

FORGED ANGLO-SAXON CHARTERS

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A NUMBER of years ago, in 1839, John Kemble began to publish a series of transcriptions of A.-S. charters. His sixth and last volume was published in 1848 and this brought to a finish a grand total of 1,354 charters. These volumes are still of the greatest use to students, and they are prefaced by an Introduction to which all subsequent writers have been deeply indebted. Nevertheless, they have, in one particular, been the cause of much misunderstanding and annoyance. On page cxv of the Introduction we find the statement :

“ The charters which are either ascertained forgeries, or which from any cause appear to me liable to suspicion, are marked with an asterisk. For the authenticity of the rest, I am willing to pledge myself.”

Kemble does not further specify the particular grounds which he finds in each charter condemned—he would have needed several more volumes to do so. He knew well that “ ascertained forgeries ” were rare enough, but those who have followed him have been more credulous. Levison for example, on page 174 of his *England and the Continent in the Eighth Century*, says, “ There are three charters purporting to be granted in 605 by Ethelbert of Kent. . . . They are considered commonly and rightly to be forgeries.” In this he is quite wrong. Several experts have discussed these charters, but only Levison has considered them to be forgeries. Other writers are unanimous in considering that the very late copies, which are all we have, have been much mutilated by copyists but must nevertheless be derived from originals which did at one time exist. Nor is there anything about these copies which suggests that they have been deliberately modified to suit some evil purpose, or with intent to deceive. There has certainly been misreading and carelessness : possibly there has been some modernizing to fill up gaps left by time in the originals. When a charter is folded the words along the fold are easily lost, and the resulting spaces would be filled up in a copy with the words that the age of the copyist would consider proper. All these things may have happened, in these and many other charters, but there is nothing here which can properly be called “ forgery,” a word which is meaningless unless it implies some radical alteration or actual fabrication *with evil intent*.

The lands which these charters granted remained until the Dissolution of the Monasteries in the possession of those corporations for whom Ethelbert intended them. The boundaries recited in the charters are easily identified today. No lands are added and no new grantees are suggested. The fiercest critic can suggest nothing more suspicious than phrases in the formal parts of the charters which suggest later editing to suit the prejudices of later ages. No monk making a copy would have thought such editing in any way improper. The word "forgery" is much too strong for the Ethelbert Charters.

This does not mean that there are not any doubtful cases at all among our Kentish charters. Some such will be discussed presently, but one can say at once that (1) there is no single charter which lays claim to lands which were not properly in the hands of the claimant, (2) no instance in which the description of the lands has been in any way falsified, and (3) only one harmless example of any tampering with the name of a donor. In other words, there is no falsification in any charter which can be of interest to any but the ecclesiastical historian.

There are approximately 264 Saxon charters dealing with Kentish lands, or otherwise connected with the county. Of these, 211 are land conveyances and 53 are various other forms of record. Of those which exist in single sheet form there are 114. The remainder are known only from copies in monastic registers, etc. Of the 114 :

- 73 are genuine original charters
- 7 are contemporary copies, ranking as originals
- 5 are partly original
- 20 are late copies
- 9 are doubtful.

These figures must not be regarded as final or as certainly correct. A first difficulty is that there is no accepted definition of a charter. Some, for example, would regard the dedication in a Saxon testament as a charter (for lack of any more convenient classification), and some would include only royal grants of land and the like. Nor are one man's views on the authenticity of charters likely to be acceptable to all others. One can only say that the figures given above are in all probability a close approximation to the truth, and that they represent the writer's present views on the matter.

#### KEMBLE'S ASTERISKS

Not all of these 264 charters were known to John Kemble, but he places an asterisk against no less than 44 of those which find a place in his *Codex Diplomaticus*. These must now be discussed. They are as follows. Against each is placed the number in Kemble's cartulary and, in brackets, the number in Birch's *Cartularium Saxonicum*.

- 2(4), 3(5), 4(6) and 982(8). These are Ethelbert's charters and have been fully discussed by Levison and by Margaret Deanesly and some earlier writers. There are full references in Levison. The lands dealt with are the site of the Abbey of St. Augustine, the endowment lands of the abbey, Sturry alias Chislet & Tillingham in Essex.
- 5(7). A papal bull. Evident forgery but not a Saxon charter nor forged in Saxon days.
- 983(12). Grant of Adisham. Known only in so abbreviated a form that it amounts to little more than a mere statement—which undoubtedly reflects what happened.
- 6(13). Grant of Northbourne. Our best copy is padded out with much fraudulent verbiage for use in post-conquest controversy. This is the nearest approach to a forgery amongst Kentish charters.
- 8(35). Sturry and 15(41) Bodisham, are discussed in *Arch. Cant.*, L.
- 14(42). Sudaneie. Perhaps inflated with harmless verbiage.
- 989(44). Sudaneie. The donor's name is altered, the original donor having been a usurper and this odd method being adopted to confirm his grant. See *Arch. Cant.*, L.
- 993(69). Geddinge. An indifferent and shortened extract of a lost original.
- 30(73). Lyminge. Grant by King Oswin of Kent. Perhaps starred by Kemble because this king was unknown when he wrote. See *Arch. Cant.*, L.
- 38(87). Swanscombe and Erith confirmed to Barking. A late copy on paper.
- 39(88). Privileges to St. Mildred. Abbreviated copy not otherwise open to any serious suspicion.
- 40(89). A long record, more or less in charter form, of the possessions of the abbey of Peterborough. Its different contents are of varying authority. The few Kentish references seem genuine enough, but the whole record is certainly misleading although the writer does not appear to have had any evil intention.
- 41(90). Littlebourne. 42(96) Haeg. Poor copies but not falsified in any way.
- 44(99). Privileges to Kent churches. The original of this has turned up since Kemble wrote, and now belongs to the Kent County Council.
- 72(141). Lyminge. 97(149) Ship dues, 84(150) Ship dues, 1004(173) Ship dues at Fordwich, 98(177) Ship dues, and 112(188), also dealing with ship dues. These vary in authority. The last is a very short copy. In no case is there any defect remotely suggesting forgery.
- 107(190). Mongeham. The wording is inflated but there seems no reason to suspect its genuineness.

- 110(193). Land in Rochester granted by Kings Sigiraed and Eadbert. Kemble may well have thought this was one king too many, but in fact they were only Offa's viceroys in East and West Kent.
- 111(195). Islingham. Appears quite genuine.
- 144(242). Land in Rochester. Genuine but late copy, perhaps because the original had to be given in pledge. The writing does not agree with the original date and this may have aroused Kemble's suspicions.
- 177(296). Geddinge. Late and bad copy of an earlier Geddinge charter adapted for use by a successor. Not intentionally fraudulent.
- 187(316). Lenham. A poor copy which gives rise to difficulties about the dating, etc. It is quite possible that the name of one witness, Archbishop Wulfred, has been deliberately interpolated. It is a St. Augustine's charter and they may have wanted to make the Archbishop a party to it—for he also had land in Lenham.
- 312(548). Cuxton. This is from the *Textus Roffensis*, an excellent authority. It is therefore surprising to find that the rights belonging to the land are "cum furis comprehensione," i.e. with the right of Infangthef, i.e. apprehension of thieves and their stolen goods. To specify this right in pre-conquest charters is extremely unusual, but it is hardly sufficient ground for condemning a charter which is quite unexceptionable in other respects.
- 1067(554). A Middle English translation which naturally aroused Kemble's suspicion.
- 344(660). Folkestone. Kemble stars this but later accepts another copy (No. 1100) which probably came to his notice too late for him to cancel the asterisk.
- 1138(766). Not a true charter but a narrative of lands restored to Christ Church, Canterbury, by King Edmund. It contains nothing untrue. The lands are all well known as Christ Church possessions.
- 469(1039). Confirmation of privileges. Admittedly a very poor copy.
- 1223(1050). Only included because it mentions by name a prefect of Kent. Apparently not open to any serious question. Is included amongst the Ordnance Facsimiles, ii, 5.
- 519(1185). Sandwich. Restoration to Christ Church by King Edgar. Witnessed by many kings (presumably those who are said to have taken him for a row on the River Dee). Contains the Latin word "sepius" which appears to be new to philology. There is enough to earn the asterisk of suspicion but nothing to suggest that Sandwich was not in fact restored.

Although there still remain for discussion some "asterisk" items in Kemble's collection, and a few others which have aroused suspicion in various quarters, it is scarcely worth continuing the list, since no new

comment could be made. There is one charter, however, which can hardly be omitted. It is a writ of Edward the Confessor, reported and illustrated by Miss F. E. Harmer in her *Anglo-Saxon Writs*, 1952 (page 173 and frontispiece). The whole writ except the first three lines has been erased and the blank filled with a new writ. It would appear that for some reason a writ remained in the royal chancery because it was decided not to issue it. Rather than dispose of it in any other manner the responsible official decided to use it again in the manner indicated. In any case, there can be no suspicion of fraudulent intention. The change in handwriting is too obvious to deceive even the illiterate.

## DIPLOMATIC

Before considering what sort of summary one can make of the evidence adduced above it is necessary to say a few words about the study of what is known as "diplomatic," for it is on "diplomatic" grounds that most charters have been condemned. It is thought by specialists, nor can it be doubted, that the actual wording of such simple charters as grants of land depended upon the fashion of the day. The king's title might change, his piety might seek increased expression, his models (for there were books of model formulae) might vary from those hitherto in use. Many other factors could vary the form of charters and they have been progressively modified ever since. It follows that if we had sufficient examples we might judge of the age of a charter simply by noting the details of its wording. It also follows that we might be able to condemn a charter as a forgery if it failed to exemplify those precise turns of phrase which we considered proper to its presumed age. This rather dangerous method of judgment has been pushed to great extremes. We have so few examples that it needs to be used with much greater caution than has commonly been exercised. The charters condemned by Kemble are, in number, 14 of the seventh century, 10 of the eighth, 3 of the ninth, 4 of the tenth and 6 of the eleventh. It is obvious that it is precisely those charters for which we have fewest standards of comparison which are most often condemned. It has also to be remembered that what seemed proper in Kent may not have appealed to Mercia and may have been regarded as too novel, or too antiquated, in Wessex. The study of diplomatic is in danger of defeating its objects by too close an adherence to largely imaginary standards, often too severe for the frailty of human nature ever to have observed. An excellent example is afforded by Canute's grant of Sandwich. All authors point out with regret that it contains phrases without parallel in other charters and feel forced for this reason alone to suspend judgment about its authenticity. This is nonsense.

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Canute was a Dane, and Christ Church was obviously anxious to get as full and detailed a grant as possible, since the political future was extremely doubtful. No further excuse is needed for the presence in this charter of details not found in others. Much the same sort of situation may have arisen with regard to the Cuxton grant of A.D. 880. This included the right of "infangthef" which was usually regarded as so well understood that it need not be specified. Perhaps it had been disputed at Cuxton, perhaps there was some other special reason. In any case, it is obvious that circumstances alter cases and most students of diplomatic will agree that too little weight has been given to such variations from the normal, and that they have too often been regarded as good grounds for a covert hint of forgery. Those who give a charter a bad name only too often condemn its usefulness.

### CONCLUSIONS

From a general survey of the Anglo-Saxon Charters of Kent the following conclusions seem to the writer to be justified :

(1) Flagrant forgery is not a factor with which the local historian need concern himself.

(2) Where charters appear to be suspicious the cause is almost always to be found in careless copying or quite innocent editing, in neither case with any fraudulent intention.

(3) It will often happen that the student who has local knowledge as to boundaries, land ownership, royal pedigrees, etc., will be able to remove the suspicions felt by those who lack this knowledge.

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