

The Performativity of the Written Word in Two Anglo-Saxon Wills

by

Kassandra M. Castle

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by

Kasandra M. Castle

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Graduate Supervisory Committee:

Robert Bjork, Chair

Heather Maring

Jonathan Rose

ACCEPTED BY THE GRADUATE COLLEGE

## ABSTRACT

Since scholars first turned their attention to the subject some eighty years ago, one major area of contention in the study of Anglo-Saxon wills has been the function of the written will within Anglo-Saxon culture. Verbal agreements, formalized through oral ceremonies and symbolic actions, were recognized as legally binding; however, many of these agreements were also recorded in writing. Many scholars argue that the written document was superfluous—oral ceremonies were written down only in the case of memory failure and the documents themselves had no real performative function. Others see the existence of the written will to be evidence of a shift toward a more textually-dependent culture, reliant on the written as a way of managing society. It is unlikely, however, that the Anglo-Saxons themselves viewed the oral and written in such a binary manner. Rather, the two forms were intermingled, lending potency and performative power to one another.

The present study concentrates on two Anglo-Saxon wills in order to demonstrate the ways in which the verbal and written work together in specific texts. By having such a singular focus, a more nuanced understanding of how the oral and written interanimate each other in ninth-century England can be attained. The vernacular will of Alfred, King of the West Saxons from 871-899, and the Latin will of Æðelric, son of Æðelmund (804), are particularly deserving of close attention. While they contain several features that indicate the authority of the voiced statement, they also demonstrate an exceptionally strong sense of the importance of the written. These two wills suggest a dynamic period in which the worlds of the oral ceremony and written word were still intermingled but clearly moving toward a valuing of the written as dispositive.

## TABLE OF CONTENTS

CHAPTER	Page
1. INTRODUCTION.....	5
2. THE WILL OF KING ALFRED.....	9
3. THE WILL OF ÆDELRIC.....	21
4. CONCLUSION.....	32
BIBLIOGRAPHY.....	33
APPENDIX	
A. KING ALFRED'S WILL.....	37
Transcription.....	38
Translation.....	47
B. ÆDELRIC'S WILL.....	52
Transcription One.....	53
Transcription Two.....	56
Transcription Three.....	59
Translation.....	61

## INTRODUCTION

Since scholars first turned their attention to Anglo-Saxon wills some eighty years ago, one major area of contention has been the function of the written will within Anglo-Saxon culture. Many scholars argue that the will, in its written form, had little legal value—that, to the Anglo-Saxon mind, the written word held no power. In 1930, Harold Dexter Hazeltine made such an argument, stating that the Anglo-Saxon written will had no dispositive function and was “merely evidentiary.” The real wills “were the oral declarations before witnesses.”<sup>1</sup>

Hazeltine’s argument was later elaborated upon by Michael M. Sheehan in *The Will in Medieval England: From the Conversion of the Anglo-Saxons to the End of the Thirteenth Century*—a comprehensive history of the Medieval English will from the Anglo-Saxon period to the reign of Edward I. Sheehan distinguishes among three different forms of the written will in Anglo-Saxon England: *verba novissima*, *post obit*, and the *cwide*. Wills *verba novissima* took place at the end of the testator’s life. The property bequeathed passed directly to the beneficiary.<sup>2</sup> A *post obit* gift, however, could be made at anytime during the testator’s life.<sup>3</sup> Such gifts concerned a single donee and, most often, a single property. The *cwide* was similar to the *post obit* gift in its effect, but concerned multiple properties, bequeathed to multiple beneficiaries.<sup>4</sup> In cases where property did not immediately transfer to the beneficiary, the title was most often handed over as a form of security.<sup>5</sup>

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1 Harold Dexter Hazeltine, “Comments on the Writings Known as Anglo-Saxon Wills,” *Anglo-Saxon Wills*, ed. Dorothy Whitelock (Holmes Beach: Wm. W. Gaunt & Sons, 1986).

2 *Ibid.*, 28-29.

3 Whitelock refers to documents concerned with only one estate as bequests.

4 *Ibid.*, 39.

5 *Ibid.*, 29.

The probability of the will being upheld after death was of great concern to the testator.<sup>6</sup> We thus see many stylistic features in the written wills that were designed to secure its fulfillment. Sheehan asserts, however, that opposition, from the family of the testator or otherwise, “should not be over-emphasized. In all likelihood, these were strong pressures in the society of the time that tended to aid the execution of the desire of the deceased.”<sup>7</sup>

Sheehan upholds Hazeltine’s assertions, stating that the process of bequeathing in Anglo-Saxon society was a public, oral act, and the sole reason for transferring this oral ceremony into written form was to create a backup in case of memory failure.<sup>8</sup> “Even when a document or written *will* has survived, the legal act that effected the author’s purpose was an oral act. The written *will* was intended to be its permanent evidence.”<sup>9</sup> The document worked as a “photo-copy” of the original oral ceremony and as such carried little value.

M.T. Clanchy and Patrick Wormald concur with this assessment. According to Clanchy, people during the Middle Ages did not place written records above oral forms of evidence, nor did they consider the written record a superior method of transferring information. He states, “Among the laity, or more specifically among knights and country gentry [...] confidence in the written record was neither immediate nor automatic. Trust in writing and understanding of what it could—and could not—achieve developed from

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6 Ibid., 24, 36-37, and 59.

7 Ibid., 36.

8 Michael M. Sheehan, *The Will in Medieval England: From the Conversion of the Anglo-Saxons to the End of the Thirteenth Century* (Toronto: Pontifical Institute of Mediaeval Studies, 1963).

9 Ibid., 47.

growing familiarity with documents.”<sup>10</sup> Wormald, too, argues that legal acts were oral in nature, not written—legal documents were secondary.<sup>11</sup>

Brenda Danet and Bryna Bogoch seriously question these arguments, stating that the characterization of wills as purely evidentiary is oversimplified.<sup>12</sup> They examine eight linguistic features of Anglo-Saxon and modern English wills, determining that the Anglo-Saxon manifestations demonstrate a transition from an oral to a written society.<sup>13</sup> By experimenting with written documents, the Anglo-Saxons created a culture that began weaving the oral inextricably with the written, lending the physical document performative, or dispositive, power.<sup>14</sup> The oral features of written wills, therefore, reinforce rather than undermine their authority.

Simon Keynes reaches a similar conclusion by examining a broader set of legal documents from the reign of Alfred to that of Cnut, including law codes, vernacular charters, and some miscellaneous correspondence. Looking specifically at how the spoken and written word are referenced, he argues that such documents attest to the demonstrable value of the written word in the early Anglo-Saxon period. He posits, “Whereas the oral declaration might constitute the operative act of making a will, a

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10 M. T. Clanchy, *From Memory to Written Record: England, 1066-1307*, 2nd ed. (Oxford: Blackwell, 1993).

11 Patrick Wormald, “The Uses of Literacy in Anglo-Saxon England and its Neighbours,” *Transactions of the Royal Historical Society*, 5th series 27 (1977), 95-114, here 111.

12 Brenda Danet and Bryna Bogoch, “From Oral Ceremony to Written Document: the Transitional Language of Anglo-Saxon Wills,” *Language and Communication*, 12 (1992), 95-122, here 114.

13 These features include: stylization, meta-comments about writing, realization of the act of bequeathing, secondary means to strengthen the act of bequeathing, evidence of planning, patterns of reference, dating, and involvement of the testator. Danet and Bogoch, “From Oral Ceremony to Written Record,” 99.

14 Danet and Bogoch, “From Oral Ceremony to Written Record,” 114.

written record was sometimes produced as a necessary part of the no less important process of its formal ‘publication’.”<sup>15</sup> The written word became, in a sense, a material extension of the oral ceremony.

The present study differs from those above primarily in scope. Instead of surveying the entire corpus of Anglo-Saxon wills, it concentrates on two documents to assess the accuracy of the general principles derived above. By having such a singular focus, we can arrive at a more nuanced understanding of how the oral and written interanimate each other in ninth-century England. The vernacular will of Alfred, King of the West Saxons from 871-899, and the Latin will of Æðelric, son of Æðelmund (804), are particularly deserving of close attention. While they contain several features that indicate the authority of the voiced statement, they also demonstrate an exceptionally strong sense of the importance of the written. These two wills suggest a dynamic period in which the worlds of the oral ceremony and written word were still intermingled but clearly moving toward a valuing of the written as dispositive.

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15 Simon Keynes, “Royal Government and the Written Word in Late Anglo-Saxon England,” *The Uses of Literacy in Early Mediaeval Europe*, ed. Rosamond McKitterick (Cambridge: Cambridge University Press, 1990), 226-257, here 252.



## THE WILL OF KING ALFRED (873–888)

The Old English will of King Alfred survives not in its original form, but as it was copied into the *Liber vitae* of New Minster and Hyde Abbey: MS. BL Stowe 944.

The manuscript, written in 1031 at the New Minster by the monk Ælfsige, is a unique representation of the historical identity of the Abbey.<sup>1</sup> As a whole, *Liberi vitarum* were designed to help religious houses remember the souls for whom they were to pray and were used during religious services. They were collections of texts important to the identity of the institutions to which they belonged. The *Liber vitae* of New Minster and Hyde Abbey contains a variety of such documents, including many Episcopal, confraternity, and regnal lists. An item of particular interest is the will of King Alfred.

Alfred's will is of great importance to the identity of the cathedral. Alfred, with plans to build a new cathedral, purchased and set aside a block of land. These plans, cut short by his death in 899, were nevertheless carried out by his son Edward who succeeded to the throne.<sup>2</sup> When it was completed in 901, Edward had the body of his father entombed at the New Minster along with successive members of the royal family.<sup>3</sup> And while the will does not mention the New Minster, several of the estates that it bequeaths passed to the cathedral at a later date. Other factors indicate the importance of Alfred to the founding of the cathedral. First, he is depicted on one of the cathedral's seals, raising his right hand in benediction and holding a scepter in his left.<sup>4</sup> Second, besides his will,

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1 *The Liber Vitae of the New Minster and Hyde Abbey Winchester: British Library Stowe 944, together with leaves from British Library Cotton Vespasian A. VIII and British Library Cotton Titus D. XXVII*, ed. Simon Keynes, *Early English Manuscripts in Facsimile*, 26 (Copenhagen: Rosenkilde and Bagger, 1996).

2 Walter de Gray Birch, ed. *Cartilarium Saxonicum: A Collection of Charters Relating to Anglo-Saxon History*, 1 (London: Whiting & Company (Limited), 1885), ix-x.

3 Keynes, *Liber Vitae*, 17.

4 Birch reproduces an image of the seal, *Cartilarium Saxonicum*, lxx.

Alfred's name appears in four other sections of the *Liber vitae*: the historical introduction to the manuscript; the *Nomina regum occidentalium saxonum* (specifies the location of his burial and his relation to Edward); the *Nomina feminarum illustrium* (in relation to his wife, Ealhswyð); and the *Nomina regum*.

Alfred's will, spanning manuscript leaves 29v to 33r, consists of two clearly distinguished sections, each demarcated by a large initial "I." Each section is labeled in a later hand: the first, "*praefatio*" and the second, "*testamentum*." The opening section, as the Latin heading suggests, is a preface to the bequeathing that takes place in the subsequent section. This *praefatio*, which goes on for one and a half folia, is a lengthy history of how the lands Alfred is about to bequeath came into his rightful possession. In addition to justifying ownership to the property, the *praefatio* acts as a defense of the document itself.

aðulf cingc min fæder us þrim gebroðrum becwæð æpelbolde 7 æðerede 7 me .  
 7 swyylc ure swylce lengest wære þæt se fenge to eallum . Ac hit gelamp þæt  
 æpelbold gefor . 7 wyt æþered mid ealre west seaxena witenas gewitnesse uncerne  
 dæl oðfæstan æpelbyrhte cingce [...] þa hit swa gelamp þæt æþered tofeng þa bæd  
 ic hine beforan urum witum eallum þæt wyt þæt yrfe gedæl don 7 he me ageafe  
 minne dæl þa sæde he me þæt he naht eaðe ne mihte todælan for þon he hæfde  
 ful oft ær ongefangan . 7 he cwæð þæs þe he on uncrum gemanan gebruce 7  
 gestrynde æfter his dæge he nanum menn sel ne uðe þonne me<sup>5</sup>

King Aðulf, my father, bequeathed to us three brothers—Æpelbold, and Æðered, and me—and whosoever of us the longest might live that he should take everything. But it befell that Æpelbold died. And we two, Æþered [and I], with the witness of the councilors of all the West Saxons, entrusted our portion to King Æpelbyrhte [...] Then it also happened that Æðered succeeded him. Then I asked him before all our councilors that we two might divide our inheritance and he might give to me my portion. Then he said to me that he could easily divide nothing because previously he had very often tried. And he said that whatever he enjoyed and acquired with the property belonging to us two he would give to no man in preference to me after his day.

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5 MS. BL Stowe 944 29v, ll. 6-12 and 17-25. All transcriptions and translations of Alfred's will are my own.

It is highly unusual to find such an extensive elucidation appended to a will. More often, the documents commence directly with the bestowing of lands and goods. In fact, there is only one extant will predating Alfred's that has a similar structure—that of Æthelric, son of Æthelmund, dating from 804.<sup>6</sup> There would have been no need for a will to include such details, as negotiations would have been sufficiently settled beforehand and would have then been carried forward in the living memory of the witnesses to the agreement.<sup>7</sup> Mnemonic devices and other memory enhancing actions were used during the oral ceremony to aid in the remembrance of the particulars of the agreement.<sup>8</sup>

While it may be easy, from a modern perspective, to find fault in this contractual method, medieval people did not necessarily do so. Memory was viewed, even in the later middle ages, as the most important sign of genius; a person with a retentive memory was held in great awe.<sup>9</sup> This high esteem for, or trust in memory is not evident in Alfred's will. If Alfred expected the living memory of those who were present to be consulted, there would be no need to create a written account of the meeting and the council's decisions.

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6 An example of a more typical opening appears in the will of Brihtric and Ælfswith:

Dis is Byrhrices 7 Ælfswyðe his wifes nihsta cwide. ðe hi cwædon on Meapaham on heora maga gewitnæsse. þæt wæs [...] Ærest his kynehlaforde ænne beah. on hundeahtotigan mancysan goldes.

This is the last will of Brihtric and his wife, Ælfswith, which they declared at Meopham, in the presence of their relations, namely, [...] First, to his royal lord an armlet of eighty mancuses of gold.

Dorothy Whitelock, ed. *Anglo-Saxon Wills* (Holmes Beach: Wm. W. Gaunt & Sons, 1986), 26-27.

7 Clanchy, *From Memory to Written Record*, 3.

8 Mary Carruthers, *The Book of Memory: A Study of Memory in Medieval Culture*, 2nd ed. (Cambridge: Cambridge University Press, 2008), 4.

9 *Ibid.*, 4.

The *praefatio*, then, implies that Alfred anticipated others looking to this physical document as evidence in place of the memory of witnesses. The document is vested with the potential to act as a substitute for the oral record. The very presence of the *praefatio*, then, points to Alfred's sense of the importance of the written and implies that Alfred saw this document as an influential part of the agreement.

Alfred's decision to record such details may be in part due to the fact that his reign was strewn with conflict. From the very start of his reign, the kingdom, along with most of Britain, was under constant attack by viking invaders. Only one month after his accession to the throne, Alfred was engaged in a battle against two viking armies.<sup>10</sup> They remained an ongoing threat until, near the end of his reign, he defeated Guthrum and his forces at Chippenham.<sup>11</sup>

With four elder brothers—Æthelstan, Æthelbald, Æthelberht, and Æthelred—Alfred was never even expected to become king. The potential for continued contestation of his right to the property left to him after his brothers' deaths, therefore, was great.<sup>12</sup> Indeed, Alfred's will includes a description of the resolution of one such dispute.

It is quite possible that this threat influenced his decision to record in his will an explanation which normally would have been left in the oral ceremony. That Alfred felt the need to take the additional step of physically recording these proceedings hints that he may have felt anxiety about the efficacy of a solely oral agreement, either due to the instability of his reign or because he did not fully trust the traditional oral methods.

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10 Simon Keynes and Michael Lapidge, *Alfred the Great: Asser's Life of King Alfred and Other Contemporary Sources*, (London: Penguin Books, 1983 repr. 2004), 18.

11 *Ibid.*, 22.

12 Alfred P. Smyth, *King Alfred the Great* (Oxford: Oxford University Press, 1995); D.P. Kirby, *The Earliest English Kings*, rev. ed. (London and New York: Routledge, 2000), 164-170.

Other sections of the will further indicate such a belief. For example, while describing the conflict that unfolded after the death of his elder brother King Æðelred, Alfred mentions that, during this time, no one came forward with any new information concerning the inheritance of Æðelred's property. In this statement he mentions two potential forms such information may have taken: written documentation or oral testimony.

Ac hit gelamp þæt æðered cingc gefor þa ne cydde me nan mann nan yrfe gewrit ne nane gewitnesse þæt hit ænig oðer wære butan swa hit on gewitnesse ær gecwædon.<sup>13</sup>

But it happened that King Æðered died. Then no one made known to me any inheritance writ nor any witness that it was any other except as it was previously spoken with witnesses.

It is evident here that Alfred would have accepted either oral or written forms of verification as equally valid. He sets forth no clear hierarchy between the two. Alfred accepts the use of the written record as a credible substitute for the living memory.

Further indicating his belief in the written as performative is the fact that this is the second time Alfred has found it necessary to create a will in written form. He states:

þonne hæfde ic ær on oðre wisan awriten ymbe min yrfe þa ic hæfde mare feoh . 7 ma maga . 7 hæfde monegum mannum þa gewritu oðfæst 7 on þas ylcan gewitnesse hy wæron awritene . þonne hæbbe ic nu forbæred þa ealdan þe ic geahsian mihte . Gif hyra hwylc funden bið ne forstent þæt naht for þam ic wille þæt hit nu þus sy mid godes fultume .<sup>14</sup>

I had previously written in another manner about my inheritance, when I had more money and more kinsmen, and I had entrusted the writ to many men, and in this same witness they were written. I have now burned [all] the old [ones] that I could discover. If any of them is found, it avails for not, because I desire that it now is thus, with the protection of God.

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13 MS. BL Stowe 944 30r, ll. 14-18.

14 MS. BL Stowe 944 32r, ll. 9-17

That this is the second time Alfred has bequeathed his property through a written medium is significant for several reasons. First, it indicates that he believes it important to make sure his wishes are written down, not just expressed verbally. In the description of his first will, there is no mention of any sort of oral procedure. He refers solely to written acts. This suggests that the written contractual agreement is seen as at least equally important as the verbal. Compared to the number of people who must have been bequeathing property during the period, Anglo-Saxon written wills are relatively rare; having made more than one is significant.

Second, Alfred entrusts copies of his first will to “monegum mannum,” many men. This signifies a desire for his heirs and himself to be able to access a copy for evidence of his wishes. It also indicates a concern for the possibility of forgeries and alterations to the contents of the will. This same concern is reflected in the contemporary use of chirographs to ensure the survival and authenticity of legal documents.<sup>15</sup> The more extant copies of the document, the less likely a forgery might be accepted as genuine. This practice, like that of making chirographs, demonstrates Alfred’s belief in the performativity of the document and indicates that he might see some danger in a forgery being vested with that performativity.

Third, Alfred states that he has tracked down and burned all the copies of his first will that he could find. Additionally, he denounces the validity of any copies that may still exist. That he feels the need to strip a document of legitimacy implies that he placed much value in its importance to begin with.

According to his will, Alfred acted on this belief in the value of the written record at least once. He describes in the *praefatio* the actions he took after the death of his brother, King Æðered, to establish his right to his inheritance. In order to resolve

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15 Kathryn A. Lowe, “Lay Literacy in Anglo-Saxon England and the Development of the Chirograph,” *Anglo-Saxon Manuscripts and their Heritage*, eds. Phillip Pulsiano and Elaine M. Treharne (Aldershot: Ashgate, 1998), 161-204.

the ongoing disputes, he brings the will of his father, King Æthelwulf, to a meeting of the councilors of the West Saxons as evidentiary support of his right to the property he bequeaths later in the will.

þa gehyrde we nu manegu yrfe geflitu . nu þa lædde ic apulfes cinges yrfe gewrit on ure gemot æt langandene 7 hit man arædde beforan eallum west seaxena witu<sup>16</sup>

Then we heard, at this time, many disputes about the inheritance. At that time I then brought the inheritance writ of King Aðulf before our assembly at Langden and someone read it before all the councilors of the West Saxons.

The fact that Alfred chooses to bring the physical will with him in order to demonstrate his claim shows, on his part, a valuing of the document itself. The bringing of witnesses and the making of oaths would be ordinary, but the description of someone presenting a document to make a case is far less common. The council's acceptance of the document would seem to indicate a similar view of the written word. The councilors, however, encounter the document aurally—it is read aloud to them. Their acceptance, therefore, does not necessarily indicate an outlook similar to Alfred's.

Witnesses are an essential part of an oral agreement and many legal documents refer to their presence at ceremonies that took place before the writing of the document. Others refer to witnesses who were present when the document was actually written. While the first type of witness is indicative of a high regard for the oral, the second hints at a belief in the performative nature of the written word.<sup>17</sup> These witnesses would have been present during the creation of the actual document and either put their signature or a cross next to their name, or, more likely, touched their name after it was written by the

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<sup>16</sup> MS. BL Stowe 944 30r, ll. 18-22.

<sup>17</sup> Danet and Bogoch, *From Oral Ceremony to Written Document*, 103.

scribe, indicating their approval.<sup>18</sup> Alfred's will mentions witnesses no fewer than seven times. Several of these are in reference to the witnessing of an oral ceremony, implying that Alfred participated in traditional modes of contractual agreement. First, he states that his will has been made in the presence of witnesses:

Ic ælfred west seaxena cinge mid godes gyfe 7 mid þisse gewitnesse gecweðe hu ic ymbe min yrfe wille æfter minum dæge<sup>19</sup>

I Alfred, King of the West Saxons, with the grace of God and with this witness, declare what I desire concerning my inheritance after my day.

Whether these witnesses are present during an oral or written declaration is unclear. The verb *gecweðe*, though, would seem to indicate a verbal pronouncement of his wishes. It is not enough, however, to assert that his bequeathing was originally oral in nature.

Alfred's will does not include any signatures attesting to the witnessing of the document. It survives, after all, only in a duplicate form. It does, however, mention the witnessing of the act of writing several times. For example, Alfred is explicit about his first will being written before witnesses:

7 hæfde monegum mannum þa gewritu oðfæst 7 on þas ylcan gewitnesse hy wæron awritene<sup>20</sup>

And I had entrusted the writs to many men, and in this same witness they were written.

Alfred makes a similar reference about the agreement reached by his councilors in regard to his inheritance from his father:

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<sup>18</sup> Ibid., 103.

<sup>19</sup> MS. BL Stowe 944 30v, ll. 14-16.

<sup>20</sup> MS. BL Stowe 944 32r, ll. 11-13.



7 hi ealle me þæs hyra wedd sealdon 7 hyra handsetene þæt be hyra life hit nænig mann næfre ne on wende on nane oðre wisan butan swa swa ic hit sylf ge cweðe æt þam nyhstan dæge<sup>21</sup>

And they all gave to me this their pledge and their signature that during their life no man would ever change it in any other wise except as I myself said on that last day.

In order to confirm the agreement, the councilors give Alfred their wedd, an oral pledge, and their handseten. The pledge is quite obviously oral in nature. The second act of confirmation, the giving of the handseten, has mixed oral and written significance.

While this noun has often been translated as “signature,” its literal meaning is closer to “hand setting.” Actions such as this are major links bridging the gap between the oral and written. They are part of the realm of the oral because they are a symbolic actions vested with legal meaning. They make the agreement legally binding. The precise action implied by *handseten* in Alfred’s will is unclear. Other documents, however, imply that this action was performed in addition to or in place of the written signature to add legitimacy to the document. The will of Alfred, thegn, demonstrates this more clearly: “Sind gewritan gewitnesse 7 hiera handa satene.” “The witnesses are written and their hands touched.”<sup>22</sup> Three bequests written by bishops contain a variation of the phrase “her is seo handseten” before the list of witnesses.<sup>23</sup> While we cannot know if there were ever witness lists attached to either of Alfred’s wills, it is highly likely. The use of witnesses, though, whether they are merely mentioned or their signatures are added to the document, signifies an attempt to invest the written record with the power of the oral ceremony.

Additionally, the will here records the words spoken to Alfred by the councilors in

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21 MS. BL Stowe 944 30v, ll. 8-13.

22 As quoted and translated by Danet and Bogoch, *From Oral Ceremony to Written Document*, 103.

23 These are Sawyer numbers 1312, 1313, and 1350.

direct speech.<sup>24</sup> This is the only place in the will where such a convention is used. Alfred finds it sufficient to give only a second hand account of similarly important decisions. In this case, it is important that readers of the will are informed of the precise words of the councilors because the problem of exactly whom Alfred may bequeath his land to comes up again later in the document when he insists that he is allowed to give property to male or female relatives. He felt it important to copy, as closely as possible, the occurrences of the oral agreement. In both of these instances—using witnesses and quoting from the ceremony—adopting pieces of the oral agreement lends some of the oral’s power to the written. Using a feature of the oral to render the written valuable illustrates both the continued importance of the oral register and the move toward an acceptance of the written.

Other features of Alfred’s will further demonstrate the intertwining of the oral and written. Even the act of bringing his father’s will to support his claim to his inheritance, while it demonstrates much faith in the written, is heavily oral.

þa hit aræd wæs þa bæd ic hy ealle for minre lufan 7 him min wedd bead . þæt ic hyra næfre nænne ne on cuðe for þon þe hy on riht spræcon . 7 þæt hyra nan ne wandode ne for minan lufan ne for minum ege þæt hy þæt folcriht arehton [...] 7 hy þa ealle to rihte gerehton 7 cwædon þæt hy nan rihtre riht ge þencan ne mihtan . ne on þam yrfe gewrite gehyran<sup>25</sup>

When it was read, then I asked them all, for my love—and gave to them my pledge that I would never reproach anyone because they spoke according to the law—that they should not hesitate, neither for love of me nor for fear of me to decide according to the folkright [...] And then they all judged according to the law and said that they might not think of any more just law than they heard in the inheritance writ.

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<sup>24</sup> See 30v, ll. 3-8.

<sup>25</sup> MS. BL Stowe 944 30r, ll. 22-27 and 30v, ll. 3-5.

The language in this section is replete with verbs that are oral in sense: *spræcon*, *cwædon*, *gehyran*. The actions of Alfred and the council are also oral in nature. Yes, Alfred brings a physical document to his councilors, but he reads it aloud. He then continues by giving a verbal oath and they give him a verbal pledge in return. This points to an oral agreement vested with importance as well as the transfer of the oral register to the written document.

This transfer continues in the *testamentum* portion of the will. While it is common in many of the wills for the beneficiaries mentioned to be referred to by their relation to the testator, Alfred's will refers to its beneficiaries by first names only. Ealhswith, Æthelm, and Osferth, for example, are not given any more specific identifiers. Given context-dependent information like this, it can be hard to extract exact information from the will. The reader must know something about Alfred and those close to him in order to make sense of the document. This is the same with the estates bequeathed. They are referred to by general location, with no bounds given. As Alfred was king, this most likely would not have posed a problem. The people and places he names were likely well known. Still, context-dependence in general is an important part of the oral register and demonstrates an interlacing of oral methods with the written form.

The concept of context-dependence goes hand in hand with the oral register's use of metonymic meaning. The traditional characteristics of oral poetry—traditional phraseology, epithets, themes, etc.—“invoke a context which is larger and more echoic than the text or work itself [...] it brings in the lifeblood of generations of poems and performances.”<sup>26</sup> While it would be a stretch to claim that the metonymy evidenced in Alfred's will is an artistic effort, the concept remains important to the analysis of the document. The use of metonymic meaning, so important and prevalent in the poetry of Anglo-Saxon England, is an integral component of the oral register. The fact that it shows up in straightforward prosodic legal documents says a lot about the transfer of the register

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26 John Miles Foley, *How to Read an Oral Poem* (Urbana and Chicago: University of Illinois Press, 2002).

to other genres and, again, implies that documents are being composed after the fashion of the register. This transfer exemplifies the experimentation being performed with both modes of communication.

This borrowing from the oral register, combined with a clear trust in the written demonstrates that Alfred placed a commingled importance in both the spoken and written word and, to a certain extent, relied on documents to serve a limited performative function.

## THE WILL OF ÆDELRIC (804)

The Latin will of Æðelric, son of Æðelmund, serves as a useful comparative tool when assessing the ingenuity of Alfred's approach to the oral and written. Written in 804, at least sixty-nine years prior to the earliest estimated date of Alfred's second will, the document would, theoretically, be much more submersed in the oral-traditional aspects of Anglo-Saxon culture. Even after a precursory glance, however, the will clearly demonstrates a view similar to Alfred's

The will survives in three separate copies, two of which are contained in what is now BL Cotton Tiberius A. xiii. This volume is made up of two separate manuscripts, bound together sometime in or before the fifteenth century.<sup>1</sup> The first manuscript, dubbed *Liber Wigorniensis* by Finberg, comprises folios 1-118. The second, commonly referred to as Hemming's Cartulary, spans 119-200.<sup>2</sup> The *Liber Wigorniensis* consists of a series of charters from the west-midland shires arranged topographically. Dating from the first half of the eleventh century, it is likely to be the oldest surviving medieval cartulary.<sup>3</sup> Hemming's Cartulary, written in the last decade of the eleventh century, includes 23 charters, some of which duplicate those in the *Liber Wigorniensis*.<sup>4</sup> That the two copies are nearly identical with only a smattering of minor differences, suggests that they may have been carefully copied from the same exemplar.<sup>5</sup> The third copy of Æðelric's will is

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1 Ker, N.R., "Hemming's Cartulary: A Description of the Two Worcester Cartularies in Cotton Tiberius A. XIII," *Studies in Medieval History Presented to Frederick Maurice Powicke*, eds. R.W. Hunt, W.A. Pantin, and R.W. Southern (Oxford: Clarendon Press, 1935), 49-75, here 55; Finberg, H.P.R., *The Early Charters of the West Midlands*, *Studies in Early English History*, ed. H.P.R. Finberg. Vol. 2 Leicester University Press, 1961.

2 Ker, *Hemming's Cartulary*, 49; Finberg, *Early Charters*, 15.

3 Finberg, *Early Charters*, 15-16.

4 *Ibid.*, 18

5 Ker, *Hemming's Cartulary*, 68.

found in BL Cotton Nero E. i, part ii. It is part of a collection of charters spanning five leaves, all somewhat abbreviated versions of their originals. All three manuscripts are similar in content and would have been used for similar purposes.

Modern editors of Æðelric's document tend to place it under the heading "Charters," or "Miscellaneous Charters." It is also frequently referred to as a "synod," a meeting of the king's council—drawing attention to Æðelric's presence at an assembly, but taking away all sense of the document as an individual declaration of intent. Despite the fact that Æðelric disperses property in the latter half of the document, it has yet to be identified as a will. Inconsistent classification of this ilk is a recurring difficulty in the study of Anglo-Saxon wills as a whole as the line of distinction between the will and other forms of contractual agreement is extremely blurred. Because of this lack of clarity, every individual study of wills invariably examines a unique corpus—no two scholars compiling the same group of documents.<sup>6</sup> Such variability is due in part to the fact that no precise definition of what constitutes an Anglo-Saxon "will" has been outlined.

Michael Sheehan, in *The Will in Medieval England: From the Conversion of the Anglo-Saxons to the End of the Thirteenth Century*, most closely approaches an actual definition. He separates the corpus of Anglo-Saxon wills into two broad categories: the *donatio post obitum*, or the bequest, and the *cwide*. He defines the *post obit* gift as:

a donation with a partial delayed effect. By this act, the donor gave a single property or allied properties to a donee, without himself suffering the loss of its use. The gift was perfected when, on the death of the donor, the object of the gift passed completely into the power of the donee.<sup>7</sup>

By the *cwide*, on the other hand,

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6 Whitelock 1930: over 50 vernacular wills (edits and publishes 39); Sawyer 1958: 58 vernacular and Latin wills; Lowe 1990: 62 vernacular wills; Danet and Bogoch 1994: 60 vernacular wills; Lowe 1998: 64 vernacular wills; Drout 2006: 59 vernacular wills.

7 Sheehan, *Will in Medieval England*, 24.

part or even all of an individual's property was distributed among what was often a large and widely dispersed group of beneficiaries. The *cwide* usually included several *post obit* gifts, some of which were made at the time while others were merely confirmed.<sup>8</sup>

Sheehan elaborates, breaking down the oral will into 3 specific parts—a *notificatio* in which the testator asserts his right to bequeath the property in question; a statement of gift; and a symbolic conveyance.<sup>9</sup> While Sheehan's descriptions refer specifically to oral procedures, they may easily be transferred to the examination of written wills.

Kathryn Lowe, in her 1990 PhD thesis, elaborates upon Sheehan's definition.<sup>10</sup> She acknowledges the many similarities among wills and other forms of contract, pointing out that "it is essential to be flexible when dealing with an instrument as imprecise as the Anglo-Saxon written will. Rigid adherence to any classification of types of legal record falsely implies that the Anglo-Saxons were necessarily aware of, and observed, such distinctions."<sup>11</sup> She states, "*Post obitum* distribution of property in the pre-Conquest period was intrinsically contractual."<sup>12</sup> They were not simply unilateral agreement, rather, action was required from both parties. Lowe, therefore, includes many documents previously labeled charters to her list of wills, deeming them "bequest-agreements," a type of will distinctly contractual in nature.

According to both Sheehan's and Lowe's qualifications, Æðelric's document can most certainly be classified as a will. It includes a *notificatio*, wherein he explicitly

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8 Ibid., 39.

9 Ibid., 51.

10 Kathryn Alexandra Lowe, "The Anglo-Saxon Vernacular Will: Studies in Texts and their Transmission," University of Cambridge, (1990), 166.

11 Kathryn Alexandra Lowe, "The Nature and Effect of the Anglo-Saxon Vernacular Will," *The Journal of Legal History*, 19 (1998), 167.

12 Lowe, "Nature and Effect," 29.

describes how he came into possession of the property he wishes to bequeath. He names each of the authorities that have granted him permissions and the circumstances under which they have done so. He follows this *notificatio* with a statement of gift, dispersing lands and goods to various family members and to religious houses to insure both their comfort and the security of his own soul. Each of these gifts is to be transferred upon his death, pending the fulfillment of certain obligations. The third and final part of Sheehan's description is the most problematic when discussing the will in its written form. It can, however, be realized in the form of second-order performatives—witnesses, pledges, and curses. These elements are potent symbols of authority both in the oral and written manifestations of the will, fusing the two “performances” together. The separation between the oral and written is the haziest at the points when these elements occur. Clearly the acts of bearing witness, pledging truth, and uttering a curse would have acquired power in their ritualized, spoken forms. Their potency, however, carries over and remains explicit in the written form. Æðelric's document contains all three of these second-order performatives, linking it directly to the oral tradition and fitting itself comfortably within all established scholarly definitions of the Anglo-Saxon “will.”

Like the will of King Alfred, Æðelric's will begins with a *praefatio* of sorts that explains the dispute surrounding the property he wishes to bequeath. This *praefatio* is a major reason for the document's exclusion from lists of wills by modern scholars who instead label it a “synod” or a “miscellaneous charter.” This portion of the document is indeed an account of the proceedings of a synod. Such labels, however, overlook the purpose of the account's inclusion in the document as a whole. Its purpose is not simply to report the outcome of the assembly, but to strengthen the subsequent act of bequeathing and is, in fact, very similar in content and structure to that included in the will of King Alfred.



Ibi æðelheardus archiepiscopus mihi regebat atque iudicauerat cum testimonio coenwulfi regis et optimatibus eius coram omni synodo quando scripturas meas perscrutarent ut liber essem terram mean atque libellas dare [...] Facta est autem post paucos annos alia synodus æt aclea. Tunc in illo synodo coram episcopis rege et principibus eius rememorauit pristinae libertatis mei quae mihi ante iudicatum est et cum licentia eorum testificaui in praesenti testimonio quem ad admodum meam hereditatem dare uoluisssem.<sup>13</sup>

There, Archbishop Æðelheard directed and judged for me, with the testimony of King Coenwulf and his nobles, when they examined my writings before all the synod, that I was free to give my land and deeds wherever I wished. [...] Then, after a few years, another synod was made at Aclea. At that time, in that synod, before the bishops, the king, and his nobles, I recalled my former freedom which was previously granted to me and with their license I testified in the present testimony how I had wished to give my inheritance.

As in the case of Alfred's will, the inclusion of such an elaborate justification of rightful ownership indicates that the written document carried a certain amount of weight. By including the descriptions of the two oral agreements associated with the will, a certain amount of validity is lent to the written document. These descriptions are not essential to conveying the important information in the will—which properties are to go to whom. However, using them to supplement the will grants to the physical document a performative function.

In the *praefatio*, Æðelric mentions that he brought his *libris* with him to the assembly. This term, while vague, likely refers to the title-deeds to the properties under question.

Ego æðelric filius æðelmundi cum conscientia synodali inuitatus ad synodum et in iudicio stare in loco qui dicitur clofeshoh cum libris et ruris id est æt wæstmynster quod prius propinqui mei tradiderunt mihi et donauerunt.<sup>14</sup>

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13 MS. BL Cotton Tiberius A xiii 49r, ll. 7-19 and 49v, l. 1. All transcriptions and translations of Æðelric's will are my own.

14 MS. BL Cotton Tiberius A xiii 49r, ll. 3-7.

I, Æðelric, son of Æðelmund, having been, with the knowledge of the synod, invited to the synod to stand in judgment in the place which is called Clofeshoh, with books and lands which formerly my relatives handed over and gave to me at Westminster

While it may be assumed at first glance that this indicates the performative function of the written document, its relationship to the oral and written is more complex. Æðelric's will demonstrates clearly the relationship between title-deeds and property ownership. For it was not the content of the document that mattered, so much as the physical possession of the paper. Possession of the document equalled land ownership. These physical documents were essential to Æðelric being granted permission to bequeath his land. Alfred, too, brings physical documents to council to resolve his land dispute. He, however, brings another will. His evidence is questioned and debated where Æðelric's does not appear to be. It is not the fact that Æðelric has written evidence that convinces the synod, then. For written evidence, as demonstrated in King Alfred's will, does not equal automatic proof. In fact, the writing does not matter at all. The title deed, rather, is viewed as a symbolic representation of land ownership itself. Susan Kelly explains:

It seems likely that, in the eyes of the laity, the transfer of land was effected and guaranteed by the rituals which marked the transaction, and that the diploma was important as a part and symbol of these ceremonies not on its own account as a written record of the transaction. The value of a diploma as a title-deed resided less in the information which it contained than in its function as a potent symbol of ownership.<sup>15</sup>

As a vestige of the ceremony of land transfer, it is the embodiment of the verbal agreement. Its power lies in its symbolism and it is the reason why Æðelric needs no additional help proving his rightful ownership.

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<sup>15</sup> Susan Kelly, "Anglo-Saxon Lay Society and the Written Word," *Old English Literature*, ed. R.M. Liuzza (New Haven and London: Yale University Press, 2002), 23-50, here 29.

As in the will of King Alfred, many Anglo-Saxon wills record bequests as if they were being articulated for the first time at the moment of the composition of the document, making no explicit reference to any previous oral agreement.<sup>16</sup> Æðelric's will, however, directly references the oral agreement during which he initially made his bequests.

Tunc in illo synodo coram episcopis rege & principibus eius rememorauī pristinae libertatis mei. quae mihi ante iudicatum est & cum licentia eorum testificaui in praesenti testimonio quem ad admodum meam hereditatem dare uoluissē.<sup>17</sup>

At that time, in that synod, before the bishops, the king, and his nobles, I recalled my former freedom which was previously granted to me and with their license I testified in the present testimony how I had wished to give my inheritance.

Æðelric leaves no room for doubt that an oral ceremony of sorts surrounded this contract. The actual bequests are then presented in direct discourse as the actual words spoken during the ceremony. "Et sic dixi." "And I spoke thus." The will, written in this manner, draws on the perceived legitimacy of the oral ceremony to add performativity to the document itself, drawing the spoken word forward into the written document.

Æðelric's will is further interconnected with the oral by the presence of second-order performatives. First, the presence of witnesses during the oral ceremony is mentioned several times. As discussed above, witnessing of the actual agreement is indicative of the importance of the oral ceremony to the legitimacy of the contract. However, a reference to the witnessing of the signing of the physical document is also made. In addition, the list of witnesses present is actually included at the end of the document. A series of fifteen names is recorded along with a variation of the phrase *ego signum sancte crucis consensi et subscripsi*. A small cross is placed to the left of each

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<sup>16</sup> Of course, even in these cases we cannot necessarily assume that no oral agreement took place.

<sup>17</sup> MS. BL Cotton Tiberius A xiii 49r, ll. 17-19 and 49v l. 1.

name. As previously mentioned, witness lists were written entirely, including even the crosses appearing next to the names, by the scribe. Rather than signing their names, witnesses touched their hand, or possibly a sword, to the cross indicating their agreement with the transaction. This type of symbolic action

is a transitional act, from the viewpoint of the history of literacy, since it both reveals close links with the physical manipulation of symbolic objects common to oral ceremonies, and points toward literacy in that individuals are relating to graphic marks on the parchment.<sup>18</sup>

The oral and the written are thus inextricably linked in this act—each aiding and supporting the other.

A second form of second order performatives is the oath, or vow. While the will reports that those present at the synod where Æðelric made his will gave vows, it does not report their exact words. Instead, Æðelric, in the portion of the will written in direct speech, mentions that the assembly has made vows.

Haec sunt nomina illarum terrarum quae dabo ad locum qui dicitur Deorhyrst pro me et Æðelmund patrem meum si mihi contingat ut illic corpus meum requiescat: Todanhom et æt Sture, Scraefleh et cohhanleh. Ea condicione, ut illa congregatio uota eorum faciat firma sicut mihi promiserunt.<sup>19</sup>

These are the names of those lands which I will give to the place which is called Deorhyrst (for myself and for Æðelmund, my father) if it happens for me that my body might be laid to rest there: Todanhom and at Sture, Screfleh and Clohhanleh. With this condition, that the assembly makes their vows firm just as they promised me.

Little information about the exact terms of the vows made by the assembly can be gleaned from this passage. It does, however, demonstrate the strong influence of the oral.

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18 Danet and Bogoch, *From Oral Ceremony to Written Document*, 103.

19 MS. BL Cotton Tiberius A xiii 49v, ll. 2-6.

Even though many features of the document demonstrate an attempt to invest it with a performative function, there is still a certain level of context-dependence that requires one to have been present at the actual ceremony to know all of the facts of the agreement.

A third form of second-order performative is the curse. Given their widespread use across the spectrum of legal documents, Anglo-Saxon curses have received little critical attention. In his book *Anathema!*, Marc Drogin discusses the use of curses to protect important objects. He suggests that, because they were accustomed to inscribing curses into books for their protection, Anglo-Saxon scribes simply transferred this usage over to legal documents as a natural occurrence.<sup>20</sup> Danet and Bogoch argue against Drogin stating that, in the case of legal documents, there was a move away from a view of the text solely as object toward a view of the text as performative in itself.<sup>21</sup>

In “Curses in Anglo-Saxon Legal Documents,” Danet and Bogoch take a close look at the presence of curses in Anglo-Saxon wills, grants or leases of land, and royal writs and analyze their performative function. Due to the lack of work done on curses in general, they begin by developing a four-part typology of curses. Essentially, curses are made up of a combination between the serious or ludic and the conditional or categorical.<sup>22</sup> The curses that appear in Anglo-Saxon legal documents are all serious conditional curses, meaning they are meant to be taken seriously and they are not directed toward a specific target, but toward anyone who breaks their conditions.

Curses of this type share several features. Most importantly, they include strong directives that act as a warning to the potential accursed, invoke supernatural forces—in

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20 Marc Drogin, *Anathema! Medieval Scribes and the History of Book Curses* (New Jersey: Allanheld, Osmun, & Co. Publishers, 1983), 95.

21 Brenda Danet and Bryna Bogoch, “‘Whoever Alters This, May God Turn His Face from Him on the Day of Judgment’: Curses in Anglo-Saxon Legal Documents,” *Journal of American Folklore* 105 (1992), 143.

22 *Ibid.*, 134.

most cases the Christian God—refer to the future state of things, and are deeply sincere in all elements. The curses of this type also share a “direction of fit” where words control the world.<sup>23</sup> The structure of serious conditional curses is also fairly consistent. They are made up of two essential parts—first, the conditional clause that behaves as an “implicit directive” and second, a clause specifying the consequences of committing the forbidden action. There is also an optional third phrase which functions as an “unless clause” allowing for repentance as a way of obtaining relief from the specified punishment.<sup>24</sup>

Aside from their heavily formulaic structure—the curses even appear in the same location, the last paragraph, of every document—heavy stylization is a major indicator of their oral nature. The two major elements that Danet and Bogoch observe in the curses are the repetition of the verb in the two main clauses—often *awende*—and the use of binomials heightened by the principle of end-weight as well as the sometimes “redundant” nature of the two parts.<sup>25</sup>

The curse included in Æðelric’s will follows the pattern studied by Danet and Bogoch. A supernatural power, *omnipotentis dei*, is invoked. There is a conditional clause, outlining the forbidden action and a clause specifying the consequences of diminishing the will.

Rogo etiam Æðelric pro amore omnipotentis dei & praecipio & obsecro per omnes uirtutes caelorum. Ut nullus homo hanc positionem crucis Christi. quae tantorum uirorum testimonio confirmata est non praesumat minuere. Si ausus est aliquis confirmationem istam infringere. del[.]ur<sup>26</sup> de laude dei si non satisfactione emendauerit.<sup>27</sup>

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23 Ibid., 136

24 Ibid., 140.

25 Ibid., 152-56.

26 Two letters are faded out. They appear to be an o and an e. Other edited texts have an e and a t.

27 MS. BL Cotton Tiberius A xiii 49v, ll 25-26 and 50r, ll. 1-4.

I, Æthelric, ask, for love of omnipotent God and instruct and entreat, by all the virtues of the heavens, that no man presume to diminish this placing of the cross of Christ which has been strengthened by the witness of so many men. If anyone dares to break this confirmation, let him be kept from the glory of God if he does not emend it satisfactorily.

Interestingly, Æðelric's curse contains an "unless clause," allowing the accursed to repent for his misdeeds. Such clauses indicate a belief in the potency of the curse, for there would be no reason to provide an escape route for the accursed if it was not expected to work in the first place.

Æðelric's curse is not simply a written record of the spoken curse. By its inclusion, the document itself gains power. This, combined with his use of direct speech and the mention of witnesses and vows pulls verbal and symbolic elements from the oral ceremony into the physical document in order to lend it a performativity of its own.

## CONCLUSION

The wills of Alfred and Æðelric, being two of the earliest extant Anglo-Saxon testaments, suggest that the transition from an oral to written culture likely began quite early. They demonstrate, in fact, that the separation between the two modes of communication may never have been as distinct as we might like to think. By incorporating elements of the oral ceremony into the written, the documents reconcile the two seemingly unconnected forms of communication, using one to support the strength and functionality of the other. This borrowing from the oral register, combined with a clear trust in the written demonstrates that there was a commingled importance placed on both the spoken and the written word in Anglo-Saxon society and, to a certain extent, Anglo-Saxons relied on documents to serve a limited performative function. It illustrates both the continued importance of the oral register and a move toward an acceptance of the written.



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APPENDIX A  
KING ALFRED'S WILL

Transcription<sup>1</sup>

1 Praefatio<sup>2</sup>    Ic ælfred cingc mid godes gife . 7 mid ge[-]  
 2        þeah tunge æþeredes ercebisceopes 7 ealra  
 3        west seaxena witena gewitnesse smeade  
 4        ymbe minre sawle þearfe . 7 ymbe min yrfe  
 5        þæt me god 7 mine ylðran forgeafon . 7  
 6        ymbe þ þ yrfe þæt aðulf cingc min fæder  
 7        us þrim gebroðrum becwæð æþelbolde  
 8        7 æðerede 7 me . 7 swyylc ure swylce lengest  
 9        wære þæt se fenge to eallum . Ac hit ge[-]  
 10       lamp þæt æþelbold gefor . 7 wyt æþered  
 11       mid ealre west seaxena witena gewitnesse  
 12       uncerne dæl oðfæstan æþelbyrhte cingce  
 13       uncrum mæge on þa gerædene þe he hit  
 14       eft gedyde unc swa gewylde swa hit þa wæs  
 15       þa wit hit him oðfæstan 7 he þa swa dyde  
 16       ge þæt yrfe ge þ he mid uncre gemanan  
 17       begeat 7 þæt he sylf gestrynde . þa hit  
 18       swa gelamp þ æþered tofeng þa bæd ic  
 19       hine beforan urum witum eallum þ wyt þ  
 20       yrfe gedæl don 7 he me ageafe minne dæl  
 21       þa sæde he me þ he naht eaðe ne mihte

1 The transcription of Alfred's will is from MS. BL Stowe 944.

2 Located in the margin and written in a later hand.

22 todælan for þon he hæfde ful oft ær  
 23 ongefangan . 7 he cwæð þæs þe he on uncrum  
 24 gemanan gebruce 7 gestrynde æfter his  
 25 dæge he nanum menn sel ne uðe þonne me .  
 26 7 ic þæs þa wæs wel geþafa . Ac hit gelamp  
 27 þæt we ealle on hæðenum folce gebrocude

30r

1 wæron . þas spræce wyt ymbe uncre bearn  
 2 þæt hy sumre are beþorftan sælde unc on  
 3 þam brocum swa unc sælde . þa wæron we on ge[-]  
 4 mote æt swinbeorgum þa gecwædon wit on  
 5 west seaxena witena gewitnessa þæt swaðer  
 6 uncer leng wære þ he geuðe oðres bearnum  
 7 þara landa þe wyt sylfe begeaton 7 þara  
 8 land þe unc aðulf cingc forgeaf be aðelbolde  
 9 lifiendum butan þam þe he us þrim gebro[-]  
 10 ðrum gecwæð . 7 þæs uncer ægðer oþrum his  
 11 wedd sealde swaðer uncer leng lifede þæt se  
 12 fenge ægþer ge to lande ge to madmum . 7 to  
 13 eallum his æhtum butan þam dæle þe uncer  
 14 gehwæðer his bearnum becwæð . Ac hit ge[-]  
 15 lamp þ æðered cingc gefor þa ne cydde me  
 16 nan mann nan yrfe gewrit ne nane gewit[-]

17 nesse þ hit ænig oðer wære butan swa hit on  
 18 gewitnesse ær gecwædon . þa gehyrde we nu  
 19 manegu yrfe geflitu . nu þa lædde ic aþul[-]  
 20 fes cinges yrfe gewrit on ure gemot æt  
 21 langandene 7 hit man arædde beforan eallum  
 22 west seaxena witum . þa hit aræd wæs þa bæd  
 23 ic hy ealle for minre lufan 7 him min wedd  
 24 bead . þ ic hyra næfre nænne ne on cuðe for  
 25 þon þe hy on riht spræcon . 7 þ hyra nan  
 26 ne wandode ne for minan lufan ne for minum  
 27 ege þæt hy þ folcriht arehton þy læs ænig

30v

1 man cweðe þ ic mine mægcild oððe yl[-]  
 2 dran oððe gingran mid wo forðemde .  
 3 7 hy þa ealle to rihte gerehton 7 cwædon  
 4 þ hy nan rihtre riht ge þencan ne mihtan .  
 5 ne on þam yrfe gewrite gehyran nu hit  
 6 eall agan is þæron oð þine hand. þonne  
 7 þu hit becweðe 7 sylle swa gesibre handa  
 8 swa fremdre swaðer þe leofre sy . 7 hi ealle  
 9 me þæs hyra wedd sealdon 7 hyra hand[-]  
 10 setene þ be hyra life hit nænig mann næfre  
 11 ne on wende on nane oðre wisan butan swa



12 swa ic hit sylf ge cweðe æt þam nyhstan  
 13 dæge . Testamentum .

14 Ic ælfred west seaxena cinge mid godes  
 15 gyfe 7 mid þisse gewitnesse gecweðe hu ic  
 16 ymbe min yrfe wille æfter minum dæge .  
 17 ærest ic an eadwearde minum ylðran  
 18 suna þæs landes æt strætneat on triconscire .  
 19 7 heortigtunes . 7 þa bocland ealle þe leof-  
 20 heah hylt . 7 þ land æt carumtune . 7 æt  
 21 cylvantune . 7 æt burhamme . 7 æt wedmor .  
 22 7 ic eom fyrmdig to þam hiwum æt ceodre .  
 23 þ hy hine ceosan on þa ge rad þe we ær ge[-]  
 24 cweden hæfdon mid þam lande æt ciwtune . 7  
 25 þam þe þærto hyrað . 7 ic him an þæs landes  
 26 æt cantuctune . 7 æt bedewindan 7 æt pefes[-]  
 27 igge . 7 hysseburnan . 7 æt suttune . 7 æt

31r

1 leodridan . 7 æt aweltune . 7 ealle þa boc[-]  
 2 land þe ic on cent hæbbe . 7 æt þam nyðeran  
 3 hysseburnan : 7 æt cyseldene . a gyfe man  
 4 into wintanceafre on þagerad þe hit min  
 5 fæder ær gecwæð . 7 þ min sundorfeoh þæt  
 6 ic ecgulfe oðfæste on þam neoðeran hysse[-]

7 burnan . 7 þam gingran minan suna þ land  
 8 æt eaderingtune . 7 þ æt dene . 7 þ æt meone  
 9 7 æt ambresbyrig . 7 æt deone 7 æt sture[-]  
 10 mynster . 7 æt gifle . 7 æt crucern . 7 æt  
 11 hwitancyrican . 7 æt axanmuðan . 7 æt  
 12 branescumbe . 7 æt columtune . 7 æt twy[-]  
 13 fyrde . 7 æt mylenburnan . 7 æt exanmyn-  
 14 ster . 7 æt suðeswyrðe . 7 æt liptune . 7 þa  
 15 land þe þærto hyran . þ synd ealle þe ic  
 16 on wealcynne hæbbe . butan triconscire .  
 17 7 minre yldstan dehter þæne ham æt welewe .  
 18 7 þære medemestan æt clearan . 7 æt cen-  
 19 defer . 7 þære gingestan þone ham æt  
 20 welig 7 æt æsctune 7 æt cippanhamme .  
 21 7 æðelme mines broðer suna þone ham  
 22 æt ealdingburnan 7 æt cumtune . 7 æt  
 23 crundellan . 7 æt beadingum . 7 æt bea-  
 24 dingahamme 7 æt burnham . 7 æt þun-  
 25 nesfelda . 7 æt æscengum . 7 aþelwolde  
 26 mines broðor suna þone ham æt godel-  
 27 mingum . 7 æt gyldeforda . 7 æt stæningum

31v

1 7 osferðe minum mæge þone ham æt  
 2 beccanlea . 7 æt hryðeranfelda . 7 æt

3 diccelingum 7 æt suðtune 7 æt lulling[-]  
 4 mynster . 7 æt angemæringum . 7 æt  
 5 felhhamme . 7 þa land þe þærto hyran .  
 6 7 ealhswiðe þone ham æt lambburnan .  
 7 7 æt waneting 7 æt eðandune . 7 minum  
 8 twam sunum an þusend punda ægðrum  
 9 fifhund punda . 7 minre yldstan dehter .  
 10 7 þære medemestan 7 þære gingstan 7  
 11 ealhswiðe him feowrum feower hund  
 12 punda ælcum anhund punda . 7 minra  
 13 ealdormanna ælcum anhund mangcusa .  
 14 7 æpelme 7 aðelwolde 7 osferðe eac swa  
 15 7 æþerede ealdormenn an sweord on  
 16 hund teontigum mancusum . 7 þam mannum  
 17 þe me folgiað þe ic nu on eastertidum  
 18 feoh sealde twa hund punda agyfe man  
 19 him 7 dæle man him betweoh ælcum swa him  
 20 to gebyrian wille æfter þære wisan þe ic  
 21 him nu dælde . 7 þam ercebisceope .c.  
 22 mancusa 7 esne bisceope 7 wærferðe bisceo-  
 23 pe 7 þam æt scireburnan . eac swa gedæle  
 24 for me . 7 for minne fæder . 7 for þa  
 25 frynd þe he fore þingode . 7 ic fore þingie .  
 26 twa hund punda . fiftig mæssepresotum

27 ofer eall min rice . fiftig earmum godes

32r

1 þeowum . fiftig earmum þearfum . fiftig  
 2 to þære cyrican þe ic æt reste . 7 ic nat  
 3 naht gewislice hwæðer þæs feos swa micel  
 4 is . ne ic nat þeah his mare sy . butan swa  
 5 ic wene . Gyf hit mare sy beo hit him  
 6 eallum gemæne þe ic feoh becweden hæbbe .  
 7 7 ic wille þæt mine ealdormenn 7 mine  
 8 þenigmenn þær ealle mid syndan 7 þis þus  
 9 gedælan . þonne hæfde ic ær on oðre wisan  
 10 awriten ymbe min yrfe þa ic hæfde mare  
 11 feoh . 7 ma maga . 7 hæfde monegum man[-]  
 12 num þa gewritu oðfæst 7 on þas ylcan  
 13 gewitnesse hy wæron awritene . þonne  
 14 hæbbe ic nu forbæred þa ealdan þe ic  
 15 geahsian mihte . Gif hyra hwylc funden  
 16 bið ne forstent þæt naht for þam ic  
 17 wille þæt hit nu þus sy mid godes fultume .  
 18 7 ic wille þa menn þe þa land habbað þa  
 19 word gelæstan þe on mines fæder yrfe  
 20 gewrite standað swa swa hy fyrmest  
 21 magon . 7 ic wylle gif ic ænigum menn

22 ænig feoh unleanod hæbbe þæt mine  
 23 magas þæt huru geleanian . 7 ic wylle  
 24 þa menn þe ic mine bocland becweden  
 25 hæbbe þæt hy hit ne asyllan of minum  
 26 cynne ofer heora dæg . ac ic wille hyra dæg  
 27 þæt hit gange on þa nyhstan hand me

32v

1 butan hyra hwylc bearn hæbbe þonne is  
 2 me leofast þæt hit gange on þæt strynged  
 3 on þa wæpned healfe þa hwile þe ænig  
 4 þæs wyrðe sy . min yldra fæder hæfde ge[-]  
 5 cweden his land on þa spere healfe næs on  
 6 þa spinl healfe þonne gif ic gesealde  
 7 ænigre wif handa þ he gestrynde þonne for[-]  
 8 gyldan mine magas . 7 gif hy hit be þan  
 9 libbendan habban wyllan gif hit elles sy  
 10 gange hit ofer hyra dæg swa swa we ær  
 11 gecweden hæfdon . forþon ic cweðe þæt  
 12 hi hit gyldan for þon hy foð to minum  
 13 þe ic syllan mot swa wif handa swa wæpned  
 14 handa swaðer ic wylle . 7 ic bidde on godes  
 15 naman 7 on his haligra þ minra maga  
 16 nan ne yrfewearda ne geswence nan nænig

17 cyrelif þara þe ic foregeald . 7 me west  
 18 seaxena witan to rihte gerehton þæt ic hi  
 19 mot lætan swa freo swa þeowe swaðer  
 20 ic wille . ac ic for godes lufan 7 for minre  
 21 sawle þearfe wylle þ̅ hy syn heora  
 22 freolses wyrðe 7 hyra cyres 7 ic on godes  
 23 lifiendes naman beode þæt hynan man  
 24 ne brocie ne mid feos manunge ne mid  
 25 nænigum þingum þ̅ hy ne motan ceosan  
 26 swylcne mann swylce hy wyllan . 7 ic wylle

33r

1 þæt man agyfe þam hiwum æt domra[-]  
 2 hamme hyra landbec hyra landbec  
 3 7 hyra freolf swylce hand to ceosenne  
 4 swylce him leofast sy for me 7 for  
 5 ælflæde 7 for þa frynd þe heo fore  
 6 þingode 7 ic fore þingie . 7 sec man eac  
 7 on cwicum ceape ymbe minre sawle þearfe  
 8 swa hit beon mæge 7 swa hit eac gecrysne  
 9 sy 7 swa ge me for gyfan wyllan ;

## Translation

## Preface

I King Alfred, with the grace of God and with the counsel of Archbishop Æþered and the witness of the witan of the West Saxons, deliberated about the need of my soul and about my inheritance which God and my ancestors gave to me. And about that inheritance that King Aðulf, my father, bequeathed to us three brothers—Æþelbold, and Æðered, and me—and whosoever of us the longest might live, that he should take everything. But it befell that Æþelbold died. And we two, Æþered [and I], with the witness of the councilors of all the West Saxons, entrusted our portion to King Æþelbyrhte, our kinsman, under the conditions that he afterwards gave it back to us as it then was when we two entrusted it to him. And he then did so—not only in respect to the inheritance, but also to that which he attained with our common property and that which he himself plundered. Then it also happened that Æðered succeeded him. Then I asked him before all our councilors that we two might divide our inheritance and he might give to me my portion. Then he said to me that he could easily divide nothing because previously he had very often tried. And he said that whatever he enjoyed and acquired with the property belonging two us two he would give to no man in preference to me after his day. And of this then I was well pleased. But it happened that we were all afflicted by a heathen people. [30r] We two spoke this about our children: that they would need some property, let befall us two, through these afflictions, what might. We were then at the assembly at Swinburgh. Then we two spoke in the witness of the councilors of the West Saxons that whosoever of us two lived longer that he should give to the children of the other the lands which we two attained ourselves and the land which King Aðulf gave to us while King Aðelbold was living except those which he bequeathed to us three brothers. And of this each of us two gave the other his pledge that whosoever of us lived longer that he should succeed to the land and to the treasure and to all of his possessions except the portion that either of

we two bequeathed to his children. But it happened that King Æðered died. Then no one made known to me any inheritance writ or any witness that it was any other except as it was previously spoken with witnesses. Then we heard, at this time, many disputes about the inheritance. At that time I then brought the inheritance writ of King Aðulf before our assembly at Langden and someone read it before all the councilors of the West Saxons. When it was read, then I asked them all, for my love—and gave to them my pledge that I would never reproach anyone because they spoke according to the law—that they should not hesitate, neither for love of me nor for fear of me to decide according to the folkright lest any [30v] man say that I judged for my young kinsman with wrong, either the elder or the younger. And then they all judged according to the law and said that they might not think of any more just law than they heard in the inheritance writ. “Now everything therein is passed into your hand. Bequeath and give it either to a related hand or a foreign, whichever is more agreeable to you.” And they all gave to me this their pledge and their signature that during their life no man would ever change it in any other wise except as I myself said on that last day.

#### Testament

I Alfred, King of the West Saxons, with the grace of God and with this witness, declare what I desire concerning my inheritance after my day. First, I [give] to Eadweard, my elder son, of the land at Stratton in Cornwall, and Hartington, and all the bookland which Leofheah holds, and that land at Carhampton, and at Chilington, and at Burnham, and at Wedmor. And I am desirous that the community at Chedder, that they choose him on the conditions of which we had previously spoken, with the land at Chewton and that which belongs thereto. And I [give] to him the land at Quantock, and at Bedwin, and at Pewsey, and Hussebourn, and at Sutton, and at [31r] Letherhead, and at Alton. And all the bookland which I have in Kent, and at the Nether Hussebourn, and at Chiselden be given



to Winchester, on the condition which my father previously said, and my private property that I entrusted to Ecgulf in the nether Hussebourn. And to my younger son, the land at Adrington, and that at Dean, and that at Meon, and at Amesbury, and at Downe, and at Stourminster, and at Gidley, and at Crewkern, and at Whitchurch, and at Axmouth, and at Branscomb, and at Collumpton, and at Twyford, and at Milbourn, and at Axminster, and at Southsworth, and at Litton, and the lands which belong thereto. That is, everything which I have in Wales, except Cornwall. And to my eldest daughter the home at Wellow. And to the middlemost at [the land at] Clere and at Candever. And to the youngest, the home at Welig, and at Ashton, and at Chippenham. And to Æðelm, my brother's son, the home at Aldingbourn, and at Compton, and at Crondal, and at Beden, and at Bedingham, and at Burnham, and at Thundersfield, and at Eashing. And to Aþelwold, my brother's son, the home at Godalming, and at Guildford, and at Steyning [31v]. And to Osferð, my kinsman, the home at Beckley, and at Rotherfield, and at Ditchling, and at Sutton, and at Lullington, and at Angmering, and at Felpham, and the land which belongs thereto. And to Ealhswið, the home at Lambourn, and at Wantage, and at Edington. And to my two sons, a thousand pounds, to each five hundred pounds. And to my eldest daughter and to the middlemost and to the youngest and to Ealhswiðe, to these four, four hundred pounds, to each one hundred pounds. And to my ealdormen, one hundred mancuses each. And likewise to Æþelm and Aðelbold and Osferð. And to Ealdorman Æþered a sword worth one hundred and twenty mancuses. And to the men who follow me, to whom I now give money at Easter time, give two hundred pounds to these men and divide it between them. To each as it will be fitting according to the manner that I now give to them. And to the Archbishop, 100 mancuses. And to Bishop Esne and Bishop Wærferð and to the [Bishop] at Sherborne. Likewise apportion for me and for my father and for those friends for whom he previously interceded and for whom I intercede, two hundred pounds to fifty mass-priests over all my kingdom, fifty to the poor servants [32r] of God, fifty to

the poor in need, fifty to the church at which I shall rest. And I do not know for certain whether the money is so much. Nor do I know whether there is more of it, but I believe it so. If there is more, let it be had in common by all of those to whom I bequeathed money. And I desire that my ealdormen and my thanes be all there and this thus apportion. I had previously written in another manner about my inheritance, when I had more money and more kinsmen, and I had entrusted the writs to many men, and in this same witness they were written. I have now burned [all] the old [ones] that I could discover. If any of them is found, it avails for not, because I desire that it now is thus, with the protection of God. And I desire those men who have the lands that follow the words which stand in the inheritance writ of my father as far as they best may. And I desire, if I, to any men have unpaid any money, that my kinsmen nevertheless repay them. And I desire that the men to whom I have bequeathed my bookland that they never give it from my kin after their day. But I desire that [after] their day that it should go to the nearest hand to me (next of kin) [32v] unless any of them have children. Then it is most desirable to me that it go into the stock on the weaponed half, while there are any who are worthy of it. My older father<sup>3</sup> had bequeathed his lands to the spear-half, not to the spindle-half. If I gave to any female hand what he acquired, then let my kinsmen make restitution for it, if they desire to have it while they live, if it is otherwise, let it go after their day, just as we had previously spoken. I declare that they should make restitution because they succeed to mine that I might give either to the female hand or the weaponed hand, whosoever I desire. And I pray, in the name of God and his saints, that my none of my kinsmen nor heirs afflict any of those dependents for whom I have paid, and the councilors of the West Saxons have rightly judged to me that I might allow [them to be] either freemen or servants, whichever I desire. But, for the love of God and for my soul's need, I desire that they may be worthy of freedom and their choice. And, in the name of the living God,

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3 I.e. "grandfather."

I command that no man afflict them with taxation of money nor with anything, so that they might not choose whichever that they desire. And I desire [33r] that there be given to the community at Damerham their land deed and their freedom to choose such a hand as is most desirable for them, for me and for Ælflæd and for the friends for whom she interceded and I intercede. And in living cattle, for the need of my soul, as it might be and as it is fitting and as you desire to give me.

APPENDIX B  
ÆDELRIC'S WILL

Transcription One<sup>1</sup>

1 In nomine domini dei summi rex regum. qui in altis habitat<sup>2</sup>  
 2 & prospicit omnia caelestia & terrestria. Anno ab incar [-]  
 3 natione christi .dc̄cc̄.iiii. Indictione .xīī. Ego æðelric filius<sup>3</sup>  
 4 æðelmundi. Cum conscientia synodali inuitatus ad syno [-]  
 5 dum & in iudicio stare in loco qui dicitur clofeshoh. Cum<sup>4</sup>  
 6 libris & ruris id est æt wæstmynster quod prius propinqui  
 7 mei tradiderunt mihi & donauerunt. ibi æðelheardus  
 8 archiepiscopus. mihi regebat atque iudicauerat cum testimonio  
 9 coenwulfi regis & optimatibus eius coram omni synodo quan [-]  
 10 do scripturas meas perscrutarent ut liber essem terram  
 11 meam atque libellas dare. quocumque uolui. postea  
 12 commendaui amicis meis ad seruandum. quando quaesiui  
 13 sanctum p&rum & sanctum paulum pro remedio animae meae. Et ite-  
 14 rum me reuertente ad patriam accepi terram meam & praetium  
 15 reddidi quasi ante pacti sumus & pacifici fuerimus ad  
 16 inuicem. Facta est autem post paucos annos alia synodus  
 17 æt aclea. Tunc in illo synodo coram episcopis rege & princi [-]  
 18 pibus eius rememorauī pristinae libertatis mei. quae mihi  
 19 ante iudicatum est & cum licentia eorum testificaui in praesenti

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1 This transcription of Æðelric's will is from MS. BL Cotton Tiberius A xiii ff. 49r-50v.

2 In margin: = westburh 7 sto[c] (The rest of the word is missing. The edge of the leaf is deteriorated)

3 In margin, in a different hand/script: Westbiria 7 Stoc. [Westbury and ?]

49v

1 testimonio quem ad admodum meam hereditatem dare uoluisssem.  
 2 Et sic dixi. Haec sunt nomina illarum terrarum. quae dabo ad  
 3 locum qui dicitur deorhyrst pro me & æðelmund patrem meum.  
 4 Si mihi continguat ut illic corpus meum requiescat. Todan [-]  
 5 hom 7 æt sture. scræfleh. 7 cohhanleh. ea condicione ut illa  
 6 congregatio uota eorum faciat firma sicut mihi promiserunt. Iterum  
 7 dabo wærferðe .xī. manentium bremes græfan 7 feccanhom ut  
 8 habeat suum diem & postea reddat ad wigornacestre. Uerum & iam  
 9 do .xxx. menentium under ofre ad gleawecestre. Et quando mi [-]  
 10 hi contingat exitus mei diei. Tunc dabo ciolburge matri meae  
 11 si diutius uiuit quam ego. terram illam æt westmynstre 7 æt stoce  
 12 ut habeat suam diem & postea reddat ad weogornensem aecclesiam.  
 13 Pro qua ré ea uiuente ut ibi habeat protectionem & defensionem con [-]  
 14 tra berclinga contentione. Et si aliquis homo in aliqua con [-]  
 15 tentione iuramentum ei decreuerit contra berclingas. liberrima  
 16 erit ad reddendum cum recto consilio propinquorum meorum. qui  
 17 mihi donabant hereditatem & meo quo ei dabo. & si non habeat  
 18 patrocinium in ciuitate weogornensi. Postea primum quaerat ad  
 19 archiepiscopum in cantia & si ibi non habeat sit libera cum libris &  
 20 ruris ad elegandam patrocinium ubi placitum sibi fuerit. Si aliter  
 21 fiat ut non opto aliquis homo contendat contra libros meos  
 22 uel hereditatem indigne tunc hab& aldwulfus episcopus in licetfelda  
 23 istius cartulae comparem & amici necessarii mei & fidelissimi  
 24 alias id est eadbyr/h\ t eadgaring. 7 æðelheh esning. ad confir [-]

25 ..<sup>5</sup> mationem huius rei. Rogo & iam æðelric pro amore omnipotentis  
 26 dei & praecipio & obsecro per omnes uirtutes caelorum. Ut nullus homo

50r

1 hanc positionem crucis christi. quae tantorum uirorum testimonio con [-]  
 2 firmata est non praesumat minuere. Si ausus est aliquis con [-]  
 3 firmationem istam infringere. del[.]ur<sup>6</sup> de laude dei si non satis [-]  
 4 factione emendauerit;~ subscripsi.  
 5 + Ego coenwulf rex merciorum hanc munificentiam signo sanctae crucis  
 6 + Ego æðelheardus archiepiscopus dorouernens ciuita signum sancte crucis  
 7 + Ego aldwulfus licet fendens episcopus consensi. subscripsi.  
 8 + Ego wærnberht episcopus consensi.  
 9 + Ego denebyrht episcopus consensi.  
 10 + Ego wulfheard episcopus consensi.  
 11 + Ego eadwulfus episcopus consensi.  
 12 + Ego heaberht dux subscripsi.  
 13 + Ego beornoð dux subscripsi.  
 14 + Ego ciolward dux subscripsi.  
 15 + Ego cynehelm dux subscripsi.  
 16 + Ego wicga dux subscripsi.  
 17 + Ego wigheard dux subscripsi.  
 18 + Ego byrnwald dux subscripsi.  
 19 + Ego aldred dux consensi & subscripsi.

5 Located in the margin (Newer ink. All nearby text is faded.)

6 Two letters are faded out. Look like an o and e. Other edited texts have e and t.

Transcription Two<sup>7</sup>

1 **I** DE BREMESGRAFE ET DE FECCANHOM<sup>8</sup>  
 2 n [n]omine<sup>9</sup> domini dei summi rex regum qui in  
 3 altis. habitat & prospicit omnia celestia &.  
 4 [t]errest[ia] [a]nno ab incarnatione christi dccc 1111 in d[i]ctione [xii]  
 5 Ego a[ðelric] [filiu]s æðelmund[i] cu[m] cons[cientia] s[y]n[od] [ali]  
 6 inuita[tus] [ad] [syn]odum & in iudicio sta[re] [.....]r clo [-]  
 7 fesho[h] [.....] [ru]ris id [.....] wes[t]mynster quod prius  
 8 [] diderunt michi & dona[uerun]t ibi æðel [-]  
 9 [] michi regebat atque iudicauerat cum  
 10 [] coenwulfi regis optimatibus eius coram omni  
 11 [sy]nodo quando scripturas meas perscrutarent ut li[ber] [essem]  
 12 terram meam atque libellos dare quocumque uolui. Postea [..]  
 13 [..]dam [a]micis m[ei]s [a]dseruandum quando que siui s[.]n [-]  
 14 [] [pa]ulum pro[reme]dio animae m[ae] []um  
 15 m[] ad patriam accepi terram meam []  
 16 [../] quasi ante pacti sumus & pacifici fuer[imus] [ad] [in]uicem  
 17 [f]acta [] autem post []eos annos alia si[] æt aclea  
 18 [.] in illo sinodo coram episcopis rege  
 19 [.]oraui pristinae [li]bertati[s] [] [an]te [] iudica[tum]  
 20 []m [t]estif[ic]a[ui] [] [te]stimonio  
 21 [] me[am] hereditatem d[are] [] & sic dixi

7 This transcription of Æðelric's will is taken from BL Cotton Tiberius A xiii ff. 195v-196v or 198v-199v as rebound.

8 Rubricated

9 Gaps in text, indicated by square brackets, are due to fire damage.



22 [] n[na] ill[arum] terrar[] [] dabo ad [l]ocum qui  
 23 [] [e] & æðelmun[d]o [patre meo] si mihi contin [-]  
 24 gat [] meum requiesat [to]danhom. 7 æt sture

## 196r (199r)

1 scraefleh 7 cohhanleh ea conditione ut illa congre [-]  
 2 gatio uota eorum fa[ci]at firma sicut michi promi [-]  
 3 serunt it[erum] dabo w[er]fer[] .x1. manentium bre [-]  
 4 mesgræfan 7 feccanhom ut h[abe]at suum diem &  
 5 postea reddat ad wegorna cea[stre] Verum etiam do  
 6 xxx. manentium under [e] & quan [-]  
 7 do mihi contingat exitus diei m[] urge  
 8 matri meae si diutius ui[uit] [] [e]go t[er]ram [] manentium  
 9 æt westmynster [7] æt sto[] ut [ha]beat suam die  
 10 & postea reddat ad weogernensem ecclesiam. pro qua  
 11 re ea uiuente ut ibi habeat protectionem & defensio [-]  
 12 nem contra bærclinga contentione & si aliquis homo in  
 13 aliqua contentione iuramentum ei decreuerit contra berclin [-]  
 14 gas. Liberrima erit ad reddendum cum recto consilio  
 15 propin quor[um] [] qui mihi heredita [] & meo  
 16 [quo ei] dabo [7] si non habeat patrociniū in ciuitate  
 17 weogornensi. post ea primum quera[t] ad [arc]hi []m  
 18 incantia si ibi non heabeat sit libera [cum] r[uris]  
 19 & libris ad eligendum patrociniū ubi placitum sibi  
 20 fuerit. Si aliter fiat ut non opto aliquis homo conten-  
 21 dat contra libros meos uel hereditate indigne tunc

22 habeat aldulfus episcopus in licetfelda istius cartule  
 23 comparem & amici & necessarii mei & fidelissimi  
 24 alias id est eadberht eadgaring. 7 æðelheah esning  
 25 ad confirmationem huius rei. Rogo etiam æðelric pro amo [-]  
 26 re omnipotens dei & percipio & obsecro per omnes  
 27 uirtutes celorum ut nullus homo hanc positionem  
 28 crucis christi que tantorum uiuorum testimonio confirma

196v (199v)

1 non praesumat minuere. Si ausus aliquis confirmatio [-]  
 2 nem infringere deletur de laude dei si non satis [-]  
 3 fatione emendauerit crucis subscripsi  
 4 Ego c[wulf rex mercia hanc munificentiam signo sanct[ae]  
 5 Ego aðelhard episcopus Ego heaberht dux.  
 6 Ego aldulfus episcopus Ego Beornoð dux.  
 7 Ego den[ht episcopus Ego wicga dux.

Transcription Three<sup>10</sup>

1 WEST BYRIG. 7 STOCE<sup>11</sup>  
 2 I<sup>12</sup> n nomine domini dei summi. Ego æþelric filius æþel [-]  
 3 mundi inuitatus ad synodum inloco qui dicitur clofeshos  
 4 cum libris ruris æt westmynstere. quod prius propinqui  
 5 mei tradiderunt mihi. Ibi æþelhardus archiepiscopus mihi  
 6 regebat. cum testimonio cenwulfi regis coram tota  
 7 synodo. quando libros meos perscrutarent. me liberum  
 8 esse<sup>13</sup> terras meas atque libros dare quocumque uellem.  
 9 Postea commendaui amicis meis ad seruandum.  
 10 quando quaesiui sanctum petrum proremedio animae meae.  
 11 & iterum reuersus ad patriam. accepi propria sine lite.  
 12 Facta est autem post paucos dies alia synodus æt aclea.  
 13 tunc in illa synodo coram rege & principibus rememo [-]  
 14 raui pristinae libertatis meae. & quomodo hereditatem  
 15 meam dare uellem. sic dicens. Hec sunt nomina terrarum  
 16 quas dabo ad locum qui dicitur deorhyrst. pro me & æðel [-]  
 17 mundo patre meo. sic mihi contingat ut corpus meum  
 18 ibi requiescat. Todanhomm. 7 æt sture. screfleh.

## Column 2 Begins

19 cohhanleh. ea conditione ut illa congregatio uota eorum

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10 This transcription of Æðelric's will is taken from BL Cotton Nero E i part 2 f. 181v.

11 Rubricated.

12 Rubricated. Two lines tall.

13 Perhaps ecce?

20        faciat firma sicut mihi promiserunt. Iterum dabo Werfrido episcopo  
 21        xi. manentium bremesgraf. 7 feccanhomm. ut habeat suum  
 22        diem & postea reddat. ad wigornacester. Uerum etiam  
 23        xxx. manentium ad glæweceastre. under ofre. Et quando  
 24        mihi finis uitae meae. dabo ceolburge matri meae si diutius  
 25        uiuit quam ego. terram illam æt westbyri. 7 æt stoke. ut  
 26        habeat suum diem. & postea reddat ad wigreceaster.  
 27        ut ea uiuente defensionem habeat contra berclinga con [-]  
 28        tentionem. Si fiet quod non opto. ut aliquis homo contra  
 29        meos contenderit libros. tunc hab& aldulfus episcopus  
 30        in licet felda. istius cartae comparem. & amici mei fi [-]  
 31        delissimi alias. eadberht eadgaring. 7 æpelheh esning.  
 32        Rogo & iam<sup>14</sup> æpelric pro amore omnipotentis dei. &  
 33        obsecro per uirtutes celorum. ut nullus homo hanc im [-]  
 34        positionem crucis christi. quae tot uirorum testimonio con [-]  
 35        firmata est nonpresumat minuere. Si uidetur<sup>15</sup> quis presum [-]  
 36        serit. deleatur nomen eius de libro uitae si non emendauerit.  
 37        + Ego cenred rex merciorum hinc donationi consensi  
 38        + Ego æpelheard archiepiscopus.        + Ego aldulf        episcopus  
 39        + Ego werenberht episcopus.        + Ego deneberht        episcopus  
 40        + Ego heaberht dux.        + Ego beornoð        dux  
 41        + Ego ceolward dux.        + Ego cynehelm        dux  
 42        + Ego wicga dux.        + Ego wigheard        dux  
 43        + Ego byrnwald dux.        + Ego aldred        dux

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14 & has a cedilla.

15 u with an a/2 like lettrine.

Translation<sup>16</sup>

In the name of the highest Lord God, King of kings, who lives in the heavens and looks over all heavenly and earthly things.

In the year 804 from the incarnation of Christ, the twelfth indiction.

I, Æðelric, son of Æðelmund, having been, with the knowledge of the synod, invited to the synod to stand in judgment in the place which is called Clofeshoh, with books and at the land which formerly my relatives handed over and gave to me at Westminster. There, Archbishop Æðelheard directed and judged for me, with the testimony of King Coenwulf and his nobles, when they examined my writings before all the synod, that I was free to give my land and deeds wherever I wished. Afterwards I entrusted it for safe keeping to my friends when I asked Saint Peter and Saint Paul for the remedy of my soul. And when I returned again to my country I took my ancestral land and returned the value just as we previously agreed and we were, in turn, peaceable. Then, after a few years, another synod was made at Aclea. At that time, in that synod, before the bishops, the king, and his nobles, I recalled my former freedom which was previously granted to me and with their license I testified in the present testimony how I had wished to give my inheritance. And I spoke thus: "These are the names of those lands which I will give to the place which is called Deorhyrst (for myself and for Æðelmund, my father) if it happens for me that my body might be laid to rest there: Todanhom and at Sture, Screfleh and Clohhanleh. With this condition, that the assembly makes their vows firm just as they promised me. Again, I will give to Wæferð 11 of those remaining, Bremesgræfan and Feccanhom so that he might hold [them for] his day and afterwards return them] to Wigornacestre. Yet indeed, I give 30 of those remaining, Underofre, to Gleawecestre. And when the end of my day befalls, at that time I will give to Ciolburg, my mother, if she lives longer

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16 The translation is based on the transcription from MS. BL Cotton Tiberius A xiii ff. 49r-50v, (transcription one).

than I, that land at Westminster and at Stoce, that she might hold it for her day and afterwards return it to Weogornens Church. For this thing, while she is living, so that there she might have protection and defense against the contention of Berkeley. And if any man in any contention will swear an oath to it against the monks of Berkeley, she will be very free to pay back, with the truthful counsel of my relatives who gave my inheritance to me, and to whom I will give mine. And if he does not have protection in the city of Weogornens. Afterwards he might first seek the archbishop in Cantia and if he might not have it may she be free to choose patronage wherever it will be pleasing to her. If it happens otherwise, as I do not wish and some man contends against my books or, unworthily, against my inheritance while Bishop Aldwulf in Lecetfield, has a copy of this charter and my close friends, [who are] most faithful, have others—that is, Eadbyrht Eadgaring and Æthelheh Esning—for the confirmation of this matter. Indeed, I, Æthelric, ask, for love of omnipotent God and instruct and entreat, by all the virtues of the heavens, that no man presume to diminish this placing of the cross of Christ which has been strengthened by the witness of so many men. If anyone dares to break this confirmation, let him be kept from the glory of God if he does not emend it satisfactorily.

I, Coenwulf, king of the Mercians, subscribed to this munificence with the sign of the sacred cross.

I, Æðelheard, archbishop of the city of Canterbury subscribed with the sign of the sacred cross.

I, Aldwulf, bishop of Lichfield, consented.

I, wærnberht, bishop, consented.

I, Denebyrht, bishop, consented.

I, Wulfheard, bishop, consented.

- I, Eadwulf, bishop, consented.
- I, Heaberht, ealdorman, subscribed.
- I, Beornōð, ealdorman, subscribed.
- I, Ciolward, ealdorman, subscribed.
- I, Cynehelm, ealdorman, subscribed.
- I, Wicga, ealdorman, subscribed.
- I, Wigheard, ealdorman, subscribed.
- I, Byrnwwald, ealdorman, subscribed.
- I, Aldred, ealdorman, consented and subscribed