set off from the line proper by the symbol (↗), and in 34v5, the (↗) is preceded by a triangular symbol (∴).

2. Inferior line insertions

One inferior line insertion is found at the end of 33r20, bracketed (↘), the bottom of the bracket extending slightly below the ruled line. The end punctuation mark (∴) follows the bracket.

3. Superscript insertions

There are two instances in which insertions are made above the written line but still within the boundaries of the ruling. In one case, 34r3, the word he is written above where it should have occurred in the line with a short diagonal line immediately below to indicate where it should go: ær^{he}/him. The other instance of superscript insertion occurs at 35r6 with Roman numeral CVIII. The V is written above where it should have occurred, with a dot below: C. V III.

III. Laws of Alfred-Ine

A. General format

The laws of Alfred and Ine, numbered II to CXX, occupy fifteen folios (40r12-47r5). These folios are the same size as the Capitula (287 mm x 206 mm) but have been pricked and ruled for twenty-five lines, yielding a fixed vertical writing surface of c. 220 mm and a horizontal surface of c. 171 mm. The top margin is c. 30 mm, the bottom c. 32 mm. These top and bottom margins often vary as much as 5 mm, and throughout the scribe consistently observes the ruled margin.

The laws are written in long lines across the page. Each begins with a large initial preceded by a Roman numeral which usually follows the last word of the superior line. The lines which share their beginning space with the initial are indented. The first line, and all subsequent lines, following the initial begin at the left-hand margin.

No individual chapter headings accompany the individual laws.

B. Scribal practice

1. Title

The laws of Alfred and Ine are untitled. They simply begin midpage (40r12) on the line following the end of the Introduction Proper (40r11). The first law is preceded by the Roman numeral II, Roman numeral I marking the last clause of the Introduction Proper.

2. Roman numerals

Roman numerals marking the individual laws, instead of occurring on the line where the law begins, follow the last word of the

preceding law on the superior line. Less frequently, if there is no space left on the superior line, the numeral is placed at the end of the first line of the law on the right margin. In almost all instances, a median point is placed on either side of the numeral (·XV·).

3. Capitalization

All initials beginning the laws are large. The largest Alfred capital is the Æ (25 mm or 3 lines) of the name Ælfred which begins the first law (II). The initial Gs which begin laws III, IV, and V become successively smaller, 22 mm, 21 mm, 16 mm. Thereafter, most of the initials vary between 11 mm and 14 mm (1-1/3 lines). When the scribe begins a chapter on the last line of a page, he invariably uses a smaller initial (c. 9 mm or 1 line). The name Ine which introduces his laws on f. 47r6 has an enlarged initial I (29 mm or 3-1/2 lines) in the left margin; therefore, the usual pattern of indentation is missing. Also, unlike other capitals, this one ascends into the superior line space. Smaller body capitals (c. 9 mm) are frequently used within the chapters to begin sentences and clauses, the most frequently capitalized letter being the G of Gif, following a median point, e.g., Chapter II, 40r10, 20, 22, 24. Not every letter following a median point is capitalized, but seldom is a letter contained within the body of the laws otherwise capitalized.

4. Abbreviation

As with the Capitula, there are few abbreviations, approximately 108, in the body of the laws, exclusive of Z. This symbol

is consistently used for and. The same line, slightly hooked or straight, is used to indicate omission of letters. The line appears over the letter of the word preceding the omission, e.g., freondū(m), poñ(ne), g(e)selle. bonne(poñ) is the word most frequently abbreviated, followed by pam(pā) and oðrum(oðrū). The remaining abbreviated words, e.g. hī(m) or hyndū(m), occur only once or, infrequently, twice. Most of the omissions are dative plural m's; others are as follows: poñ(ne), bišc(epes), g(e)feh, g(e)selle, bišc(eope).

The other abbreviation mark used in the manuscript is the thorn with a slanting line hooked downward, through the ascender () . This symbol for paet is used twelve times.

5. Punctuation

Six marks of punctuation are used in the laws: (·), (:·), (:↗), (·↗), (··), (:·). The median point is used within the body of the individual laws following sentences and clauses, and frequently sets off Roman numerals (·XV·). The more elaborate punctuation marks are found at the ends of chapters, although the simple point does occur at the ends of Chapters XI and XIII. The most frequently used mark of the five is (:↗); the second most frequently employed symbol is (·↗). The others each occur three times or less.

6. Rubrication and ornamentation

No rubrication occurs within the laws of Alfred and Ine, but eight of the initials at the beginnings of chapters are ornamented. The five initial capitals on folios 40v and 41r are typical of one type of ornamentation in that the inner borders are decorated with

a thin looping line. The one other kind of ornamentation is the stylized cross (✠) inserted in the open spaces of an initial G, e.g., 42r19, 43r1, 47r21.

C. Correction devices

1. Superior line insertions

The laws contain no superior line insertions.

2. Inferior line insertions.

The laws contain two inferior line insertions (41v8, 42r11), both of which are Roman numerals which should have occurred on the superior line. In each case the Roman numeral occurs in the middle of the line and is preceded by (└). Although the portion of the line preceding the bracket is written on, the space after the numeral is left blank.

3. Superscript insertions

Although few in number, superscript insertions consist variously of a word (44r19, 51v6, 52v19), a phrase (52v19), or a Roman numeral (48r21). In the case of words or Roman numerals, a small dot is placed below the line at the point where the item was omitted, and the item is written above, e.g., horn ^{bið} twega (51v6). The same practice is followed for the one phrase insertion except that the subline sign is (:ᚢ) rather than a dot.

MS. G (MS. British Library Cotton Nero A.I)

I. Overview of the manuscript

A. Dating, provenance, contents

The portion of MS. G (Ker's 163 and Liebermann's G) is an incomplete collection of laws⁸ copied at Worcester or York in the mid-eleventh century. As Richards points out, MS. G contains codes [II Cnut; II, III Eadgar] attributed to Wulfstan, but otherwise is not associated with him.⁹ The texts included in MS. G are: I Cnut (ff. 3-16), II Cnut (ff. 16-41), II, III Eadgar (ff. 42-44v), Capitula to Alfred-Ine (ff. 51-57v), the completed text of Alfred-Ine by Joscelyn, a sixteenth-century antiquarian (ff. 58-69) on twelve added leaves.

B. Condition, size, structure

The small, heavy parchment manuscript, in excellent condition, measures c. 165 x 105 mm. It consists of seven quires totalling 57 pages. Collation:

(ff. 3-12)	1 ¹⁰	
(ff. 13-20)	2 ⁸	
(ff. 21-28)	3 ⁸	
(ff. 29-36)	4 ⁸	
(ff. 37-41)	5 ⁸	wants 6-8, probably blank, after f. 41

⁸Ker, Catalogue, p. 210.

⁹Richards, Manuscript Contexts, 9.

(ff. 42-49) 6⁸

(ff. 50-57) 7⁸

An unnumbered blank parchment leaf has been inserted after f. 41.¹⁰

C. The Alfred-Ine portion of the manuscript

All the quires were written in the middle of the eleventh century. Quires 1-5 are in one hand (Hand I), 6-8 in a second hand (Hand II).¹¹ Thus the Alfred-Ine portion of the manuscript, contained in quires 6⁸ and 7⁸ (ff. 45-48, ff. 51-57v), is written in a single hand (Hand II). Both quires are perfect, although the preface to the laws ends imperfectly (since it was not completed within the quire) on the last line (l. 19) and page (f. 7v) of quire 7⁸. A break of this kind of a quire mid-context/mid-line seems to indicate the missing portion unintentionally became separated from the manuscript rather than existing as a separate booklet which was deliberately removed from the remainder of the manuscript.

II. The Capitula of Alfred-Ine

A. General format

The Capitula (ff. 45r1-48r11), numbered I-CXX, occupy seven pages. These pages, like the remainder of the Alfred-Ine portion of the manuscript, measure c. 165 mm in height and 105 mm in width. The pages have been ruled for nineteen lines, yielding a fixed vertical writing surface of c. 140 mm and a horizontal surface of

¹⁰Ker, Catalogue, p. 211.

¹¹Ibid.

c. 76 mm. The top margin is c. 7 mm, the bottom c. 21 mm. With few exceptions, the scribe maintains regular right- and left-hand margins. Because of trimming, pricking cannot be observed in the Alfred-Ine portion of the manuscript, although it is evident elsewhere in the manuscript.

The chapter headings are written in long lines across the page, and most occupy single lines with the exception of I (f. 45r12), XVI (f. 45r18-19), XVIII (f. 45v1-2), lXXXII (f. 47r9-10), and CXX (f. 48r10-11), all of which consist of two lines. In the first three instances, the second line of the heading is aligned on the left with the capital B, the first letter of the chapter heading on the superior line. But in the last two, the scribe changes practice and indents the second line to approximately the center of the line.

B. Scribal practice

1. Title

The Capitula are untitled and no space is left before the text to indicate a title was anticipated.

2. Roman numerals

The first line of each of the 120 chapter headings is preceded by a Roman numeral.

3. Capitalization

Each of the chapter headings begins with a large initial B. The B of chapter heading I (f. 45r1) is significantly larger (8 mm) than the others (c. 4 mm). No other capitals appear in the Capitula.

4. Abbreviations

The Capitula contain a variety of abbreviations (24). The most frequently used abbreviation is the hooked or slightly hooked horizontal line over the last letter of the word, e.g., munecū (f. 45v1) to indicate omission of a final m, usually the dative plural, or in one instance medial m, hæ(m)de (f. 45v11). This line is also used twice over the m alone (m̄) as an abbreviation for man, ff. 47r2, 48r8. Two other abbreviations z and ſ stand respectively for and (f. 45v4) and paet, e.g., ff. 45r2, 47r6.

5. Punctuation

No end-line punctuation appears in the Capitula, with the possible exception of a median point at the end of chapter heading XII (f. 45r19). But the median point always sets off Roman numerals. It appears following the Roman numeral preceding a chapter heading, e.g., VII· Be cyricena stale, and before and after numerals within chapter headings, e.g., Be ·XII· hyndes (f. 45r12) and Be ·XII· hyndum (f. 45v10).

6. Rubrication and ornamentation

The Roman numerals and initial capitals of the chapter headings are written in red,¹² but otherwise no ornamentation appears.

¹²Henry R. Loyn, ed., A Wulfstan Manuscript Containing Institutes, Laws, and Homilies, as Early English Manuscripts in Facsimile, 17 (1971), 14. The microfilm I am working from is in black and white. Information concerning coloration in the manuscripts is from secondary sources which are noted.

C. Correction devices

1. Superior line insertions

Most of the chapter headings consist of single lines (see II.A above), but lines ff. 45v19, 46v8, 46v3, 10, 19 employ superior line insertions, in each case except for f. 46v8 preceded by a signe de renvoi (↪).

2. Inferior line insertions

There is only one mid-line insertion in the Capitula at f.47r3. The word tostande, bracketed within a wavy line ({tostande }, written above but within the ruling at the end of the written line of f. 47r3, is actually the last word of the preceding line, f. 47r2. It might therefore be considered an inferior line insertion.

3. Superscript insertions

None

III. The laws of Alfred-Ine

The laws are missing.

MS. H (Rochester, Cathedral Library MS. A.3.5)

I. Manuscript overview

A. Dating, provenance, contents

MS. H (Ker's 373 A and B and Liebermann's H) in its present state consists of two separate volumes which were bound together by the early fourteenth century¹³ and 373 A, primarily a collection of

¹³Peter Sawyer, ed., Textus Roffensis, Part I, as Early English Manuscripts in Facsimile, 7 (1957), p. 11.

laws and genealogies, is the portion under consideration in this discussion. Copied at Rochester in the early twelfth century, the contents consist of: the laws of Aethelberht (ff. 1-3v), the laws of Hlothære (ff. 3v-5), the laws of Withræd (ff. 5-6v), Hadbot (f. 7rv), the West-Saxon genealogy to Aethelred II (ff. 7v-8v), Alfred-Ine, Blaseras, and Forfang (ff. 9-31v), Ordal (ff. 32rv), Walread (f. 32v), II Aethelstan (ff. 32-37), V Aethelstan and IV Aethelstan 6 (ff. 37-38), Pax (f. 38); Swerian, Ao 2, I, and Mircna Laga (ff. 38v-39v); Eadweard and Guthrum (ff. 40-41v), Wer (ff. 41v-42), I Eadweard (ff. 42-43), II Eadweard (ff. 43-44), I Eadmund (ff. 44-45), II Eadmund (ff. 45-46), I Aethelred (ff. 46-47), William I (ff. 47rv), III Aethelred (ff. 48-49v), forms of exorcism in Latin (ff. 49v-57), 57v originally blank--eleven lines of Latin added in twelfth century, Latin (ff. 58-87), VI Aethelstan (ff. 88-93), Geðyncðo (f. 93rv), Norðleod (ff. 93v-94), Wif (ff. 94v-95), charm (f. 95), Becwaeð (f. 95v), Latin (ff. 96-100), Anglo-Saxon genealogy (f. 101rv), genealogies of English kings (ff. 102-104), list of popes, emperors, patriarchs, and English archbishops and bishops (ff. 105-6), Latin (f. 116), originally blank flyleaves now containing some notes in Latin, s. xii/xiii (ff. 117-118).¹⁴

¹⁴Ker, Catalogue, pp. 443-446.

B. Condition, size, structure

The vellum leaves of the manuscript have been water-damaged but are still clear for the most part.¹⁵ The overall writing space measures c. 225 mm x 155 mm.

This portion of the manuscript consists of fourteen quires totalling 108 pages. Collation:

- (ff. 1-8) 1⁸
- (ff. 9-18) 2⁸ plus two leaves after 3 (ff. 12, 13)
- (ff. 19-26) 3⁸
- (ff. 27-39) 4¹² plus a leaf after 5 (f. 32)
- (ff. 40-47) 5⁸
- (ff. 48-57) 6¹⁰
- (ff. 58-65) 7⁸
- (ff. 66-73) 8⁸
- (ff. 74-86) 9¹² plus a leaf after 11 (f. 85) and a
leaf after 12 (f. 87)
- (ff. 88-95) 10⁸
- (ff. 96-100) 11⁸ wants 6-8 after f. 100
- (ff. 101-108) 12⁸ wants 6 after f. 105
- (ff. 109-116) 13⁸
- (ff. 117-118) 14² probably flyleaves¹⁶

The text of the first part of the manuscript, including the rubricated titles, is in the hand of a single scribe. There are

¹⁵Sawyer, Textus, p. 12.

¹⁶Ibid., 11.

additions in a second hand on f. 57v, f. 116v, ff. 117-118, all of which were originally blank.¹⁷ With the exception of the above additions, the manuscript is dated c. 1122-23, coinciding with the bishopric of Ernulf (1115-24).

C. Alfred-Ine portion of the manuscript

The complete Alfred-Ine portion of the manuscript, contained in quires 2⁸, 3⁸, and 4¹², is written and rubricated in a single hand. Quire signatures indicate that the order of the gatherings has been changed from the original arrangement:

- 7 (ff. 58-65; signature I)
- 8 (ff. 66-73; signature II)
- 9 (ff. 74-87; signature III)
- Alfred-Ine { 1 (ff. 1-8)
- (ff. 9-31) { 2 (ff. 9-18)
- { 3 (ff. 19-26)
- { 4 (ff. 27-39)
- 10 (ff. 88-95; signature VII)
- 5 (ff. 40-47; signature IX)
- 6 (ff. 48-57)
- 11 (ff. 96-100)
- 12 (ff. 101-108)
- 13 (ff. 109-116)
- 14 (ff. 117-118)¹⁸

¹⁷Ibid., 13.

¹⁸Ibid., 12.

There is no evidence to indicate that any of the texts existed as separate booklets. Sawyer suggests that the designation of the manuscript as Textus denotes a special significance that led to its being kept apart from the library, possibly in the church.¹⁹

II. The Capitula of Alfred-Ine

A. General format

The Capitula (9-11r), numbered I-CXXI, occupy four pages. These pages, as is the case with the remainder of the Alfred-Ine portion of the manuscript, measure c. 225 x 115 mm. These pages have been pricked and ruled in hard point²⁰ for twenty-four lines, yielding a fixed writing surface of 170 x 110 mm. The top margin measures c. 10 mm, the bottom c. 42 mm.

The format of the Capitula is a double-column page, the chapter headings written in short lines. Half of the chapter headings (40, 4 percent) occupy single lines, e.g., ff. 9r7, 8, 9, Column A; 40.5 percent occupy two lines, e.g., ff. 9r13-14, 16-17, 18-19, Column A; 7.4 percent occupy three lines, e.g., f. 9r2-4, Column B. There is one four-line (f. 10r17-20, Column B) and one five-line (f. 9r2-6, Column A) heading. None of these contain inferior or superior line insertions. In the two line chapter headings, the second line is indented to or slightly to the left of the e of Be, the first word of the chapter heading on the superior line. In the three-line headings, the second line is frequently aligned as in the

¹⁹Ibid., 19.

²⁰Ibid., 20.

two-line heading, although occasionally the second line begins significantly to the left between the B and e of Be, e.g., f. 10r13, Column B. The third line is either aligned with the first letter of the second line (e.g., f. 9v15, Column B) or slightly to the left (e.g., f. 9v20, Column B) or significantly to the left aligned with the B of Be of the first line (e.g., f. 10r11, Column B). The single four-line heading (f. 10r17-20, Column B) indents the second line (1.18) between the B and e of Be and the remaining lines are aligned flush left with the first letter of the second line. Chapter heading I occupies five lines. The indentation of the first three lines gradually increases, each line indented approximately one-half letter further in than the preceding. The remaining two lines are aligned on the left with the vertical bar of the capital B.

There are two exceptions to the double-column arrangement. The last two, chapter headings CXX and CXXI, are written at the top of the page (f. 11r1-2) in a regular long-line format). The preface follows, also written in long lines. Thus the format of these two chapter headings is the same as the rest of the page.

B. Scribal practice

1. Title

The Capitula are preceded on the first line of the page by:
pis syndon þa domas Ðe ælfred cyncz 3eceas (f. 941) in red.²¹

²¹ Ibid., 14.

2. Roman numerals

The first line of each of the 121 chapter headings in the Capitula is preceded by a Roman numeral. In Column A, the numerals are always written in linear sequence (·XII·), but in Column B, the scribe often splits the numeral in order to conserve space (·^{III}XX·).

3. Capitalization

Each of the chapter headings begins with a capital B. The B of chapter heading I is significantly larger (20 mm) than the others (c. 3 mm). No other capitals are used in the Capitula.

4. Abbreviations

The Capitula contain three kinds of abbreviation: (✓), (—), (7). The most frequently used are the first two, which indicate the omission of a final m, usually the dative plural, e.g., bearneacú (f. 9r16, Column A) and freolsū (f. 9v17, Column A). The abbreviation, 7, is used for and.

5. Punctuation

The low median point is used as end-line punctuation for the chapter headings. The low median point is also used to set off Roman numerals preceding a chapter heading, e.g., ·II· (f. 9r7, Column A) or within a chapter heading, e.g., Be ·III· hidum (f. 10v11, Column B).

6. Rubrication and ornamentation

None of the capitals in the Capitula are ornamented although the one inferior line insertion bracket (f. 9r25) is quite ornate

). "Throughout the manuscript there are plain initials in red, green, and purple."²²

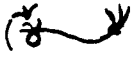
C. Correction devices

1. Superior line insertions

None.

2. Inferior line insertions

Only one inferior line insertion occurs (f. 9r25, Column B).

Slæze, the last word of chapter heading XXVIII, is placed in a highly ornamented bracket () in order for the scribe to observe the right hand margin on line 24.

3. Superscript insertions

Superscript corrections within the Capitula are numerous, consisting of the insertion of a single omitted letter (e.g., f. 9r23, Column A; f. 9v18, Column B); syllable (e.g., f. 9r22, Column A); word (f. 10r22, Column B); phrase (f. 9r9, Column B). The insertions are usually indicated by a comma-like mark (,) placed below the line at the point where the item should have been written, e.g., healle,^{3e} feohte (f. 9r14, Column A). Corrections in Roman numerals are less clear-cut. For instance, although the superscript insertions of Roman numeral of f. 9r9, Column B; and f. 10r9, Column B; f. 10v13, Column B; and f. 10v22; Column B clearly appear as genuine corrections, since the space existed for the entire Roman numeral, the insertions on f. 9r16 and 18, Column B; f. 9v1, Column B; f. 10r4, 6, 8, 23, Column B; and f. 10v17, Column B raise the possibility

²²Ibid.

of deliberate design because of the limited space of the left-hand margin of Column B due to its proximity to the right-hand margin of Column A. Also, the Roman numeral design () rather than (xxx) of f. 10r15, 23, 24, Column B and of f. 10r17, 21, Column B () rather than (xxx) further suggest the possibility of deliberate design to save space. This intent seems even more likely when it is noted that of the sixteen superscript insertions which occur with Roman numerals, only one (f. 10v3, Column A) occurs in Column A; the other fifteen are in Column B.

III. The Laws of Alfred-Ine

A. General format

The laws of Alfred and Ine (ff. 9r-31v), numbered II to CXX,²³ occupy twenty-three pages. The pages in this portion of the manuscript measure 225 x 155 mm and are pricked and ruled in hard point²⁴ for twenty-four lines, yielding a fixed writing surface of 170 x c. 110 mm. The top margins are regularly c. 12 mm, the bottom c. 42 mm. Although the left-hand margin is regular throughout except for f. 22v11-13, f. 24v5-9, f. 31v21 (to be discussed below in III.B.4 under capitals), the right-hand margin varies slightly because of variation in line length, c. 95 to 100 mm.

²³Be Blaserum, a law concerning incendiaries and murderers has been incorrectly added as CXXI, the last law of Alfred-Ine.

²⁴Sawyer, Textus, p. 12.

The laws are written in long lines across the page, and each begins with a large initial. Roman numerals introduce each chapter. Where there is room, e.g., f. 16r3, f. 16v3, f. 17v6, the numeral is placed at the end of the last line of the preceding chapter. If no space is left, rather than violate the margin, the scribe places the numeral at the end of the first line of the new chapter, e.g., f. 16v3, f. 17v1. There are no chapter headings for the individual laws. The initials beginning the first words of the individual laws are significantly larger than body capitals, and the lines they introduce are indented. The first full line and all following lines begin on the left-hand margin.

B. Scribal practice

1. Title

The laws of Alfred and Ine are untitled. They simply begin on the line following the close of the Introduction Proper (f. 16r3), and the first law (II) begins with a large initial preceded by a Roman numeral at the end of the superior line.

2. Roman numerals

Roman numerals numbering the individual laws usually follow the last word of the law in the superior line. If no space is left, the numeral is placed at the end of the first line of the law. In almost all instances, it is set off by low median points placed on either side of the numeral, e.g., (.XV.).

3. Capitalization

All the initials beginning the laws are large, c. 8 mm, usually occupying the full height of the line, e.g., f. 16v3, 13, 19. The largest initials are the AE (14 mm) of the first law (f. 16r4), the H (15 mm) of law XL (f. 22v13), the I (c. 4-5 mm) of Ine's Introduction (f. 24v7), the B of law LXXXIX (f. 28v13), the p of law XC, and the ℒ of CXXI, which is not one of Alfred-Ine's laws but has been added by the scribe of the Textus Roffensis. The initial I of Ine is found in the left margin and the usual pattern of indentation is missing, the lines here beginning on the regular left-hand margin. Smaller capitals (c. 4 mm), following a low median point, are used within chapters to begin sentences and clauses, the most frequently capitalized letter being the G of Gif.

4. Abbreviation

Only approximately thirty abbreviations are contained in the body of the laws, with the exception of the ⁊ for and, the most frequently used. The next most frequently used abbreviation is a straight horizontal line (—) which appears over the last letter of the word to indicate the omission of the following letter(s). In the majority of these, omissions indicate the dative plural m, e.g., cyricū(m) (f. 16r24), anū (f. 30r9), although infrequently it designates omission of the ne of done, e.g., doñ(ne) (f. 24v24). The only letter used to stand for an entire word is the þ, the thorn with a downward slanting line through the ascender, of þaet, e.g., f. 16r8, f. 19r10.

5. Punctuation

Only one mark of punctuation is used in the laws--the low median point, occurring after sentences and clauses usually setting off Roman numerals (.//.) marking the beginning of a chapter as well as numerals within a chapter, e.g., he .XL. nihta (f. 16r21).

6. Rubrication and ornamentation

The one-line title (f. 9r1) preceding the Capitula (Liebermann, p. 17, n. 1), and the title preceding Ine's laws²⁵ are in red, as are the Roman numerals of the Capitula.²⁶ "Also, throughout the manuscript there are plain initials in red, green, and purple. . . . Beside these larger initials many of the smaller capitals are ornamented with red or green or a mixture of both."²⁷

C. Correction devices

1. Superior line insertions

None.

2. Inferior line insertions

All inferior line insertions consisting of syllables or words occur at the ends of the first lines of a new chapter, being the last syllable or word of the final line of the preceding chapter.

²⁵Liebermann, Die Gesetze, I, 89, note 1.

²⁶Milton H. Turk, The Legal Code of Alfred the Great (1893; rpt. Boston: Ginn and Company, 1973), p. 15.

²⁷Sawyer, Textus, p. 14.

In each case, the inferior insertion is preceded by a highly ornamented (), e.g., f. 15v19 or slightly ornamented () bracket, e.g. f. 30r7.

3. Superscript insertions

The manuscript has some 203 superscript insertions, consisting of single letters, e.g., ymb^e (f. 17r1); syllables, e.g., ðon^{ne} , (f. 17r13); words, e.g., fyrste^{mete},ne (f. 17r15), or phrases, e.g., he hine^{on byamer}, to (f. 20v8). Usually a comma-like mark is placed beneath to mark the place of the insertion.

On two occasions the scribe added material in the margins. At f. 22r21, he uses () to indicate where the material placed in the right margin should be inserted in the line, and at f. 26v15, he uses () to indicate proper placement of material contained in the bottom margin. In both cases, the marginalia are also accompanied by the marks which note the omissions.

MS. B (MS. Cambridge Corpus Christi 383)

I. Overview of the manuscript

A. Dating, provenance, contents

MS. B (Ker's 65 and Liebermann's B), with the exception of two early twelfth-century entries, is an incomplete collection of laws. As Ker notes, the manuscript is probably from St. Paul's Cathedral, London, to which most of the property listed in Article 26 belonged.²⁸

²⁸Ker, Catalogue, p. 113.

Article 26, entered in the first half of the twelfth century, is a list of shipmen required for service from estates in Essex, Middlesex, and Surrey.²⁹ With the exceptions of Article 26 and 27 (a West-Saxon genealogy), also twelfth century, the manuscript is late eleventh century. The texts are:³⁰ the incomplete laws of Alfred-Ine (pp. 13-42) beginning in Chapter IV to the end of XXXVI (p. 22) and Chapters XXXVIII (p. 23) to CXX (p. 42)--a page is missing between pp. 22 and 23; Be morðslihtum (p. 42), Be forfencge (p. 42) (Ker note, pp. 13-42 are misbound and should precede pp. 1-12), Be forfencge 2 (p. 1), Hundredgemot (pp. 1-3), I Aethelred (pp. 3-5), Treaty of Alfred and Guthrum (p. 6), the laws of Eadweard and Guthrum (pp. 7-10); Be ðeofum, II Aethelstan ending imperfectly (pp. 43-47); II Cnut (pp. 47-72), I Eadweard (pp. 72-74), II Eadweard, 1-7 (pp. 74, 77), II Eadweard 8 (pp. 77, 78), I Eadmund (pp. 78-79), II Eadmund (pp. 79-81), Swerian (pp. 81-83), Treaty of Alfred and Guthrum (pp. 83-84), Wifmannes bewedding (pp. 84-86), Wer (pp. 86, 87), a charm against stolen cattle (p. 87), Becwæð (pp. 87, 88), II Aethelred (pp. 88-93), Dunsaete (pp. 93-95), Rectitudines (pp. 96-102), Gerefa (pp. 102-7), and the two early twelfth century entries--the list of shipmen required for service (p. 107) and the West-Saxon genealogy (p. 108).³¹

²⁹ Ibid., p. 112.

³⁰ Rather than folios, pages is traditional usage with MS. B.

³¹ Ker, Catalogue, p. 111.

B. Condition, size, structure

What remains of the small parchment manuscript is in excellent condition. Consisting of seven quires totalling 108 pages, the manuscript measures 187 x 115 mm. The first layer and the sixth leaf of the second layer are lost (see below).

Collation:

(pp. 13-26)	1 ⁸ wants 6 after p. 22
(pp. 27-42)	2 ⁸
(pp. 1-12)	3 ⁶
(pp. 43-60)	4 ⁸
(pp. 59-76)	5 ⁸
(pp. 75-92)	6 ⁸
(pp. 91-108)	7 ⁸

Pages 3 and 6 in quire 6 are half-sheets.³²

The text of quires 1-7 (pp. 1-107, l. 14) is in a single hand (except for Articles 26 and 27 above), but the titles and initials for chapter headings are in a different hand (see below III.B 3 and 6). With the exception of Articles 26 and 27, the manuscript is late eleventh century and the individual chapter titles and initials are identified by Ker as early additions.³³

C. The Alfred-Ine portion of the manuscript

The Alfred-Ine portion of the manuscript contained in quires 1⁸ and 2⁸ (ff. 13-42) is written in a single hand and rubricated by

³²Ibid.

³³Ibid.

another. The missing portion, probably the Capitula, the preface, and definitely Chapters II and III, and a portion of IV, would have been contained in the previous quire. The break at the end of quire mid-context/mid-line seems to indicate that the missing portion was simply lost rather than that it existed as an independent booklet which became separated from the manuscript.

II. The Capitula of Alfred-Ine

The Capitula are missing.

III. The laws of Alfred-Ine

A. General format

The laws of Alfred and Ine (pp. 13-22, Chapters IV-XXXVI) are unnumbered and occupy thirty pages. This portion of the manuscript is 187 x 115 mm and ruled for twenty-six lines, yielding a vertical writing surface of 138 mm and a horizontal surface of 78 mm. The top margins are regularly c. 5 mm, the bottom c. 2 mm. Although the left-hand margin is regular throughout, the right-hand margin is slightly irregular, line length varying from c. 120 mm to c. 135 mm.

The laws are written in long lines across the page, and each begins with a large initial placed in the space left by Hand I by another hand, Hand II (see below III. B. 3). No Roman numerals introduce the chapters, although space was left for them.³⁴ The initials beginning individual laws are large, and the adjoining lines

³⁴Turk, Legal Code, p. 16.

are indented. The lines which do not coincide with the large initial begin on the regular left-hand margin.

Individual chapter headings inserted by Hand II accompany the individual laws. These headings usually begin in the blank space of the superior line and continue on the right margin.

B. Scribal practice

1. Title

The laws of Alfred and Ine are incomplete, beginning in Chapter IV. The page where a title would have occurred, if at all, is missing.

2. Roman numerals

There are no Roman numerals although Hand I has left space for them.

3. Capitalization

The initial capitals beginning the individual laws are supplied by another early hand (Hand II) in the two-line space indentation left by the original scribe (Hand I). With the exception of one capital (below), the rounded capitals vary in size in no apparent pattern from 1.7 mm to 8 mm and do not fill the two-line space left for them. When the original scribe (Hand I) had to begin a law on the last line of a page (e.g., p. 20, l. 26; p. 27, l. 26), a one-line space (i.e., the space existing between two ruled lines) is left for the initial capital. The laws of Ine begin on p. 27, l. 1 and an 8 line high (50 mm) initial I occurs on the left margin. The first lines of chapters are written in uncials, e.g., pp. 13, 11, 4, 14. Smaller capitals are used within the chapters to begin sentences and clauses,

the most frequent initial being the G of Gif (e.g., pp. 13, 11, 15, 22, 26). Not every letter beginning a sentence or clause is capitalized (e.g., pp. 14, 1. 7), but seldom is a letter within the body of a chapter otherwise capitalized. When it is (e.g., pp. 16, 1. 20), it seems to be by random occurrence rather than by design.

4. Abbreviation

The laws of Alfred and Ine contain c. 200 abbreviations, paet alone being abbreviated eighty-seven times. The most frequently used indicator of abbreviation is the hooked or slightly hooked horizontal line (↪) over the letter preceding the omitted letter. It is used to indicate omission of:

final m (usually dative plural), e.g., magū(m) (p. 31, 1. 24)

medial m, e.g., fæ(m)nan (p. 15, 1. 24); frē(m)de (p. 30, 1. 23)

final n, e.g., ðriddā(n)

e of ge prefix, e.g., Ʒ(e)limpe

final e, e.g., losiǵ(e) (p. 31, 1. 8)

medial e, e.g., aǵ(e)non (p. 32, 1. 23)

e of ge prefix and medial m, e.g., Ʒ(e)sā(m)nian

There are five marks which may stand for entire words:

p for paet (e.g., p. 13, 11. 8, 16, 26)

z for and (e.g., p. 14, 11. 2, 5, 9)

m for men (e.g., p. 15, 1. 21)

b for bisceope (e.g., p. 22, 1. 20)

β for bete (e.g., p. 15, 1. 23)

The most frequently abbreviated words are baet and and; the most frequently omitted letter is the dative m. Occurring only once, the abbreviation (~~th~~) on p. 17, l. 13 stands for and that.

5. Punctuation

Four marks of punctuation are used in the laws: (.) the median point; (;) the punctus versus; and (~) the hyphen. Occasionally an odd form is found, e.g., (✓) p. 14, l. 15 or (—) p. 14, l. 13, but these instances are so isolated they must be dismissed. The median point is used following sentences and clauses and always at the end of a chapter. It also sets off Roman numerals used within a chapter, e.g., ðridða ·XX· scill (p. 18, l. 20). The punctus versus appears infrequently, e.g. (p. 13, ll. 17, 25; p. 14, l. 20; p. 21, l. 16) on pp. 13-16 and then disappears. Most times it occurs before the word gif. The g is never capitalized following the punctus versus. The third punctuation mark (~), a wavy hyphen, is employed frequently to indicate a break in a word at the end of a line, e.g., p. 18, ll. 9, 21, 24; p. 21, ll. 15, 16, 21 and more rarely at the beginning of a line to indicate that the first word began on the previous line, e.g., p. 18, l. 20 and p. 25, l. 26.

6. Rubrication and ornamentation

Hand II inserted the large initial capitals beginning the chapters in red ink. He also inserted chapter headings in red preceding the individual laws.³⁵ Although very faded, these headings

³⁵ Ibid.

can still be read (e.g., p. 13, ll. 3, 13-14). The rest of the text is in black.

C. Correction devices

1. Superior line insertions

None.

2. Inferior line insertions.

Inferior line insertions may consist of a syllable, word, or phrase. In all cases, these occur at the end of the first line of a new chapter, being the last portion of the last line of the preceding chapter. In every case except one (a syllable preceded by ~, p. 16, l. 21), the inferior line insertion is preceded by an angle bracket (word), e.g., p. 19, ll. 13; p. 32, l. 18 or as in one case a curved bracket (word), i.e., p. 19, l. 19.

3. Superscript insertions

The few superscript insertions found in the laws consist of single letters or ligatures placed above where they should have occurred on the lines, e.g., swing^lum (p. 36, l. 22). Usually a comma-like mark is placed in the line to indicate the insertion.

A comparative overview of the physical diplomata of the four manuscripts is summarized in Tables 1-7. These tabulations are based on majority occurrence in the individual manuscript discussions. For exceptions, refer to the individual discussions which are keyed to the tables, e.g., Capitula (Table 2) or Laws (Table 7). Table 1 is a quick overview reference to the individual manuscripts, their provenance, dating, etc. A ✓ indicates occurrence; X indicates omission.

TABLE 1
ALFRED-INE FOLIOS--MANUSCRIPT OVERVIEW

MS.	Provenance	Date	Material	Hands	Alfred-INE Folios	MS. Size
E	Winchester	Early tenth Century	Parchment	I	Complete	287 x 206 mm
G	York or Worcester	Mid-eleventh Century	Parchment	I	Capitula and Part of Preface	165 x 105 mm
H	Rochester Cathedral Priory	Early Twelfth	Vellum	I	Complete	225 x 155 mm
B	South-east England Probably St. Paul's Cathedral, London	Early Twelfth	Parchment	I--Capitula and Main Text II--Chapter Titles, Chapter Initial Capitals	Begins in Middle of <u>Alfred IV</u>	187 x 115 mm

TABLE 2
ALFRED-INE FOLIOS--CAPITULA (II.A)

MS.	Hands	Capitula	Numbered	No. of Lines	Line Format	Indentation for Second Line	Observance of Margin
E	I	✓	(I-CXX)	26	Long Line	Indented to <u>e</u> of <u>Be</u> of Superior Line	Regular
G	I	✓	(I-CXX)	19	Long Line	Indented to <u>e</u> of <u>Be</u> of Superior Line	Regular
H	I	✓	(I-CXXI)	24	Double Column Short Lines	Aligned with <u>B</u> of <u>Be</u>	Regular
B					-CAPITULA MISSING-		

TABLE 3

ALFRED-INE FOLIOS--CAPITULA (II.8)

MS.	Title	Enlarged First Page Margin	Roman Numeral Precedes Chapter Heading	Chapter Heading Exhibits Initial Capital	Initial Capital Enlarged	Initial of Chapter Heading I Significantly Larger	Capitals Within Chapter Heading
E	X	✓	✓	<i>b</i>	✓	✓	X
G	X	X	✓	✓	✓	✓	X
H	✓	X	✓	✓	✓	✓	X
B	-	-	-	-	-	-	-
- - - - - <u>CAPITULA MISSING</u> - - - - -							
MS.	Chapter Heading Punctuation	Type of Punctuation	Chapter Heading Roman Numeral Punctuation	Roman Numeral Within Chapter Heading	Rubrication	Ornamentation	
E	End-line Only	1. .✓ Most Frequent 2. • Median Point But After First Page Both Dis- appear	Median Point Follows = XL (Consistent)	•XII• (Consistently)	X	X	
G	X	X	Median Point Follows = XL (Infrequent)	•XII• (Consistently)	1. Roman Numeral 2. Initial Capitals	X	
H	End-line Only	Low Median Point	Low Median Point on Each Side • XL •	•XII• (Consistently)	1. Title 2. Roman Numerals	X	
B	-	-	-	-	-	-	
- - - - - <u>CAPITULA MISSING</u> - - - - -							

TABLE 4
ALFRED-INE FOLIOS--CAPITULA (II.C)

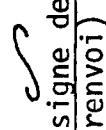
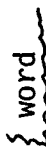
MS.	Employ Superior Line Insertion	Symbol	Employ Inferior Line Insertion	Symbol	Employ Mid-Line Insertion	Symbol
E	✓		✓	<u>word</u>	✓	✓ or • Beneath Line
G	✓	 (signe de renvoi)	✓		X	X
H	X	X	✓		✓	, Beneath
B	- - - - -	- - - - -	- - - - -	<u>CAPITULA MISSING</u> - - - - -	- - - - -	- - - - -

TABLE 5
ALFRED-INE FOLIOS--LAWS (III.A)

MS.	Hands	Laws	Numbering	No. of Lines	Line Format	Preceded by Roman Numeral
E	I	✓	II--CXX	25	Long Line	✓
G	-----LAWS MISSING-----					
H	I	✓	II-CXXI	24	Long Line	✓
B	Hand I (Text) Hand II (Initial Capitals, Chapter Headings)	✓	None but Space Allotted by Hand I	26	Long Line	X None but Space Allotted by Hand I

MS.	Position of Roman Numeral	Individual Chapter Heading for Each Law	Law Begins with an Enlarged Capital	Indentation of Coincident Lines	Following Lines	Observance of Marylins
E	Superior Line (Following Last Word)	X	✓	✓	Left Margin	Regular
G	-----LAWS MISSING-----					
H	Superior Line (Following Last Word)	X	(Hand ✓)	✓	Left Margin	Regular
B	X Space Allotted by Hand I	✓ (Hand II)	(Hand II)	✓	Left Margin	Regular

MS.	Punctuation (Median Point)	Punctuation (Low Point)	Punctuation ∴	Punctuation ~	Punctuation ↘
E	1. Each Side of Roman Numeral 2. Follows Sentences and Clauses	X	End of Chapter (Infrequent)	End of Chapter (Most Frequent)	End of Chapter (Infrequent)
G	-----LAWS MISSING-----				
H	X	1. Each Side of Roman Numeral 2. Follows Sentences and Clauses	X	X	X
B	1. Each Side of Roman Numeral 2. Follows Sentences and Clauses	X	X	X	X

MS.	Punctuation ∴	Punctuation ~	Punctuation (Punctus Versus)	Punctuation (Hyphen)	Ornamentation of Initial Capitals	Rubrication
E	End of Chapter (Second in Frequency)	End of Chapter (Infrequent)	X	X	✓ (Infrequent)	X
G	-----LAWS MISSING-----					
H	X	X	X	X	X	1. Titles Preceding Laws of Alfred and Ine 2. Capitals in Text 3. Initial Capitals 4. Roman Numerals
B	X	X	At End of Clauses	To Indicate Hyphenation at End of Line	X	Hand II-- 1. Initial Capitals 2. Chapter Headings 3. Ine Title

TABLE 6

ALFRED-INE FOLIOS--LAWS (III.B)

MS.	Title	Punctuation of Roman Numeral Accompanying Law	Large Initial Capital	Largest Initial Capitals	First Line of Law All Capitals	Enlarged Body Capital	Function of Body Capital	Abbrevia- tion
E	Alfred--X Ine--X	Median Point	1-1/2 ll. of 2 ll. Space	<u>Æ</u> of Alfred II (3 ll) <u>I</u> of Ine XLIII (3-1/2 ll)	X	✓ c. 9 mm	Begin Sentences and Clauses	7
G				-LAWS MISSING-				
H	Alfred--X Ine--✓	Low Median Point	1 ll. of 1 ll. Space	<u>Æ</u> of Alfred II (2 ll) <u>I</u> of Ine XLIII (5 ll)	X	✓ c. 4-5 mm	Begin Sentences and Clauses	7
B	Chapters I-IV, Alfred Miss- ing X Ine (Hand II) ✓	Roman Numerals Do Not Accom- pany Laws Al- though Hand I Left Space	Hand II--Vary But 2 ll. Space Left by Hand I	<u>I</u> of Ine XLIII (8 ll) Hand II	✓ --Hand I	✓ c.	Begin Sentences and Clauses	7
MS.	Abbreviation of Letters	Abbreviation — = Omission of Letters	Abbreviation <u>ƿ</u> = paet	Abbreviation <u>ƿ</u> = paet	Abbreviation <u>m</u> = men	Abbreviation <u>b</u> = biscope	Abbreviation <u>b</u> = bete	Abbreviation <u>ƿ</u> = and paet
E	✓	X	X	✓	X	X	X	X
G				-LAWS MISSING-				
H	X	✓	X	✓	X	X	X	X
B	✓	X	✓	X	✓	✓	✓	✓

TABLE 7
ALFRED-INE FOLIOS--LAWS (III.C)

MS.	Employs Superior Line Insertion	Superior Line Insertion Symbol	Employs Inferior Line Insertion	Symbol	Employs Superscript Insertion	Superscript Insertion Symbol
E	X	X	✓	word 	✓ (Few)	• Below the Line
G				-LAWS MISSING-		
B	X	X	✓	<u>word</u>	✓ (Few)	Below the Line
H	X	X	✓	 precedes	✓ (Abundant)	Below the Line

Summary of Tables 1-4

Capitula (MSS. E, G, H)

1. In all manuscripts, the Capitula are written in a single hand.
2. The Capitula are always numbered I-CXX with one exception, MS. H, I-CXXI.
3. The Capitula format is the long line with one exception, MS. H, double-column arrangement.
4. Indention of the second line of the Capitula two-line chapter heading is the same with one exception, MS. H.
5. With an occasional exception, the scribes observe the regular margin.
6. Only MS. H's Capitula have a title.
7. MS. E is the only manuscript which exhibits a large blank top margin.
8. In all manuscripts, Roman numerals precede the individual chapter headings.
9. With the exception of MS. E, in which the chapter heading begins with a large lower case b, the chapter heading initial is a large capital B.
10. In all manuscripts, no other capitals are used in the chapter headings.
11. Only end-line punctuation is used in the Capitula, with the exception of MS. G, which uses none at all.

12. The form of the end-line punctuation of the Capitula differs in each manuscript.

13. Roman numerals preceding chapter headings are followed by a median point except for MS. H, which uses a low median point.

14. Superior line insertions are employed in all manuscripts except MS. H.

15. Symbols indicating superior line insertions differ in each manuscript.

16. All manuscripts employ inferior line insertions.

17. Symbols indicating inferior line insertions differ in each manuscript.

18. Superscript insertions are employed in the Capitula with the exception of MS. G.

19. Symbols indicating superscript insertions are shared by MSS. E and H in that both use (,) beneath the line, but MS. E prefers the (·).

Summary of Tables 5-7

Laws (MSS. E, B, H)

1. In all manuscripts, the laws are in a single hand with the exception of MS. B, in which a later hand has added chapter titles and large initials beginning the individual laws.

2. In all manuscripts, space has been allotted for the numbering of individual laws.

3. In the two numbered manuscripts (MS. E, I-CXX; MS. H, I-CXXI), the numeral is usually placed following the last word of the superior line.

4. In all manuscripts, the body of the laws are written in long lines--MS. E (25 ll.), MS. B (26 ll.).

5. Only MS. B contains individual chapter titles beyond those in the table of contents.

6. In all manuscripts, the individual laws begin with large initial capitals.

7. In all manuscripts, lines adjacent to large initials are indented.

8. In all manuscripts, lines following the large initial begin on the regular left-hand margin.

9. In all manuscripts, scribes regularly observe margins.

10. In none of the manuscripts does a title precede the laws of Alfred.

11. In two of the manuscripts, MS. B (Hand II) and MS. H, a title precedes the laws of Ine.

12. Punctuation setting off Roman numerals in MS. E and MS. H is by simple point; MS. E employs median point; MS. H low median point.

13. Average size of initial capitals varies in all manuscripts.

14. The largest initial capital in all manuscripts is the I of Ine in Ine's Introduction. The second largest initial is the Æ of Ælfred in the first law (II).

15. Average size of body capitals is different in each manuscript.

16. In all manuscripts, the function of the body capital is to begin phrases and clauses.

17. All manuscripts employ abbreviations.

18. Of the total of nine abbreviation marks found in the manuscript, only three (7, *þ* or *þʳ*, *↪* or *—*) are used in all manuscripts.

19. Of the total of eight punctuation marks found in all manuscripts, only one, the simple point, is used in all manuscripts.

20. Ornamentation of initial capitals occurs only in MS. E.

21. Rubrication is used in MS. B (Hand II--initial capitals, chapter titles, and Ine's Introduction title) and MS. H (title preceding laws of Alfred-Ine).

22. None of the manuscripts employ superior line insertions in the laws.

23. All the manuscripts employ inferior line insertions in the laws, but the identifying symbols are different in each manuscript.

24. All the manuscripts employ superscript insertions, MS. E's identified by a (·) below the line, MSS. B and H by a (/) below the line.

Conclusion

If MS. E, the earliest pre-Conquest manuscript of the four (E, G, H, B) is taken as the standard for physical features to which the others may be compared, an overall pattern emerges--the other pre-Conquest manuscript (G) is in closest agreement, the post-Conquest manuscripts (H and B) increasingly divergent, the latest (B), the most divergent.

An examination of the Capitula of MSS. E, G, H (MS. B is incomplete, beginning in the middle of Alfred IV) reveals the following shared features: a single hand, regular margins, chapter headings preceded by a Roman numeral and beginning with a large initial, the largest of which is the initial B of chapter heading I.

The Capitula of MSS. E and G share the numbering I-CXX (H, I-CXXI), long line (H, double column), second line indention aligned with e of Be of superior line (h, B of Be), are untitled (H, titled), median point setting off Roman numerals (H, low median point).

The Capitula of MS. H shares no common features with MS. E other than the features listed above common to all manuscripts and only one with MS. G, the rubrication of Roman numerals preceding chapter headings (in E these are black).

Thus, as stated earlier, the greater the antiquity of the manuscript, the closer its format is to MS. E, or conversely, the greater its chronological distance from MS. E, the greater the disparity.

The manuscripts containing the laws (E, H, B) again show an increasing dissimilarity in direct relation to chronological distance from MS. E. All three manuscripts share the following features: long lines; large initials, the largest being the Æ of Alfred II (B, this portion missing) and the I of Ine XLIII (Ine's Prologue); alignment of following lines on left margin; regular observance of margins; frequent use of large body capitals to begin sentences and clauses; the abbreviation Z; inferior and mid-line insertions.

Manuscripts E and H also share these common features: a single hand (B, two hands), a Roman numeral preceding each law (B, without Roman numerals), placing of Roman numeral on superior line, no individual chapter headings (B has chapter headings preceding the laws), and, the abbreviation (þ) for þæt (B, þ).

Manuscripts E and B share only two features, other than those common common to all three manuscripts: the use of (↪) to indicate abbreviations (H, [—]), and the median point (H, low median point).

Therefore the body of the laws, like the body of the Capitula, reveals greater dissimilarity corresponding to greater chronological distance from MS. E. The pre-Conquest manuscript, MS. G--MS. British Library Cotton Nero A.i, copied at York or Worcester, c. 1050 evidences the greatest similarity to MS. E--MS. Cambridge Corpus Christi College 173 copied at Winchester c. 930. The two manuscripts do not share a common source, MS. E being copied from a missing archetype (c. 910) and MS. G from a missing manuscript (*g) dated c. 920-1060.

The two post-Conquest manuscripts, MS. H, copied at Rochester Cathedral Priory c. 1120 and MS. B, copied probably at St. Paul's Cathedral London c. 1128, show the greatest variation from MS. E. The latter and youngest (B) is the most dissimilar. In addition, although these two share a common source (*hb) dated 920-1080, they exhibit striking differences, e.g., MS. B's use of rubricated chapter headings preceding chapters, lack of Roman numerals introducing headings, and abundance of abbreviations. This last point further indicates the growing lack of standardization of the physical format as the laws of Alfred and Ine continued to be copied through the centuries.

CHAPTER 3

LINGUISTIC ANALYSIS OF CHAPTER XXXVI OF ALFRED-INE

Introduction

As with the physical format discussed in Chapter 2, the portions of the manuscripts (MSS. E, Ot, H, B) containing Chapter XXXVI of the laws of Alfred and Ine show an increasing dissimilarity in phonology, morphology, and lexicon in direct relation to chronological distance from MS. E. The pre-Conquest late West Saxon manuscript, MS. Ot, evidences the greatest similarity in phonology, morphology, and lexicon to MS. E. The two post-Conquest Anglo-Norman manuscripts, MS. H and MS. B, show the greatest variation from MS. E. In addition, although these two probably share a common source, *hb (see stemma, page 99) dated early tenth or late eleventh century, differences between the two are exhibited: e.g., MS. B is more influenced by Anglican dialect and MS. H by Kentish dialect.

Thus as revealed earlier with regard to physical format, the earlier the manuscript, the closer its phonology, morphology, and lexicon are to MS. E or, conversely, the greater the chronological distance from MS. E, the greater the disparity. The variations evidence the growing lack of standardization of language in the laws of Alfred and Ine as they continued to be copied, particularly after the Norman Conquest as the language of record moved from Anglo-Saxon to Latin. As we look at the phonology, morphology, and lexicon of

Chapter XXXVI (the only chapter contained in all four manuscripts) the increasing divergence becomes apparent. The language of the pre-Conquest manuscript, MS. Ot, copied at Winchester, the seat of royal power, at a time when Anglo-Saxon was still the language of secular law is nearly identical to that of MS. E. In contrast, the language of MSS. H and B, copied after the Norman Conquest, MS. H in Kent and MS. B in London at a time when the language of secular law and the bureaucracy was Latin, shows increasing divergence.

Chapter XXXVI of Alfred-Ine has been chosen as the subject of the following linguistic analysis because it is the only chapter shared by four of the five manuscripts containing the laws of Alfred and Ine. It is contained complete, with a few scribal omissions in MSS. E, H, and B. The fragmentary MS. Ot begins with item 42, approximately half way through the linguistic analysis. Using MS. E as a base, Chapter XXXVI contains a total of seventy-nine words. For the purpose of this analysis, omitted from consideration are words which contain more than one abbreviated letter in sequence, e.g., sc(i)ll(ing) would be omitted, but syxhyndu(m) would be included. Also omitted are words partially expressed in Roman numerals, e.g., VIhyndum and their counterparts in which usage varies in individual manuscripts. Each entry gives the reading in the various manuscripts arranged in chronological order: E, Ot, H, B. Manuscripts which share identical readings are given on the same line: E, Ot, H-gyf. When the phonology or lexicon differs from that of MS. E, the variant entry is made on a separate line:

E, Ot gyf

H, B gif

If the form that appears in MS. E is the Early West Saxon standard,¹ it is so labelled. All non-EWS forms are discussed in detail. Chapter XXXVI follows as it appears orthographically in the various manuscripts. Material contained in Liebermann's notes has been treated as follows.² Underline, e.g., halig, indicates the letter(s) appear over an erasure. Superscript, e.g., ^oman, indicates what the previous letter had been in cases of one letter, e.g., o > a, being changed to another.

Abbreviations

WS	West Saxon
EWS	Early West Saxon
LWS	Late West Saxon
Kt.	Kentish
LKt.	Late Kentish
OE	Old English
EOE	Early Old English
ME	Middle English

¹Alistair Campbell, Old English Grammar (Oxford: Clarendon Press, 1959). I follow Campbell's Old English Grammar throughout.

²F. Liebermann, Die Gesetze der Angelsachsen, I (1903-16; rpt. Halle, 1960), pp. 72, 74.

- +v voiced
- v voiceless
- x word missing
- portion of word missing
- > changed to or remains
- < changed from

Abbreviations have been expanded within parenthesis, e.g.,
hyndu(m).

Transcriptions

MS. E--Chapter XXXVI

Gif hwa on cierliscas monnes flette 3efeohte mid syx scill.
 3ebete 3am ceorle 3if he 3æpne 3ebrede 7 no feohte sie be healfam
 3am if syxhyndum pissa h3æðer 3elimpe 3riefealdlice be paes
 syxhyndan bote. cynin3 es bur3 bryce bið, cxx. scill. ærcebiscepes
 hundni3 onti3 . scill. oðres biscepes 7 ealdormonnes .lx. scill.
 t3elfhyndes monnes .xxx. scill. syxhyndes monnes .xv. scill. ceorles
 edorbryce .v. scill. 3if 3isses h3æt 3elimpe 3ender fyrd ute sie
 oððe in lenctenfæsten hit sie t3ybote. 3if mon in lenctenne
 haliz ryht in folce butan leafe alec33e. 3ebete mid .cxx. scill.

MS. Ot--Chapter XXXVI

. . . hundni3 onti3 s__ opres bisceopes ealdorm __.LX.
 scill. t3elf __ndes monnes .XXX. scill. syx __.XV. scill. ceorles
 edorbryce __ll. 3if pisses hw__ 3elimpe penden fyrd__ __pe

in lenctenfæst ____ hit sie tpybo ____ . ____ ____ ____enne hal ____
 ____ ____ folce butan leafe ____ ____ mid ____ ____.

MS. H--Chapter XXXVI

Gif hpa on ciorlisces m^oannes flette 3efeohte 3ebete mid .VI. scill ðam ciorle. Gif he pæpne 3ebre__de. ^oand n^o feohte. sy be healfum ðam. Gif syxhyndum men, ðissa hpæder 3elimpe ðrif,^ealdlice arise be ðaere ciorliscan bote .XII. hyndum men tpyfealdlice be ðæs syxhyndan bote. Cynin3 es burhbrice bið .CXX.scill. Erce- biscopes XC. scill. ^oðres biscopes 7 ealderm^oannes .LX. scill. XII. hyndes m^oannes .XXX. scill. Syxhyndes m^oannes .XV. scill. Ceorles eдорbrice .V. scill. Gif þisses hpæt 3elimpe. þonne fyrd ute sy oppe in len 3 tenfæsten hit sy tpybⁱ_eote. Gif m^oan len 3 ten haliz ryht on folce butan, leafe ale,^c3e. 3ebete mid hundtpelftizum scill.

MS. B--Chapter XXXVI

Gyf hpa on ceorlisces mannes flette 3efeohte mid .VI. scill. 3ebete ðam ceorle . 3yf he pæpne 3brede. ne feohte sy be healfu ðam. Gyf VI. h^uyndu ðissa hpeðer 3elimpe ðryfealdlice arise bæ ðaere cyrliscan bole. tpe^ulfhyndu m̃. twifealdlice be ðæs syxh^uyndu bote. Cynin3es burhbryce bið hundfpeftig scill. Erce^o. hundniz onti scill. Oþres biscoopes. 7 ealdormannes syxtiz scill. Twelfhyndes mannes ðrittiz scill. Syxhyndes mannes . fiftene scyll. Gif ðisses hpæt 3elimpe ðonne fyrd ute sy oððe in lenctene . haliz riht in folce buton leafe alec3e . 3ebete mid hundtpelftiz u scillin 3u.

Analysis

- | | | | |
|-----|---------|----------------------|--|
| 1. | E, H | gif | EWS |
| | B | gyf | LWS <u>y</u> < EOE <u>i</u> in low stress position. |
| 2. | E, H, B | hƿa | EWS |
| 3. | E, H, B | on | EWS |
| 4. | E | cierliscas | EWS |
| | H | ciorliscas | <u>io</u> > <u>io</u> in Kt. |
| | B | ceorliscas | Either <u>io</u> > <u>io</u> in Mercian, later becoming <u>eo</u> or breaking of <u>e</u> > <u>eo</u> before <u>r</u> + consonant in WS. |
| 5. | E | monnes | EWS |
| | H, B | m ^o annes | Before a nasal, the vowel [a] > [ɔ]
<u>a</u> being respelled <u>o</u> in most instances in EWS, but by the time of LWS, <u>a</u> spelling predominant.
H-- <u>a</u> < <u>o</u> by erasure. |
| 6. | E, H, B | flette | EWS |
| 7. | E, H, B | Ʒefeohte | EWS |
| 8. | E, H, B | mid | EWS |
| 9. | E, H, B | Ʒebete | EWS |
| 10. | E, H, B | Ʒam | EWS |
| 11. | E | ceorle | Breaking of <u>e</u> > <u>eo</u> before <u>r</u> + consonant in WS. |
| | H | ciorle | OE <u>io</u> > <u>io</u> in Kt. |
| | B | ceorle | Same as E above or Mercian <u>io</u> > <u>eo</u> . |

- | | | | |
|-----|---------|-----------|---|
| 12. | E, H | gif | See No. 1--E, H, B |
| | B | gyf | |
| 13. | E, H, B | he | EWS |
| 14. | E, H, B | ƿæpne | EWS |
| 15. | E, H | ʒebrede | WS drops palatal <u>g</u> between short vowel |
| | B | ʒ(e)brede | and +v dental and the preceding vowel is frequently lengthened; <u>bregdan</u> > <u>brēdan</u> . |
| 16. | E | no | EWS beside <u>nā</u> |
| | H, B | ne | By the end of the eleventh century, OE unaccented <u>a</u> , <u>o</u> , <u>u</u> , and <u>e</u> had all fallen together into one sound written <u>e</u> . |
| 17. | E, H, B | feohte | EWS |
| 18. | E | sie | EWS |
| | H, B | sy | In LWS <u>īe</u> > simple vowel written as <u>ī</u> or <u>ȳ</u> . |
| 19. | E, H, B | be | EWS |
| 20. | E, H | healfum | EWS |
| | B | healfū(m) | |
| 21. | E, H, B | ðam | EWS |
| 22. | E, H | gif | See No. 1 |
| | B | gyf | |
| 23. | E, H, B | ƿissa | EWS |
| 24. | E, H | hƿæðer | EWS |
| | B | hƿeðer | Prehistoric OE <u>ae</u> > <u>ae</u> in WS but in Anglia experienced a limited raising to <u>e</u> before a dental consonant. |

25. E, H, B *3elimpe* EWS
26. E *ðriefealdlice* EWS
- H *ðrif,a^eldlice* In LWS *īe* frequently became simple vowel spelled *ī* (placement of superscript *e* following *a* seems to be scribal error, note "correct" position of insertion mark.
- B *ðrȳfealdlice* EWS *īe* frequently became simple vowel in LWS spelled *y*.

MS. E is missing the next eight words, the scribe's eye possibly moving from *ðriefealdlice* [26] to *tþifealdlice* [33] where he continues with *be* [34].

27. E X
- H, B *arise* EWS
28. E X
- H *be* EWS
- B *bæ* nWS *æ* for OE *e*. As a result of sound change of OE *æ* > *e, i* inverted spelling common in Kent and Anglia.
29. E X
- H, B *ðære* EWS
30. E X
- H *cierliscan* EWS
- B *cyrlican* EWS, *ie* frequently became simple vowel in LWS spelled *y*.

31. E X
H, B bote EWS
32. E X
H men By the end of the eleventh century,
B $\tilde{m}$ OE unaccented a, o, u, and e > e.
Men considered an unaccented word.
33. 173 X
H $t\beta ifealdlice$ EWS
B $t\beta yfealdlice$ In LWS i often rounded to y in
vicinity of labial consonant.
34. E, H, B be EWS
35. E, H, B δaes EWS
36. E, H syxhyndan EWS
B syxhynd $\tilde{u}$ (m) Scribal error--has confused weak and
strong ending.
37. E, H, B bote EWS
38. E, H, B cynin ζ es EWS
39. E bur ζ bryce EWS
H burhbrice LWS burh from unvoicing of final
spirant in EWS shows increasing use
of h after Alfred's time.
H--brice--LWS unrounding of y > i
especially before ç.
E, B--bryce--EWS spelling retained.
40. E, H, B bi δ EWS

- | | | | |
|-----|---|--------------------------------|---|
| 41. | E | æ rcebiscepes | EWS |
| | H | ercebiscopes | <u>æ</u> raised to <u>e</u> in Kt. <u>o</u> between <u>c</u> and <u>p</u> may represent Kt. failure to develop glide or ME revision to simple back vowel. |
| | B | erce ^ʁ _b | -OE <u>æ</u> , <u>e</u> , and <u>i</u> fell together in a sound written e. |

MS. Cotton Otho B. XI fragment begins with item 42.

- | | | | |
|-----|-----------|---------------------|---|
| 42. | E, Ot, H, | o ^o res | EWS |
| | B | | |
| 43. | E | biscepēs | EWS |
| | Ot, B | bisceopēs | WS developed glide between <u>sc</u> and back vowel. |
| | H | biscopēs | See No. 41-H above. |
| 44. | E | ealdormonnes | EWS |
| | Ot | ealdorm____ | EWS |
| | H | ealdermannes | second <u>e</u> : by the end of the eleventh century, OE unaccented <u>a</u> , <u>o</u> , <u>u</u> , and <u>e</u> had all fallen together into one graph, which came to be written <u>e</u> .
Second <u>a</u> , see No. 5-H. |
| | B | ealdormannes | Second a, see No. 5-B. |
| 45. | E, Ot | monnes | See No. 5-E, H, B. |
| | H, B | ^o mannes | Again H a < o by erasure. |

45. E, Ot monnes See No. 5-E, H, B.
H, B ^omannes Again H a < o by erasure.

46. E, H, B syxhyndes EWS

Ot syx_____

47. E monnes See No. 5--E, H, B.

Ot X Again H, a < o by erasure.

H, B mannes

MS. B is missing the next three words, the scribe's eye moving from scyll to *scyll where he continues with gif [50].

48. E, Ot, H ceorles WS breaking of e > eo

before r + consonant.

B X

49. E, Ot edorbryce EWS

H edorbrice LWS unrounding of y > i, especially
before č.

B X

50. E, Ot, H gif See No. 1--E, H, B

B gyf

51. E, Ot, H, ȝisses EWS

B

52. E, H, B hwaet EWS

Ot hw_____

53. E, Ot, H gelimpe EWS

B ȝ(e)limpe

54. E, Ot ȝenden

H, B þonne

55. E, Ot, H, fyrd LWS y < EWS, ie even in EWS
B frequently written y.
56. E, H, B ute EWS
Ot X
57. E sie
Ot X See No. 18--E, H, B
H, B sȳ
58. E, H, B oððe EWS
Ot ðe
59. E, Ot, H, In EWS
B
60. E, Ot lenctenfæsten EWS
H len^c₃tenfæsten In EWS all consonants become -v
before the consonant t but this
change often obscured in writing by
etymological spelling. 3 < c by
erasure.

B lenctenefæsten

MS. B is missing the next seven words, the scribe's eye moving from
lenctenefæsten [60] to *lenctene [67] where he continues with
haliz [68].

61. E, Ot, H hit EWS
B X

62. E, Ot $\bar{s}ie$
 H $\bar{s}y$ See No. 18--E, H, B
 B X
63. E, H $t\bar{p}ybote$ LWS $\underline{y}$ < EWS $\underline{i}$. In LWS $\underline{i}$ often
 Ot $t\bar{p}ybo__$ rounded to $\underline{y}$ in vicinity of labial
 consonant.
 B X
64. E, H gif See No. 1--E, H
 Ot X
 B X
65. E mon
 Ot X See No. 5--E, H.
 H $\overset{O}{m}an$ Again $\bar{a}$ < $\underline{O}$ by erasure in $\underline{H}$.
 B X
66. E in EWS
 Ot X
 H on
 B X
67. E $lenctenne$
 Ot $__enne$ See No. 60--E, H.
 H $len\bar{c}ten$ Again $\bar{c}$ < $\underline{c}$ by erasure in H.
 B X
68. E, H, B $haliz$ EWS
 Ot $hal__$

69. E, H ryht EWS
 Ot X
 B riht LWS i < y by unrounding before h.
70. E, B in
 Ot X
 H on
71. E, Ot, H, folce EWS
 B
72. E, Ot, H butan EWS
 B buton
 In LOE unaccented back vowels fell together in one sound and the three symbols were freely interchangeable in some LWS and Kt. texts--interchange in suffix common.
73. E, Ot, H, leafe EWS
 B
74. E alec₃₃ e Groups of three or more consonants
 Ot X were often reduced in spoken Old English although the full form generally continues to be written.
 H, B alec₃ e LWS written form reflects pronunciation.
75. E, H, B ₃ebete EWS
 Ot X
76. E, Ot, H, mid EWS
 B

Summary of Analysis

1. Items 2, 3, 6, 7, 8, 9, 10, 13, 14, 15*, 17, 19, 20*, 21, 23, 25, 27-33 omitted, missing from MS. E), 34, 35, 37, 38, 40, 42, 46, 48, 51, 52, 53*, 55, 56, 58, 59, 61, 63, 64, 68, 71, 73, 75, 76 are identical in all manuscripts (51 percent).

*Abbreviated letters expanded.

2. Changes from MS. E in MS. H due to Kentish dialect: Nos. 4, 11, 41, 43 (5 percent).
3. Changes from MS. E in MS. B due possibly to Anglian dialect: Nos. 4*, 11*, 24, 28 (2 percent).
*Nos. 4 and 11 may also represent WS changes.
4. Changes from MS. E in MSS. H due to change in lexicon: Nos. 54, 66, 70 (3 percent).
5. Changes from MS. E in MSS. B due to change in lexicon: No. 54 (1 percent), No. 66 (see 4, No. 66) is missing in MS. B.
6. Changes from MS. E in MS. H due to retention of archaic spelling: Nos. 60, 67 (2 percent).
7. Changes from MS. E in MS. H due to WS and LWS sound changes: Nos. 5, 18, 26, 39, 45, 47, 49, 57, 62, 65, 74 (14 percent).
8. Changes from MS. E in MS. B due to WS and LWS sound changes: Nos. 1, 4, 5, 11, 18, 22, 26, 39, 43, 44, 45, 47, 50, 57, 69, 74 (20 percent).
9. Changes from MS. E in MS. H due to scribal confusion concerning inflection: No. 67 (1 percent).

10. Changes from MS. E in MS. B due to scribal confusion concerning inflection: No. 36 (1 percent).
11. MS. Ot exhibits only one change from MS. E: No. 43--development of WS glide (1 percent).
12. Identical entries in MS. E and MS. H exclusive of those in No. 1 which are shared by all manuscripts: Nos. 1, 12, 22, 24, 37, 50, 69, 72 (10 percent).
13. Identical entries in MS. E and MS. B exclusive of those in No. 1 which are shared by all manuscripts: No. 70 (1 percent).

Conclusion

The phonology of MS. E is predominantly EWS with the exceptions of items 11, 15, 48 which exhibit WS sound changes and 55, 63 which exhibit LWS sound changes. The phonology of the extant portion of MS. Ot, with one exception is identical to MS. E. The exception, item 43, exhibits the later development of the WS glide between sc and a back vowel. These two represent what might be regarded as EWS official written language. MSS. H and B, the two post-Conquest manuscripts, exhibit greater phonological variation from MS. E than does MS. Ot, the pre-Conquest manuscript. But as with the one exception in MS. Ot, the majority of changes in MSS. H and B are attributable to LWS sound changes. MS. H exhibits variation from MS. E due to LWS changes in items 5, 18, 26, 39, 45, 47, 49, 57, 62, 65, 74 (14 percent). Two other differences, 16 and 44, are changes that occurred in all dialects by the end of the eleventh century. Items

4, 11, 41, 43 (5 percent) may be attributed to Kentish dialect. MS. B exhibits phonological variation from MS. E due to LWS sound changes in items 1, 5, 18, 22, 26, 39, 44, 45, 47, 50, 57, 69, 74. WS sound changes are evident in items 4, 11, 43 and general changes in Old English by the end of the eleventh century are exhibited in items 16, 41, 44, and 72. Finally, items 24 and 28, as well as 4 and 11, may be attributed to Anglian dialect though the latter two may also be due to LWS sound changes.

The morphology of MS. E is predominantly EWS with the exceptions of item 14, wæpne which exhibits syncope, and item 60, lenctenfæsten, where the scribe has omitted the final dative singular e. This may be due to carelessness since elsewhere in the passage, e.g., item 61, lenctenne, the dative singular ending is maintained. Morphology of extant portions of MS. Ot is identical to MS. E. MS. H exhibits only one morphological difference from MS. E, item 67, len³ten, again where the scribe omits the dative singular e. MS. B also exhibits one difference from MS. E. The scribe in item 36, syxhyndum, has confused the weak and strong adjective endings; MS. E has the correct weak ending -an.

In the analysis of lexicon, MSS. E and Ot are again most similar, in this case sharing an identical vocabulary, while MSS. H and B again show variation. Both MSS. H and B. substitute ponne (item 54) for ðenden. MS. H twice employs on (items 66, 70) for MS. E's in. In the first case (item 66), this portion of the manuscript is missing in MS. B due to scribal omission. But in the

second case (item 70), MS. B's usage is the same as MS. E's. In all cases, the variants are synonyms which are employed in both early and late West Saxon.

Chapter XXXVI of MS. E exhibits only one correction; ne ha of the phrase lenctene halig is written over an erasure. No corrections are evident in MS. Ot, and MS. B exhibits only two corrections. The first u of hundum has been changed to a y, by the addition of a downstroke, in two instances of the same word. The original u may have been the result of the error of anticipation since elsewhere in Chapter XXXVI, hyndum is consistently spelled with a y. These changes indicate an awareness of the standard form.

Chapter XXXVI of MS. H is heavily corrected. Of the twenty-four corrections (30 percent), ten involve erasures, eleven involve correction of a letter by addition of strokes, and three are superscript insertions. Of the erasures, eight result in the substitution of single letters occurring over the erasure, and, in only one case, a blank is left, gebre de. Only once does a phrase appear over an erasure (see pg. 78 MS. B). In none of the above cases is it possible to discern what previously existed. But in twelve instances, the scribe has actually changed one letter into another. In nine (75 percent) of these cases, these are changes that result in "modernization," i.e., the scribe's dialect was given preference over his exemplar. Seven of these involve a < o, mon(nes) > man(nes) (five times); ealdermonnes > ealdermannes (one time); ond > and (one time). Two involve e < o: ealder (one time) and ne (one time). In two

cases, the opposite is true, i.e., the scribe seems to be trying for a more archaic spelling, which interestingly enough, neither the oldest of the manuscripts (MS. E) nor any of the others exhibit. The scribe of MS. H has changed the c of lencten to a ȝ in two instances. But even in EWS, all consonants had become voiceless before the consonant t, although, as Campbell points out, this change was often obscured in writing by etymological spelling.³ The final correction involving the changing of a letter is twybote > twibete. The two terms are synonymous, but the other manuscripts do employ twybote. The last three corrections to be noted are superscripts. In two cases, ᵹissa and leafe, the entire omitted word has been written above the line, and, in one case, a single letter--ale^cȝe. This last case, ale^cȝe, may be related to the scribe's previous change of lencten > lenȝten (above). Perhaps he initially mistakenly thought alecȝe was a parallel case and had omitted the c seeing the ȝ as the substitute for c and as the more archaic spelling.

Fifty-one percent of the entries are identical in the manuscripts. Of the remaining 49 percent, 43 percent of the differences from MS. E are attributable to West Saxon and late West-Saxon sound changes, i.e., the loss of the sense of the standard. The remaining 6 percent are a result of dialect interference, change in vocabulary, and archaic spellings.

³Campbell, Old English Grammar, p. 194.

The extant portions of MS. Ot, including fragments of words, are with one exception identical to MS. E in orthography, morphology, and lexicon. MS. H, although closer in agreement with MS. E than is MS. B (see summary, nos. 10 and 11), exhibits differences primarily in orthography and occasionally in lexicon and morphology. MS. H's corrections involving the change of one letter to another also consistently increase its divergence. MS. B also exhibits changes in morphology, lexicon, and orthography, again as with MSS. Ot and H the differences in phonology being the most numerous and largely due to WS and LWS sound changes.

If we accept that Mss. E and Ot represent the standard, then Winchester would have been the location of the Anglo-Saxon chancery in the early tenth and mid-eleventh centuries. It is interesting to compare the diplomatics and language of MSS. E and Ot with that of the other legal collections containing Alfred-Ine. Obviously once the language of law moved from Anglo-Saxon to Latin and French following the Conquest, the continuity of the West-Saxon tradition would have begun to decay. The early twelfth century MSS. H and B represent the sort of changes that took place when the scribes were no longer trained in a standard.

BIBLIOGRAPHY

BIBLIOGRAPHY

- Attenborough, F. L. The Laws of the Earliest English Kings. 1922; Rpt. New York: AMS Press, 1974.
- Bishop, T. A. M. and Pierre Chaplais, eds. Facsimiles of English Royal Writs to A. D. 1100. Oxford: Oxford University Press, 1957.
- Campbell, Alistair. Old English Grammar. Oxford: Clarendon Press, 1959.
- Chaplais, Pierre. "The Origin and Authenticity of the Royal Anglo-Saxon Diploma." Journal of the Society of Archivists, 3 No. 2 (1965), 48-61.
- Chaplais, Pierre. "The Anglo-Saxon Chancery: from the Diploma to the Writ." Journal of the Society of Archivists, 3, No. 4 (1966), 160-76.
- Chaplais, Pierre. English Royal Documents: King John-Henry VI, 1199-1461. Oxford: Oxford University Press, 1971.
- Darlington, R. R. The Norman Conquest. The Creighton Lecture in History. 1962. London: The Athlone Press, 1963.
- Davis, H. W. C. Regesta Regum Anglo-Normannorum. Oxford: Oxford University Press, 1913.
- Domesday Book I. Eds. A. Farley and Sir H. Ellis. London: Record Commission, 1738-1816.
- Drogëreit, Richard. "Gab Es Eine Angelsächsische Königskanzlei?" Archiv für Urkundenforschung, 13 (1935), 335-426.
- Fisher, John H. "Chancery and the Emergence of Standard Written English in the Fifteenth Century." Speculum, 52 (1977), 870-899.
- Flower, Robin and Hugh Smith, eds. The Parker Chronicle and Laws: A Facsimile. Early English Text Society, O. S., No. 208, 1941.
- Galbraith, V. H. Studies in the Public Records. Oxford: Oxford University Press, 1948.
- Gneuss, Helmut. "The Origin of Standard Old English and Æthelwold's School at Winchester." Anglo-Saxon England, 1 (1972), 63-83.

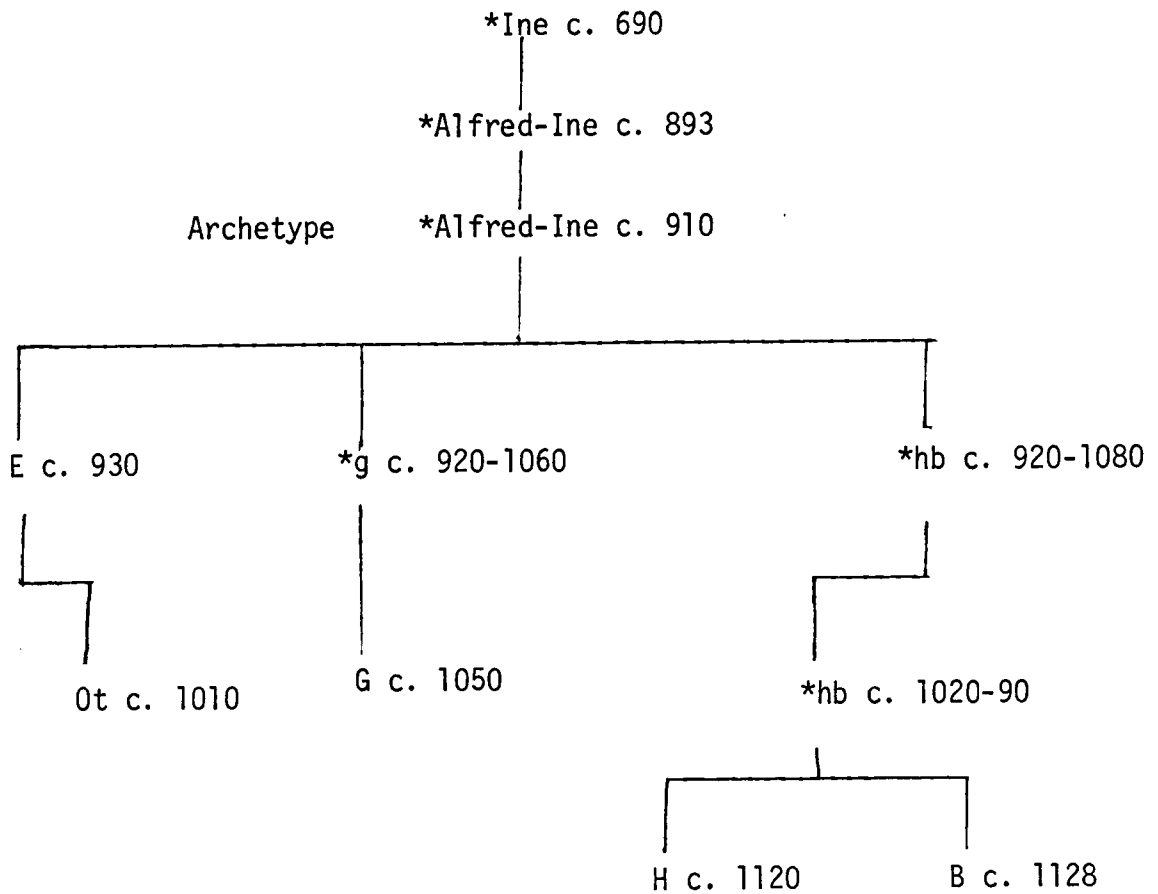
- Goody, Jack. The Domestication of the Savage Mind. Cambridge: Cambridge University Press, 1977.
- Hall, Hubert. Studies in English Official Historical Documents. 1908; rpt. New York: Burt Franklin, 1969.
- Harmer, F. E. Anglo-Saxon Writs. Manchester: Manchester University Press, 1952.
- Ker, N. R. Catalogue of Manuscripts Containing Anglo-Saxon. Oxford: Clarendon Press, 1957.
- Keynes, Simon. The Diplomas of King Æthelred the "Unready": 978-1016. Cambridge: Cambridge University Press, 1980.
- Liebermann, Felix. Die Gesetze der Angelsachsen. 3 vols. 1903-1916; rpt. Halle: J. Hochstuhng, 1960.
- Loyn, Henry R., ed. A Wulfstan Manuscript Containing Institutes, Laws, and Homilies. Early English Manuscripts in Facsimile, 17 (1971).
- Parkes, M. B. "The paleography of the Parker manuscript of the Chronicle, laws and Sedulius, and historiography at Winchester in the late ninth and tenth centuries." Anglo-Saxon England, 5 (1976), 149-172.
- Parsons, David, ed. Tenth Century Studies: Essays in Commemoration of the Millennium of the Council of Winchester and Regularis Concordia. London and Chichester: Phillimore & Co., Ltd., 1975.
- Richards, Mary P. "The Manuscript Contexts of the Old English Laws: Tradition and Innovation." Forthcoming in Studies in Earlier Old English Prose. Ed. Paul Szarmach. New York: SUNY-Binghamton Press, 1984.
- Robertson, Agnes J., ed. The Laws of the Kings of England from Edmund to Henry I. 1925; rpt. New York: AMS Press, 1974.
- Sawyer, Peter, ed. Textus Roffensis, Part I. Early English Manuscripts in Facsimile, 7 (1957).
- Stevenson, W. H. "An Old English Charter in Favour of St. Martin's-Le-Grand, London, A. D. 1068." English Historical Review, 11 (1896), 731-44.
- Turk, Milton H. The Legal Code of Alfred the Great. 1893; rpt. Boston: Ginn and Company, 1973.

Whitelock, Dorothy, ed. English Historical Documents, 500-1042. I.
2nd ed. London: Eyre Methuen, 1979.

Wormald, Patrick. "Lex Scripta and Verbum Regis: Legislation and Germanic Kingship, from Euric to Cnut." Early Medieval Kingship. Ed. P. H. Sawyer and I. N. Wood. Leeds: The School of History, University of Leeds, 1977, 115-154.

APPENDIX

STEMMA



*The items marked by asterisks are the missing prototypes hypothesized by Liebermann.¹

¹Liebermann, Felix. Die Gesetze der Angelsachsen. 3 vols. (1903-1916; rpt. Halle: J. Hochstuhng, 1960), Vol. III, p. 32.

TRANSLATION

The following is Attenborough's translation of Chapter XXXVI as based on MS. E. The portion missing from MS. E. has been supplied from MS. B.

If anyone fights in the house of a commoner, he shall pay the commoner 6 shillings compensation. If he draws his weapon, but does not fight, the [compensation] shall be half this sum. If either of these [offenses] occurs in the house of a man whose wergeld is 600 shillings, the compensation shall be increased to three times that due to a commoner; if in the house of a man whose wergeld is 1200 shillings, [it shall be increased] to twice the compensation due to a man whose wergeld is 600 shillings. The fine for breaking into the fortified premises of the king shall be 120 shillings; into those of an archbishop, 90 shillings; into those of another bishop or of an ealdorman, 60 shillings; into those of a man whose wergeld is 600 shillings, 15 shillings. The fine for breaking through a commoner's fence shall be 5 shillings.²

²Attenborough, F. L. The Laws of the Earliest English Kings. (1922; rpt. New York: Ams Press, 1974), pp. 81-83.

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