

**Peoples and languages in eleventh- and twelfth-century  
Britain and Ireland: reading the charter evidence**

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As King William's men set about taking over England in the first months of 1067, they must have encountered problems over language. The king himself is said to have tried to learn English, 'so that he might understand the plaint (*querelam*) of the subject people without an interpreter', but he found that he was too old and too busy to achieve his goal.<sup>1</sup> The governance of the country through shires and hundreds would have involved difficulties of communication at many levels, but the new rulers none the less retained the existing structures. Writs in the English language were sent out under King William's seal as they had been under King Edward's and King Harold's, and there is clear evidence that they were drafted by English clerks of the king's chapel under the direction of the chancellor Regenbald.<sup>2</sup> In 1070, however, the

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<sup>1</sup>Orderic Vitalis, *Ecclesiastica historia*, Book IV (ed. M. M. Chibnall (Oxford, 1968–1980), ii. 256). Orderic is characteristically vague about when William made this attempt, but one may suppose that it was early in the reign.

<sup>2</sup>Regenbald was King Edward's chancellor, whom King William retained and who, to judge from his name, was not certainly English by birth; he had served Edward as

language of writs changed, and King William adopted Latin as the normal language of written communication with the institutions of the realm.

One can think of several reasons why it was decided that this was the right thing to do. The most obvious is that it allowed the king to recruit to his chapel Norman clerks who could not compose a document in English. They would have been accustomed to drafting in Latin rather than in French. There would also have been a simple practical advantage. When a writ was presented to the officers of a shire court or a hundred court, it would be read to the assembled gathering. Down to 1066 English was the language used. Now, however, as land was allocated to Normans and as the offices of bishop and sheriff were filled by Normans, there must have been a demand for the use of French in the shire court. The colonists could not understand English, yet at the same time they may not have regarded learning the language as a priority. Anselm in 1077, for example, appears not to envisage that Paul of Caen would need to learn English to serve as abbot of St Albans.<sup>3</sup> Nor did the colonized necessarily learn the new ruling tongue. Eadmer tells a story that depends for its effect on the fact that in the 1070s some monks of Canterbury spoke French, which an English monk did not understand.<sup>4</sup> It is not unusual to find miracle stories about understanding a language one does not know. So, when Vital de

a king's priest since at least 1050 (S. D. Keynes, 'Regenbald the chancellor (*sic*)', *Anglo-Norman Studies* 10 (1987), 185–222). William confirmed to Regenbald the lands he already held (Bates 224), and he gave him lands in Gloucestershire and Wiltshire that had been held by King Harold in 1066 (Bates 223), probably during the first months of 1067.

<sup>3</sup>Anselm to Paul of Caen, *Ep.* 80, 'For although your holiness is placed over barbarians whom you cannot teach by words because of the difference of your languages, . . . what you cannot say to them in words you can show by your life' (ed. F. S. Schmitt, *S. Anselmi opera omnia* (Seckau, Rome, Edinburgh, 1938–61), iii. 203–4; English translation by W. Fröhlich, *The Letters of Saint Anselm of Canterbury* (Kalamazoo, MI, 1990–94), i. 211–13).

<sup>4</sup>The young English monk Ægelword was ignorant of French, but he miraculously understood what some French-speaking monks said and responded (Eadmer, *Miracula S. Dunstani* § 19, ed. A. J. Turner & B. J. Muir (Oxford, 2006), 186). This detail is only reported by Eadmer, but the occasion is mentioned in other sources and is datable to 1074 × 1077.

Mortain visited England in the 1080s, he preached in French; his English hearers did not know the language but miraculously comprehended.<sup>5</sup> In such circumstances it would simplify matters to have royal writs drafted in Latin, not merely as more in line with Continental chancery practice but because it would be easier to find one person on hand to read and translate from Latin into French, and another person to read and translate from Latin into English, than to find an interpreter who could read and translate directly between English and French or French and English.<sup>6</sup> Latin, however, in secular contexts, served only to transmit the written word. The business of the courts would also require *nina uoce* interpreters. This paper will seek to argue that the Latin charters bear explicit, if indirect, witness to the practical necessity of carrying out business in more than one language. For more than a century linguistic pluralism was embraced. In a British context this would allow for several languages in a single setting: in Cornwall, Wales, Ireland, and Scotland Celtic languages came into more frequent contact with English and, in particular, with French than ever before. Latin provided the means of written communication and the basis for translation from the written word, but the engagement of laymen in public business required official provision for multilingualism.

#### FRENCH AND ENGLISH AFTER THE CONQUEST

In conquered England, explicit recognition of these two communities is seen already in documents issued before the change from Old English to Latin in 1070. A writ of King William, datable between his coronation at Christmas 1066 and his departure for

<sup>5</sup>*Vita beati Vitalis* II 11, ed. E. P. Sauvage, *Analecta Bollandiana* 1 (1882), 355–410, at pp. 378–9: ‘cum multi ibidem adessent qui romanam linguam ignorabant’.

<sup>6</sup>The supposition that the transition is first seen in a bilingual writ-charter of Bishop Odo (Bates 74, datable 1070 × 1082/3) does not seem to me persuasive (C. Clark, ‘People and language in post-Conquest Canterbury’, *Journal of Medieval History* 2 (1976), 1–33; M. T. Clanchy, *From Memory to Written Record. England 1066–1307* (London, 1979, 2nd edn, 1993), 211–12). Clanchy begs too many questions in his assumption, ‘the clerk of the court was presumably as capable of translating from Latin into the appropriate regional dialect as he had been of making Anglo-Saxon fully comprehensible in his locality’.

Normandy in March 1067, addresses the city of London in these words:<sup>7</sup>

Will(el)m kyng gret Will(el)m bisceop 7 Gosfregð portirefan 7 ealle þa burhwaru binnan Londone frencisce 7 englisce freondlice ('King William greets in friendly manner Bishop William and the portreeve Geoffrey and all the boroughmen within London French and English').

Around the same time the archbishop of York obtained a writ in favour of the church of Beverley; it is addressed to the shire court of Yorkshire:<sup>8</sup>

Willelm cyngc gret ealle mine þegenas on Eoferwicscire frencisce 7 englisce freondlice ('King William greets in friendly manner all my thegns in Yorkshire French and English')

In or soon after 1070 the abbot of Stow in Lincolnshire obtained a writ to present to shire courts at Lincoln and Nottingham:<sup>9</sup>

Will(el)m king gret Þomas arceb(iscop) 7 Þuold <7> Earnwig his scyrgerefan 7 ealle þa þegnas on Snotingeham scyre 7 on Lincolscyre frencisce 7 englisce freondlice ('King William greets in friendly manner Archbishop Thomas and Thorold <and> Earnwig his sheriffs and all the thegns of Nottinghamshire and Lincolnshire French and English').

There are six such acts from this early phase of William's reign.<sup>10</sup> It must be said that there are more than twenty comparable acts from this short period that do not include the words 'frencisce 7 englisce', and it is impossible to draw a line between them on a basis of date. That is, one cannot say that the phrase was introduced at a particular moment, and that all without it are earlier and all with it are later or vice versa.

The inclusion of these words in such documents may have been a counterweight to the simplicity of the English regnal style: William, like King Edward, was often just *Willelm cyngc* or *Willelmus rex*, and when it was elaborated in England it was still only *rex Anglorum*.

<sup>7</sup>Bates 180 for the citizens of London, datable Christmas 1066 × March 1067.

<sup>8</sup>Bates 31 for Beverley minster, datable Christmas 1066 × September 1069.

<sup>9</sup>Bates 276 for Stow abbey, datable 1070 × 1072.

<sup>10</sup>In addition to the three quoted, Bates 66 for Canterbury cathedral priory, probably 1070; Bates 189/190 for Bishop Maurice of London (below, n. 43); and Bates 338 for Bishop Walkelin of Winchester, probably 1070.

None the less, those who looked to him as duke, and those who did not but had followed him to England, were to look to him as king. The formula ‘frencisce 7 englisce’, though never systematically used, served to remind his Norman, Breton, Flemish, and other subjects in England that the king of the English was their king too. It is a direct product of the Conquest.<sup>11</sup>

If it was the king himself who willed the expression of this sentiment, there are strong reasons to suggest that his English clerks formulated the means of saying it. These reasons are stronger than the elementary negative consideration that the formula is not found in Norman drafting.<sup>12</sup> First and most simply, the usage is already found in Old English writs at the start of the reign, drafted by English clerks; George Garnett has been tempted to credit the wording to Regenbald himself.<sup>13</sup> Secondly, the word used is Old English *frencisc*, accusative plural *frencisce*, the same word as we see used by writers of the Old English chronicles. The Peterborough chronicler indeed uses it in contexts where it must mean Norman rather than French.<sup>14</sup> When the formula goes into Latin this becomes

<sup>11</sup>This is the fundamental starting point of a brief general study of the formula by H. Arimitsu, ‘Migration and assimilation seen from the “nation address” in post-1066 Britain’, in *Migration and Identity in British History*, ed. D. R. Bates & K. Kondo (Tokyo, 2006), 7–16. I have not seen the articles published in Japan to which he refers in his first footnote.

<sup>12</sup>The only example from before 1100 for a beneficiary in Normandy is Bates 160 for Jumièges abbey, addressed to the shire courts of Wiltshire and Somerset and entirely English in construction. From Henry I’s reign, about twenty acts for Norman beneficiaries have the formula, but the majority of these are addressed to English shires. There are only two extant from his reign that are addressed to Normandy, *Regesta* 1127 for Rouen cathedral, 1111 × 1116 (‘archiepiscope et episcopis et abbatibus et comitibus et omnibus baronibus francis et anglis Anglie et Normannie’), and *Regesta* 1921 for Bec, 1125 × 1135 (‘archiepiscopo Rothomagensi et uic(ecomitibus) et omnibus fidelibus francis et anglis de Normannia’). Before raising a quizzical eyebrow at the English of Normandy, one may remember that Englishmen such as Edgar *atheling* and Edward of Salisbury held lands in the duchy.

<sup>13</sup>G. S. Garnett, *Conquered England. Kingship, Succession, and Tenure, 1066–1166* (Oxford, 2007), 13.

<sup>14</sup>Anglo-Saxon Chronicle (E), s.a. 1127, ed. C. Clark, *The Peterborough Chronicle* (Oxford, 2nd edn, 1970), 48: Henry I sent his daughter Matilda (*Æðelic* in Old English) to Normandy (*to Normandi*) to marry the son of the count of Anjou; ‘hit ofþuhte naþema calle frencisc 7 englisce’ (‘nevertheless it displeased all the Normans

*franci*, 'French'; in this context we do not find *normanni*, 'Normans', notwithstanding the fact that this was the word favoured by the Latin chroniclers of the late eleventh and early twelfth century, whatever their origin, William of Poitiers, William of Jumièges, Eadmer, Orderic. Indeed, John of Worcester, translating the chronicle from Old English into Latin, renders *frençisc* as *normannus* both before and after 1066.<sup>15</sup> It hardly matters whether one sees *franci* as an English-speaker's choice of word or merely as the result of translation from English into Latin. In noting this point it is worth remarking that Domesday Book, resulting from the survey of England made in 1086, at the end of William I's reign, shows a similar English preference for referring to the immigrants as *franci* or *francigenae* rather than *normanni*. One particular example from Surrey is a fitting corollary of the address clause as the hundred responds, 'testantur uero homines de hundredo franci et angli . . .' ('the men of the hundred French and English bear witness . . .').<sup>16</sup> E. A. Freeman assumed that Domesday Book and charters, as 'legal writings', were

and English'). This point is drawn out by C. Clark, 'France and French in the Anglo-Saxon Chronicle', *Leeds Studies in English* 3 (1969), 35–45, but obscured by examples where the point of reference is the domain of the French king in Île-de-France or a wider sense of *Francia*.

<sup>15</sup>John of Worcester, s. a. 1051–2, 1088, 1093 (below, n. 172), ed. P. McGurk (Oxford, 1995–), ii. 562, and iii. 50, 68. Clark, 'France and French', 39, notes instances where John of Worcester, William of Malmesbury, and Gaimar all use Norman where the Old English has French. Note the comments by C. P. Lewis on the importance to Normans in post-Conquest England of their Normanness, reflected in this change in terminology and a wider readiness to differentiate among Frenchmen, 'The French in England before the Norman Conquest', *Anglo-Norman Studies* 17 (1994), 123–44 (at pp. 130–31). Contrast the words of Ian Short, who says that Normans 'were in the habit of referring to themselves more frequently as *franci* than as *normanni*, a practice that was rapidly institutionalised by the Chancery formula *franci et angli* or *tam franci quam angli*', 'Tam angli quam franci: self-definition in Anglo-Norman England', *Anglo-Norman Studies* 18 (1995), 153–73 (at p. 163).

<sup>16</sup>Great Domesday Book, [edited by A. Farley (London, 1783)], fol. 32ra, Surrey § 5. 28, the only example of the formula among scores of hundred court testimonies; cited by Freeman, *Norman Conquest*, v. 789, and by *Dictionary of Medieval Latin from British Sources*, ed. R. E. Latham, D. R. Howlett, & others (Oxford, 1975–), s. v. Francus 4 (as adj.), b 'Norman, Anglo-Norman'. It is worth mentioning that every other example cited by the dictionary for this sense is drawn from the address-clauses of charters.

strictly the expression of the new rulers, yet he cannot have been unaware of the different preference of the narrative sources.<sup>17</sup> The English formula is found also in records of pleas.<sup>18</sup> Thirdly, the indication of two communities can be paralleled before the Conquest in Old English writs of King Edward. It does not occur in the address clause here but in the tenor of the acts:<sup>19</sup>

ðis is seo gewitnes þæt is Hearþacnut cyng 7 Ælfgeofu his modor 7 Lyfing b(isceop) 7 ealle se hired on Wigraceastre 7 Ælfward b(isceop) 7 se hired on Eofeshomme 7 Godwine abbod 7 se hired on Wincelcumbe 7 Leofric eorl 7 ealle þa þegenas on Wigraceastrescire ge englisce ge danisce . . . ('This is the testimony that King Harthacnut and his mother Ælfifu and Bishop Lifting and all the convent of Worcester and Bishop Ælfward and the convent of Evesham and Abbot Godwine and the convent of Winchcombe and Earl

<sup>17</sup>E. A. Freeman devoted an appendix to the topic, 'The use of the words *franci* and *angli* in Domesday', *The Norman Conquest* (Oxford, 1867–79), v. 766–9: 'The name by which William's followers are collectively known both in Latin and in English is always *Franci*, *Francigenae*, and the like. Distinct as the Normans felt themselves from the proper French, there was no other name which could take in the whole of the mixed multitude of French-speaking people who had followed William to the Conquest of England. Thus arose the legal phrase, common now and long after, of "the King's (or other lord's) men, French and English", forms which, with the needful additions, found their way into Wales and Scotland. In Domesday, as in other legal writings of the time, it is between French and English that the opposition, when there is any, is made. The word Norman is nowhere found' (p. 766). It may have been this kind of thinking that influenced F. Liebermann, *Gesetze der Angelsachsen* (Halle, 1898–1916), iii. 278, who considered that the use of *franci* or *francigenae* in official documents was so prevalent that the use of *normanni* made him query the authenticity of *Articuli Willelmi*.

<sup>18</sup>In the famous plea heard at Penenden Heath in 1072 or 1073, the king ordered 'homines comitatus omnes francigenas et precipue anglos . . . in unum conuenire' ('all the men of the county, French and especially English, to assemble') (Bates 69, p. 319); in a Rochester case a little later, judgement is made by the county jurors of Kent, 'tam a francis quam ab anglis' (Bates 225); a plea heard in 1080 concerning the liberty of Ely involved 'plurimi milites probati francigene et angli' ('many worthy knights, French and English') from four shires (Bates 118).

<sup>19</sup>S 1394, Bishop Lyfing of Worcester leases land at Armscott (Warks) to his thegn Æthelric, dated 1042; printed from the original, BL Add. Ch. 19799, by A. J. Robertson, *Anglo-Saxon Charters*, 2nd edn (Cambridge, 1956), 180 (no. 94). Ælfward appears in his role as abbot of Evesham, but he is referred to as bishop because he was simultaneously bishop of London. Discussion by A. E. Williams, 'Cockles and the wheat: Danes and English in the western midlands in the first half of the eleventh century', *Midland History* 11 (1986), 1–22 (at p. 2).

Leofric and all the thegns of Worcestershire whether English or Danish...').

These Danes were fairly recent migrants, but they remind us that eleventh-century England was not homogeneously English. Indeed in the king's circle in the time of King Cnut and of his sons Harald and Harthacnut and his step-son Edward English, Danish, French, and Flemish might all have been heard.<sup>20</sup> Even in Worcestershire the priority of English over Danish is not invariable:<sup>21</sup>

7 ealle þa þegenas on Wigraceastrescire denisce 7 englisce ('and all the thegns of Worcestershire Danish or English').

Danes as a third community appear again in one act of King William from East Anglia:<sup>22</sup>

Nu forbeode ic alcan men þa socne him to hande teonne aþer ge engliscan ge frenciscan ge denniscan butan sancte Ædmunde 7 þan abbode ('Now I forbid all men, whether they be English or French or Danish, other than St Edmund and the abbot, to take in their own hands the sokes').

We may suppose that these were modern settlers from the time when Harold Godwinson was earl. In similar vein, we find that Flemings appear as a named community in an act of King William in favour of Archbishop Ealdred of York, addressed to all the shires where he has lands and warning against infringement of his rights:<sup>23</sup>

<sup>20</sup>The linguistic and cultural complexity of the Anglo-Danish court, especially in the reign of Harthacnut, far outstrips that of post-Conquest England' (E. M. Tyler, 'Talking about history in eleventh-century England: the *Encomium Emmae reginae* and the court of Harthacnut', *Early Medieval Europe* 13 (2005), 359–83, at p. 368).

<sup>21</sup>S 1406, Bishop Ealdred of Worcester leases land at Hill and Moor (Worcs) to Athelstan *fatta*, datable 1046 × 1053; printed from a seventeenth-century copy by Robertson, *Charters*, 208–10 (no. 112). Compare 'ealle ða yldestan ðegnas on Wigeraceastre denisce 7 englisce' ('all the leading thegns of Worcestershire Danish and English'), S 1409, Bishop Ealdred leases land at Ditchley (Gloucs) to Wulfgeat, datable 1051 × 1055; printed from an eighteenth-century edition by Robertson, *Charters*, 208 (no. 111). Williams, 'Cockles and wheat', 16, suggests that both may be dated circumstantially to 1051 × 1052. On the phrase 'denisce 7 englisce', Robertson, *Charters*, 459, observes only, 'the order is noteworthy'.

<sup>22</sup>Bates 38 for Bury St Edmunds abbey, datable December 1066 × April 1070.

<sup>23</sup>Bates 351 for Ealdred, archbishop of York, datable December 1066 × September 1069.

7 gif hit ænig man deð frencisc oððe flemisc oððe englisc, gekyþe me fore 7 ic him cæde sone fulle bote ('And if any man, French or Flemish or English, does it, make it known to me and I shall soon obtain for him [sc. Ealdred] full compensation').

We have no other indication of any particular concentration of Flemings in Yorkshire or any other county where the archbishop had lands, but there must have been a local reason for this phrasing. It is possible that the unexplained background to this writ was trouble from a specific but unnamed Flemish source.<sup>24</sup> We may contemplate the reasons why, in particular circumstances, Danes and Flemings are distinguished. East Anglia was part of the former Danelaw, and it might be thought that the act for Bury St Edmunds recognizes the regional legal customs of the former Danelaw, but those customs applied throughout the Danelaw, not simply affecting persons of Danish descent, and there is nowhere in the writs any comparable recognition of the distinct legal customs of the former West Saxon and Mercian territories, still referred to in *Leges Henrici* at the beginning of the twelfth century.<sup>25</sup> The archive of Bury St Edmunds abbey has preserved several writs in Old English from either side of the Conquest, and none of them mentions Danes in the address

<sup>24</sup>The act begins by restating the king's recognition of Ealdred as archbishop before becoming a command against anyone's disseising him. The second element is the operative clause of the act. In his English summary Bates does not make this clear and strangely misrepresents the last sentence, 'William will offer compensation to anyone wronged by any person, French, Flemish, or English'. On the contrary, the king says that, if anyone wrongs the archbishop, that person shall be made to compensate the archbishop. It is entirely possible that the writ results from a specific complaint, and if the inclusion of the word *flemisc* is a clue, we must suppose that somewhere one or more Flemish knights had sought to disseise the archbishop. Drogo of Beuvrières, who had had a large fee in the East Riding and elsewhere but was forfeit in or near 1086, was suggested as a candidate by R. H. George, 'The contribution of Flanders to the conquest of England 1065–1086', *Revue belge de philologie et d'histoire* 5 (1926), 81–99 (at p. 92). It is impossible to say whether Drogo or his followers had their lands in Yorkshire, Lincolnshire, or Leicestershire as early as 1069, when Ealdred's troubles may have arisen in less settled conditions. Another potential candidate is Gilbert of Gent, who in 1086 had lands in Leicestershire, Lincolnshire, and Nottinghamshire, as well as some in Yorkshire.

<sup>25</sup>*Leges Henrici* §§ 6. 1, 6. 2, and 9. 10, ed. Liebermann, *Gesetze*, i. 552, 555; ed. L. J. Downer, *Leges Henrici primi* (Oxford, 1972), 96, 106.

clause. Nor is there any evidence that Flemings, in Yorkshire or any other part of England, enjoyed a legal status distinct from that of the Normans or other groups among the Conqueror's followers.

Yet one can hardly avoid associating such expressions with the distinct legal status of conquered English and conquering Norman, as George Garnett does, without at the same time recognizing that the distinction in law quickly lost its significance. Indeed, he had to regard the formula as 'a relic' from the immediately post-Conquest period: 'What significance did it continue to have? The answer is, Almost none'.<sup>26</sup> To my mind a formulation that could include Danes and Flemings was not intended to define legal status. That interpretation must in any case be incorrect, since it would make the formula in address clauses irrelevant even before its use became frequent. Ian Short came nearer to a persuasive sense of what the formula meant, though I disagree with his explanation for it. He suggested that 'the incomers' preference for the label *franci* over that of *normanni* is, I suspect, to be explained in the first place in purely practical terms: whether or not they were actually Norman rather than natives of Picardy, Flanders or Brittany, all could identify themselves primarily as speaking the language of the French'.<sup>27</sup> What matters is the practicality of language, which was not so far as we know the subject of any formal prescription. The idea that the choice of *frencisc* or *francus* was intended to embrace all of French speech, whether Norman or other, is itself arguably more relevant to English than to Normans. No such compromise on identity was possible in more official contexts, such as the occasional variation on King

<sup>26</sup>G. S. Garnett, '*Franci et angli*: the legal distinctions between peoples after the Conquest', *Anglo-Norman Studies* 8 (1985), 109–37 (quotation from p. 135).

<sup>27</sup>Short, '*Tam angli quam franci*: self-definition', 163–4. Short assumes that the use of *franci* 'must have been a consciously selected expression of self-identity' (p. 163), indifferent to the evidence that it is English usage. Freeman (above, n. 17) had already used the argument that Normans chose to subsume themselves under the word French in order to embrace French-speakers who were not Normans. Hugh M. Thomas, *The English and the Normans. Ethnic Hostility, Assimilation, and Identity, 1066–c. 1220* (Oxford, 2003), 33–4, also sees French as 'an umbrella term' and therefore preferred, though he is aware that it is also the ordinary English word and allows that it comes into use while 'English drafters and scribes still had an important role'.

William's style used in charters in Normandy, *rex anglorum et dux normannorum*.<sup>28</sup> Such acts also refer to him from time to time also as *comes*, *princeps*, or *patronus* of the Normans.<sup>29</sup> This last is used in the unique hexameter legends of his seal, where he appears as king of the English on one face and as patron of the Normans on the other.<sup>30</sup> If the address formula was a Norman expression to denote the two peoples ruled by William I as king and duke, one would have expected *anglis et normannis*, or vice versa, but neither is found until much later and at best as a doubtful reading.<sup>31</sup> The replacement of

<sup>28</sup>Acts in Normandy and in France rarely have a formal superscription and address, and the king-duke is variously styled: 'Ego Willelmus dei misericordia rex Anglorum et dux Normannorum' (Bates 142 for Fécamp, 1067 × 1083); 'Wielmus illustris rex Anglorum et dux Normannorum et Cenomannorum' (Bates 171 for Le Mans, Saint-Pierre-de-la-Cour, 1067 × 1087); 'ego Willelmus rex Anglorum et dux Normannorum' (Bates 199 for Marmoutier, 1068 × 1080); 'Gwillelmus Anglorum rex excellentissimus et Normannorum dux' (Bates 62 for Caen La Trinité, 1066 × 1083); 'ego Willelmus gratia dei dux Normannorum et rex Anglorum' (Bates 263 for Saint-Wandrille, 1066 × 1078). The superscription 'rex Anglorum et dux Normannorum' is rather more common in forgeries than in authentic acts (for example, Bates 150 for Gent Sint-Pieter, 220 for Ramsey, 303, 305, and 306, all for Westminster); only two such are in writ-charter form (Bates 109 for Durham, 342 for Winchester Old Minster).

<sup>29</sup>'Ego Willelmus rex Anglorum et princeps Normannorum et Cenomannorum' (Bates 50 for Caen St Stephen, 1081 × 1082); 'Willelmus rex Anglorum et comes Nortmannorum et Cenomannensium' (Bates 254 for the royal abbey of Saint-Denis, 1069); 'ego Willelmus dei miseratione patronus Normannorum, rex etiam Anglorum' (Bates 141 for Fécamp, datable *c.* 1070 × 1078), 'ego Guillelmus dei gratia patronus Normannorum et rex Anglorum' (Bates 144 for Fécamp, dated 1085, original in the hand of the earliest recognizable royal scribe).

<sup>30</sup>On the obverse of the seal, William is seen as duke on horseback with his pennant, and the legend reads: HOC NORMANNORVM WILLELMVM NOSCE PATRONVM. SI. ('Know that this is William *patronus* of the Normans. Seal'); on the reverse, William is enthroned like King Edward, and the legend reads, HOC ANGLIS REGEM SIGNO FATEARIS EVNDEM ('By this seal you shall acknowledge that the same man is king to the English'); two examples reproduced by A. B. Wyon & A. Wyon, *The Great Seals of England* (London, 1887), 5, and pl. ii, nos. 11–14. No other king of England has hexameter legends, but William's were imitated in Denmark by King Knút IV.

<sup>31</sup>'Et omnibus fidelibus anglis et normannis' is found in the printed edition of an inspeximus of 1266 in charters of the Empress Matilda, King Henry II, and King Richard I for Bordesley abbey (*Calendar of the Charter Rolls ii 1257–1300* (London, 1906), 63–6, from the charter roll of 51 Henry III). The acts of Matilda (*Regesta* iii, no. 115, datable July × September 1141) and Henry II (Vincent 267, datable 1156 ×

*francis* with *gallicis* can be found: it is rare, late, and no more than an adaptation to later francophone usage.<sup>32</sup>

Short has revisited the point more recently: '*franci et angli* was an inclusivity formula that figured in the traditional address of Anglo-Norman royal and baronial charters from the Conquest until the beginning of the reign of John. . . . What was at issue was neither ethnicity nor nationality but simply language: *franci* in other words meant French-speaking'.<sup>33</sup> In choosing to define *franci* as people

1159) survive as originals, in which the words are abbreviated; the phrase should be read as 'Angl(ie) et Norm(annie)'. The editors of *Regesta* retained the reading 'Angl(is) et Norm(annis) in this case from the calendar, but they expanded correctly when faced with the same formula in another original for Bordesley (no. 116). A similar erroneous expansion is found in *Calendar of the Charter Rolls* i 1226–57 (London, 1903), 351, in a charter of Henry II for Combe abbey, where the reading should be 'fidelibus suis Norm(annie) et Angl(ie)' (Vincent 678). One may wonder whether the same error could occur in earlier contexts. Compare these two acts of Ralph de Tancarville, chamberlain of Normandy: **1190 × 1204** 'Radulfus camerarius de Tanquaruill' omnibus hominibus suis tam Normannie quam Anglie salutem' ('Ralph the chamberlain of Tancarville to all his men as well of Normandy as of England') (cartulary of Saint-Georges-de-Boscherville, Rouen, Bibliothèque municipale, MS 1227 (Y. 52) (s. xiii), fol. 79v; A. Deville, *Histoire du château et des sires de Tancarville* (Rouen, 1834), 130); **1190 × 1204** 'Radulfus camerarius filius Willelmi camerarii de Tankeruille omnibus hominibus suis normannis et anglicis' ('Ralph the chamberlain, son of William the chamberlain, of Tancarville, to all his men Norman and English') (drawn to my attention by David Crouch from two antiquarian copies, London, College of Arms, MS Vincent 225 (collections of Augustine Vincent, d. 1626), p. 64 (no source), and BL MS Harley 506, fol. 118v). The latter concerns property in England, and one may wonder whether the original read 'Norm(annie) et Angl(ie)'. The question is pushed further back by three examples in the Missenden cartulary, all written in full: **1133 × 1140** 'Galterus Giffardus comes omnibus hominibus suis normannis et anglicis' (Walter Giffard, earl of Buckingham, BL MS Harley 3688 (AD 1330), fol. 19r); **× 1164** 'notum fieri uolo comes ego Walterus Giffard hominibus meis normannis et anglis omnibusque sancte matris ecclesie filiis' (fol. 95v); **1160 × 1165** 'Hugo de Bolebec omnibus hominibus suis normannis et anglis' (fol. 127r; J. G. Jenkins, *The Cartulary of Missenden Abbey*, Bucks Record Society (1938–62), i. 44–5 (no. 39); ii. 109–110 (no. 437); iii. 59 (no. 627)). An unconventional form of the formula or a fourteenth-century cartularist's expansion of abbreviated forms for 'of Normandy and England'?

<sup>32</sup>Albericus de Ver filius Alberici comitis et femina sua Isabel filia Walteri de Bolebec omnibus hominibus suis gallicis et anglicis salutem', BL Harley Ch. 57 C. 3, datable 1190 × 1194; L. C. Loyd & D. M. Stenton, *Sir Christopher Hatton's Book of Seals* (Oxford, 1950), 106–7 (no. 150). See also below, 59–60.

<sup>33</sup>I. Short, *Manual of Anglo-Norman* (London, 2007), 16.

speaking the language of the French. Short has instinctively read the formula linguistically. As early as 1879 Freeman said that legal draftsmen chose the word to represent ‘the mixed multitude of French-speaking people who had followed William to the Conquest of England’.<sup>34</sup> In such a formula, if one element refers to language, both elements refer to language. The aim of this paper is to assess how far a linguistic understanding of the formula will explain its use in different contexts over time. Language and what we may call ethnicity are, of course, closely but not indissolubly linked. Normans did not see themselves as ethnically French, and in England the incomers and the natives would coalesce in various ways over the years after the Conquest. Yet we find that the Latin formula, ‘franciscus et anglis’, is used more, not less, as time passes. We may not assume that the words were understood in exactly the same way during the whole period when the formula was current.

Forty years after the Conquest the procedures of the courts still relied on English. In the particular context of oath-taking, legal sources of the late eleventh and early twelfth century show that Normans in England were expected to take oaths according to English law, and, if a mistake was made in repeating the words of the oath, it was still valid.<sup>35</sup> This must presuppose that the oath was administered in English, proving that in the procedure of the king’s courts the English language had not quickly lost its formal status. The first certain evidence that oaths were taken in French is not until

<sup>34</sup>Above, n. 17.

<sup>35</sup>‘Werige hine se frāncisca mid unforedan ađe’ (‘the Norman shall defend himself with an unbroken oath’), *Lad* §§ 3. 1–2 (ed. Liebermann, *Gesetze*, i. 484; ed. A. J. Robertson, *The Laws of the Kings of England from Edmund to Henry I* (Cambridge, 1925), 232); compare *Articuli Willelmi* § 6. 3 (ed. Liebermann, *Gesetze*, i. 487; ed. Robertson, 240). Robertson’s note, p. 261, explains this as an oath whose validity ‘did not depend on the exact pronouncement of a prescribed formula, phrase by phrase’; she refers to Brunner for parallels in French sources, saying, ‘He explains this provision of William’s as intended to free the Norman from the necessity of repeating an oath, dictated to him in English, which he would probably not understand’. Whereas in Hampshire a native Englishman had one chance only to get an oath exactly right, ‘Francigene quoque uel alienigene in uerborum obseruanciis non frangunt’ (‘Normans or foreigners do not invalidate [sc. their oath] on the precise form of words’) (*Leges Henrici* § 64. 3a, ed. Liebermann, *Gesetze*, i. 584; ed. Downer, 204).

1210.<sup>36</sup> It is frustrating that our sources for the proceedings of the local courts of shire and hundred provide so little information on the interaction of languages.<sup>37</sup> Twenty years after the Conquest, interpreters are named in Domesday Book in some shires; their names are in some cases French, in others English, and their holding small properties from the king indicates an official status, presumably as translators for the shire. If they existed in every shire, as one would imagine they did, most are not identified by their role.<sup>38</sup> Some names in other counties can be added from other sources in the late eleventh and early twelfth century.<sup>39</sup> Twenty years after the

<sup>36</sup>P. A. Brand, 'The languages of the law in later medieval England', in *Multilingualism in Later Medieval Britain*, ed. D. A. Trotter (Woodbridge, 2000), 63–76, at pp. 65–6, draws attention to words from an oath in French, quoted in a Latin context, in a register of writs copied in 1210 (P. A. Brand, *The Making of the Common Law* (London, 1992), 450–56). This is obviously a *terminus ad quem* for the change of language.

<sup>37</sup>Writing in the 1120s with reference to a case in 1115–16, Orderic Vitalis quotes a sentence spoken in English by the accused Bricstan, *Ecclesiastica historia* VI, ed. Chibnall, iii. 350.

<sup>38</sup>H. Tsurushima, 'Domesday interpreters', *Anglo-Norman Studies* 18 (1995), 201–22, identifies twelve or thirteen interpreters mentioned in Domesday Book. In Kent, Robert *latinarius* appears several times as a subtenant of Bishop Odo and of the abbot of St Augustine's. In Surrey, Ansgot (glossed *interpres*) held Coombe as a king's thegn. In Dorset, David *interpres*, entered among 'alii franci' (free or French?), held Poorton. In Somerset, two or three men are styled interpreter: Hugh, glossed *interpres*, who held of the king in the borough of Bath and of the church of Bath in Bathampton, perhaps to be identified with Hugolin, glossed *interpres*, who held of the king in Warleigh, and Richard, who held in Rode by permission of the king from Rainbold, a king's clerk. In Hampshire, Hugh *latinarius* had less than a hide at Arnewood. In Wiltshire, Osmund, styled *latimer* in the Wiltshire geld rolls, held land by serjeanty as interpreter. Other cases in Domesday involve small tenures, leaving a suspicion that the full picture is not visible. In Herefordshire, Leofwine *latinarius* held a little land in Leominster. In Essex, Ralph *latimarius* had encroached on thirty acres in Farnham, but his land-holding may have been in Hertfordshire.

<sup>39</sup>In Oxfordshire, Gilbert, who held Garsington as 7½ hides of the abbot of Abingdon in 1086 (*DB*, i. 156v; Oxon § 9. 7), appears with the surname '*latemer*, id est *interpres*' in the Abingdon chronicle (ed. J. G. H. Hudson, *The History of the Church of Abingdon* (Oxford, 2002–7), ii. 48), which indicates that he died in the time of Abbot Rainald (d. 1097); another Abingdon record names him '*Gilbertus marescal*' (ib. 324). In Huntingdonshire, there is evidence for Hugh and his son Goscelin, *latimers*, in the charters of Ramsey abbey in the late eleventh and early twelfth century. In Suffolk, Eadric *interpres* acted for the abbey of Bury St Edmunds

Domesday Survey, in 1106, we meet Ansketill of Bulmer as interpreter for a county jury in York.<sup>40</sup> Archbishop Gerard had complained to King Henry of the various ways by which Sheriff Osbert had deprived his church in York of its lawful customary income, and the king delegated five of his most senior officials—men accustomed to both administration and justice—to hold an inquest there as to what were the customs of St Peter'. The account goes on:

These men, when they had summoned a meeting of the shire (*cum comitatum aduocassent*), made the wisest Englishmen of that city serve the shire (*comitauerunt prudentissimos anglos illius ciuitatis*), by the oath which they owe the king, to speak the truth concerning these customs. Their names are Uttreth son of Alwin, Gamel son of Swartecol, Gamel son of Grim, Norman the priest, William son of Ulf, Frenger the priest, Uttreth son of Thurkill, Norman son of Basing, Thurstin son of Thurmot, Gamel son of Orm, Morcar son of Ligulf, Ulviet son of Forn who was by hereditary right *lagaman* of the city, that is to say lawgiver or judge, and on that occasion he was their foreman who spoke before them thus, and Ansketill of Bulmer, at that time reeve of the North Riding, acted as the interpreter (*interpretas*): 'We all witness . . . ?'

In spite of the Scandinavian majority among these names, these men are referred to as *angli*, so we need not suppose that Ansketill

between the 1080s and the 1120s. And Godric latimer appears in Oxfordshire after 1088, apparently in the household of Henry, earl of Warwick. The evidence is set out in detail by Tsurushima, 'Domesday interpreters', 214–18.

<sup>40</sup>The only copy of this record is found as a letter from the dean and chapter of York to the dean and chapter of Southwell minster, probably sent in the first half of the fourteenth century; it was copied into the Liber Albus, a register, at Southwell; the manuscript is now deposited in Nottingham University Library; printed from there by A. F. Leach, *Visitations and Memorials of Southwell Minster*, Camden new ser. 48 (1891), 190–6, where the report of the inquest is dated only to AD 1106. The precise date is given only in a record of pleading in 1229, 'Tuesday next after the feast of the Translation of St Thomas in the sixth year of King Henry' (J. T. Fowler, *Memorials of the Church of St Peter and St Wilfrid, Ripon*, i, Surtees Society 74 (1882), 58–9). This refers to the Translation of St Thomas the Apostle, which fell on Sunday, 3 July, in 1106. The feast of the Translation of St Thomas the Martyr, 7 July, did not exist until 1220; it is in principle possible that it might have been introduced, if the expression of the date was changed in 1229, but the date fell on a Thursday in 1106, and it would be most unusual to use such a formula with a Sunday intervening.

translated between Danish and French rather than between English and French. And no act sent to Yorkshire by William, or his successors, differentiates *frensisce 7 englisce 7 denisce* in its address clause. Ansketill himself was raised from reeve of the North Riding to succeed Osbert as sheriff of Yorkshire in 1115, continuing in office till his death in 1129.<sup>41</sup> By that date explicit evidence for the role of interpreters in England has ceased, though it continues in Wales at a later date. It is possible that interpreters continued to have an unrecorded role, but it is also possible that in England at least enough bilingualism had emerged that in any court community there were sufficient members who could handle both languages to provide less formal assistance to those who could not. The appearance of language groups in address clauses until the end of the twelfth century shows that the issue had not entirely gone away, but as French became widespread as a second language bilingualism would gradually erode the need to recognize linguistic pluralism.

#### A DURABLE AND ADAPTABLE FORMULA

While the circumstances quickly faded that had first called the address formula into existence in 1067, we actually find that it is used more, not less, as time passes. We must explain the longevity of its use. Adopted into Latin, in 1070, in the form ‘*francis et anglis*’, occasionally varied as ‘*francigenis et anglicis*’, this formula appears with increasing frequency in the writ-charters of the Anglo-Norman kings William I, William II, Henry I, and Stephen. It continues to appear, though much less frequently, in the charters of Henry II and Richard I. Its use goes on long after there was any defined difference between the indigenous Anglo-Saxon community and the immigrant community of Normans and others. Those of Anglo-Saxon stock quickly adopted the baptismal names favoured by the ruling

<sup>41</sup>Ansketill is first recorded in this inquest. His later career is documented by many charters of Henry I, in which he is addressed as sheriff. Osbert was alive in August 1115 (*Regesta* 1098) but dead by the time of the Lindsey survey, compiled in the late summer of that year, and Ansketill must have taken over at Michaelmas. His son Bertram of Bulmer succeeded him, accounting at the Exchequer in 1129–30; the collection of an outstanding debt in that year indicates that Ansketill had probably died during 1128–9 (J. Hunter, *The Pipe Roll of 31 Henry I* (London, 1833), 24, 146).

Normans, and some way of rubbing along using both English and French in different contexts must have evolved relatively quickly.

There is nothing self-evident about what these ethnic or linguistic expressions signified to the draftsmen of the charters or to those who heard them, and the charter evidence taken as a whole opens up more questions than do individual examples, for there is no consistent pattern about the use of the formulae. It has already been said that the phrase 'frencisce 7 englisce' is found in only a small proportion of the earliest acts of William I. The expression 'francis et anglis' appears in only ten authentic acts of William I, 'francigenis et anglicis' in eight authentic acts. The word *francigena* focuses on French descent without a necessary continuing connexion with France, perfectly suiting a Norman in England. To these one may add two occurrences in charters of Odo, bishop of Bayeux, and earl of Kent, addressed to the shire court, 'Lanfranco archiepiscopo et Haimoni uicecomiti et ceteris fidelibus regis francigenis et anglis salutem' ('to Archbishop Lanfranc and Sheriff Haimo and the rest of the king's sworn men French and English greeting').<sup>42</sup> There is one example of the phrase 'francigenis et angligenis' in an act usually assigned to William I.<sup>43</sup> While one can count up occurrences in this way, it is not so easy to say what meaningful proportion they represent of the acts of William I. Proportion depends on knowing how many times it was included in relation to how many it could have been included among the total of extant authentic acts.<sup>44</sup> On both sides of the sum, one must discount forgeries; examples of the formula in authentic acts of William I are outnumbered by those in

<sup>42</sup>Bates 71, 85, drafted on the same occasion and in similar words by an archiepiscopal scribe, when Odo gave his houses in the local ports of Fordwich and Sandwich to the monks of St Augustine's and Christ Church in Canterbury, datable 1070 × 1082, probably 1072. Although royal in form, there is no reason to regard these as vice-regal acts. The houses in Fordwich had been held by Earl Godwine before Odo and were alienated by Odo with the king's consent (*DB*, i. 12ra; Kent § 7. 10); this suggests that he held them in virtue of his office as earl of Kent, which makes the acts comital.

<sup>43</sup>Bates 190 for London, St Paul's cathedral, datable Christmas 1085 × Easter 1088.

<sup>44</sup>Arimitsu's percentages simply divide a count of examples by the total number of acts for each king; this must in general understate the ratio, since the total number of acts includes many that could not have included the formula.

later forgeries made when the formula had become more common. From the total of authentic acts, one should set aside those in which the formula could not have been used. These would include those drawn up in forms without any address clause, whether the four diplomas in Anglo-Saxon style or the much larger number in the form of Norman confirmations subscribed by the duke. They would also include authentic acts in which the phrase would have been inappropriate, for example, those writs addressed to named individuals. Even with these allowances, I incline to think that the phrase is present only in a small minority of those acts in which it might have been used during William I's time. The proportion is somewhat greater in the reign of William II, when authentic examples add up to thirty-eight from among a total of 114 authentic acts. There is some small uncertainty here because of acts that cannot with certainty be assigned to William I or William II. There are more than 350 examples of 'francis et anglis', and a further dozen or so of 'francigenis et anglicis' and other variations, among the authentic acts of Henry I, which amount to somewhere between 1200 and 1300 documents and include a larger number of writs addressed only to named individuals than is found in earlier reigns. Outside the address formula we find an example of 'tam franci quam angli' in a royal proclamation at Christmas 1100.<sup>45</sup> Among the acts of King Stephen the number is around 200 from a total of authentic acts of about 670. The authentic acts of the Empress add up to about eighty, of which thirty-five include 'francis et anglis'. These figures are all crude and should not be turned into percentages without careful attention to the allowances. The high proportion among Stephen's and Matilda's acts may reflect a declining survival of writs in comparison with Henry I's reign. It is still more difficult

<sup>45</sup>King Henry I commands regulations for the minting of the king's money and punishments for those making false money, 'uolo et precipio ut omnes burgenses et omnes illi qui in burgis morantur tam franci quam angli iurent tenere et seruare monetam meam in Anglia ut non consentiant falsitatem monete mee' ('I will and command that all burgesses and all who dwell in boroughs, as well French as English, shall swear to hold and keep my money in England so that they shall not accept the falsification of my money'); printed from the Red Book of the Exchequer by Liebermann, *Gesetze*, i. 523, and Robertson, *Laws of the Kings of England*, 284; calendared as *Regesta* 501.

to arrive at figures for the three thousand or so acts of Henry II, but on a basis of sampling the proportion appears to be much smaller than is found in the Anglo-Norman period. It would require enormous labour to establish whether the ratio changes during the reign, but my impression is that use of the formula declines conspicuously after 1158. None the less there are examples from the 1180s, and the phrase is still used sometimes by the chancery draftsmen of Richard I and John.<sup>46</sup>

What this amounts to may probably be summed up by saying that the phrase 'francis et anglis' became a common but not essential formula in the drafting of royal acts. Optional wording manifestly relates to something that exists, whether or not it is explicitly indicated, but that does not affect the substance of the act. One may wonder what weight draftsmen attached to such a form of words, yet it is clear that this formula did not fossilize. Its connotations were obviously not constrained by the extent of the realm: William II was not duke of Normandy, though for a time he had control of the duchy in Duke Robert's absence. Stephen did not use the title duke

<sup>46</sup>L. Delisle [& E. Berger], *Recueil des actes de Henri II* (Paris, 1909–27), Introduction, 208, noted a few examples, remarking, 'Très souvent le roi s'adresse en même temps à ses sujets de nationalité française et à ceux de nationalité anglaise sans qu'il soit d'ordinaire fait mention des sujets d'une seule nationalité'. Delisle did not understand the significance of the formula. At p. 209n, 'en passant', he gives examples that include Welsh and Irish. From Delisle's *Recueil* it has been generally supposed that the formula was not used after the 1170s (for example, G. W. S. Barrow, *The Anglo-Norman Era in Scottish History* (Oxford, 1980), 6n). Late examples among Henry II's acts are two certainly datable to 1186: Vincent 32 for Adam nepos uiccomitis and Vincent 307 for Brinkburn priory, both dated at Carlisle, July 1186. Also perhaps from this northern itinerary are Vincent 63 for the burgesses of Appleby and Vincent 1765 for Marrick priory, both dated at Richmond, possibly 1179, possibly summer 1186. Three of the four survive as originals, and I am grateful to Dr Teresa Webber for the information that the two dated at Richmond are in the hand of scribe xlii; the act for Adam, dated at Carlisle, is in the hand of the prolific scribe xl. The late survival of the formula cannot be attributed to the drafting of a single scribe who accompanied the king on this northern itinerary. The only other act of a potentially later date is Vincent 2867 for Winchester, Hyde abbey, datable 1185 × July 1188. The survival of the formula in acts of the first year of King John's reign is noted by Thomas, *The English and the Normans*, 68. For this one cannot rely on enrolments, which abbreviate the protocols, but must use originals or informal copies.

of Normandy in his acts, though he did on his seal; his ducal authority is not well attested in his charters and in any case had ceased by 1144. It is a plain fact that throughout the Anglo-Norman period the king's subjects include men and women of English descent, Norman descent, and mixed descent, not to mention the Bretons, Flemings, and men from other lands who came to England with William I or in his wake. In parts of England there were without doubt people of Danish descent. The recognition of ethnicity in address-clauses is neither comprehensive nor in any way systematic. We have seen that, even in the first years of use, it cannot be explained in a strict sense by reference to legal communities. Since the wording is formulated by expert draftsmen in the king's service, there is no need to imagine it as a reflection of the ethnic identities which individuals defined for themselves. The one practical corollary of ethnicity in writ-charters is language, and I suggest that this may have been a fundamental reason for the continuing use of the formula. Yet the formula is seen less often when the two communities were at their most distinct and more often in the second and third generations after the Conquest. Looking back from the 1180s Walter Map, a Herefordshire man himself, thought it was the judicious policies pursued by King Henry I that sealed the concord of the two peoples ('ad firmam populos utrosque federavit concordiam').<sup>47</sup> The self-identification of two writers from the 1120s, William of Malmesbury and Henry of Huntingdon, supports this.<sup>48</sup> While the increasing use of the formula in the first half of the twelfth century and its endurance even to the end of the century might

<sup>47</sup>Walter Map, *De nugis curialium* V 5, ed. M. R. James, C. N. L. Brooke, & R. A. B. Mynors (Oxford, 1983), 436. The opposition of 'Normans' and 'Saxons' through generations was said by Freeman to be 'one of the chief errors which an historian of the twelfth century has to strive against' ('The fusion of Normans and English', *Norman Conquest*, v. 825–39, at p. 825).

<sup>48</sup>Discussion by J. B. Gillingham, 'Henry of Huntingdon and the twelfth-century revival of the English nation', in *Concepts of National Identity in the Middle Ages*, ed. S. Forde, L. Johnson, & A. V. Murray (Leeds, 1995), 75–101. Placing more emphasis on incidents of ethnic hostility, such as the Treruf atrocity in Cornwall in or a little before 1129–30, Hugh Thomas takes the view that assimilation took considerably longer; he inclines to use the longevity of the formula itself as a sign that ethnic assimilation was not accepted until perhaps the 1180s (*The English and the Normans*, 56–69).

simply have been a matter of routine, though never consistent, formulation, the use of the two languages French and English alongside one another continued long after any sense of indigenous and immigrant communities had gone.

The formula 'francis et anglis' was not only durable. It spread and it was modified as appropriate in different contexts. This lively adaptation to suit the circumstances argues forcefully against the notion that it was used as a vacuous formula, a relic of circumstances far in the past. It was widely adopted outside the royal chancery by draftsmen composing charters for the lords of lay honours and, more rarely, for bishops. In a majority of such cases it was the customary 'francis et anglis' or variants such as 'francigenis et anglicis', reflecting the use of French and English side by side all over England. Elaboration, however, is seen in documents addressed to those parts of the Anglo-Norman realm where ethnic groups speaking languages other than French or English formed the majority or at least a substantial part of the legal community. Wales and Cornwall provide examples, and in Henry II's time the invasion of Ireland would lead to addresses that refer to as many as five different groups. Similar variation is seen in the charters of great men whose lands included areas where the ethnic and linguistic mixture was more varied than in England. Against this background, the formula was also taken up at an early date by the kings of Scotland in their land of multiple peoples and languages. The factors shaping its development there are particularly interesting and are not strictly parallel to the factors in Wales or Ireland.<sup>49</sup>

Many pages below are devoted to examples of the formula in different contexts. It will be helpful to say a word first about address clauses more generally. They are often the best clue to the circumstances in which an act was made public. In England the king's acts were most often drafted and sealed by royal officials and delivered to be read in accordance with the address. Whether addressed to a shire or a sheriff or another individual, they were read on delivery. Publication at a gathering of the royal court was only appropriate for rare and rather grand royal actions. By contrast,

<sup>49</sup>Those readers with a special interest in Scotland may look ahead to p. 62 but are asked not simply to skip the intervening pages.

private deeds were often drawn up at a meeting of a shire or in some other public setting, but they were read out at the time of sealing and witnessing. Address and delivery were not relevant in such cases. Honorial acts may belong to one or other category, and it can be difficult to tell which applies in a particular case.

In English and Anglo-Norman royal usage one most commonly finds charters addressed to a particular shire or to the shires where the beneficiary has lands, and a shire address conventionally names the bishop and the sheriff who preside before adding without names the *barones* and *fideles* of the particular county. Earls in shires that have them and justices from their first appearance are named after the bishop and before the sheriff. Such acts were presented to the court to be read aloud and, presumably, interpreted at a meeting of the shire. This local form of address lasts until the 1160s, but from about 1110 a general address is also widely used to the archbishops, bishops, earls, justices, sheriffs, *barones*, and *fideles* of the realm.<sup>50</sup> In either case the inclusion of ‘francis et anglis’ is possible but optional. It cannot be included in writs addressed to a single person. At a lower level the king’s great men in their charters will usually address their own men, ‘omnibus hominibus et amicis suis’ (‘to all his men and friends’); some great men were so important that some of their men were referred to as *barones*, giving rise to an address such as ‘omnibus baronibus et hominibus et amicis suis’ (‘to all his barons and men and friends’). These are the conventional forms of an honorial address.<sup>51</sup> They are not confined to secular use but can be found in episcopal charters.<sup>52</sup> During the mid-twelfth century such

<sup>50</sup>R. Sharpe, ‘Address and delivery in Anglo-Norman royal charters’, in *Charters and Charter Scholarship in Britain and Ireland*, ed. M. T. Flanagan & J. A. Green (London, 2005), 32–52.

<sup>51</sup>This is my preferred term. It may be used for earls, barons, and indeed any lay tenants in chief who hold their lands *honorabiliter*, *honorifice*, ‘with honour’, whatever the precise connotations of that word. The word ‘comital’ should be avoided except where an earl acts in his public capacity as earl in his county. In Scotland honour is less clearly a tenorial category, and Barrow favours the word ‘baronial’, even applied to such addresses in acts of King David in his honour of Huntingdon, ‘a typically “baronial” address’ (Barrow, ‘*Omnibus probis hominibus (suis)*’ (below, n. 193), 59–60). The example, however, is surely honorial.

<sup>52</sup>Some episcopal examples are given below, nn. 77–80.

men sometimes couched an address more precisely to echo the shire address, specifying the officers of the honour. It is less apparent in these cases whether the act documents an action in the presence of the honour court or was sent to the court to be read; a substantial witness-list can help here. At a third level one finds variations of an open address, such as ‘omnibus Christi fidelibus’ (‘to all Christ’s faithful’), ‘omnibus uidentibus uel audientibus litteras has’ (‘to all who see or hear these letters’), or the later patent address ‘omnibus ad quos presentes littere peruenerint’ (‘to all to whom the present letters will have come’). The syntax of open addresses often lacks any greeting, taking a form such as ‘Notum sit omnibus’. In all such cases it is possible to include the formula ‘francis et anglis’, though it is comparatively rare in deeds that do not involve a greeting from the author of the act to a group identified in a relationship with him.

Addresses to a shire will ordinarily name the shire or shires, determined by the location of the property, rights, or action concerned. These acts were delivered and read locally. As the general address becomes more commonly used, a territorial expression may be added such as ‘totius Anglie’; this began as a means of emphasising the national character of the general address as distinct from the local addresses that had previously been the norm. It would become a territorial limiter, at first between England and Normandy, with ‘totius Normannie’ or ‘totius Anglie et Normannie’ commonly added. We shall see this component of the address-clause varied in other parts of Britain. In Anglo-Norman use, however, this is never distributive: that is, ‘francis et anglis totius Anglie et Normannie’ never denotes the French of Normandy and the English of England.<sup>53</sup> In Henry II’s time one often finds ‘totius terre mee’ as an

<sup>53</sup>In his Creighton Lecture 1966 R. W. Southern advanced a wholly unsupported claim: from 1066 to 1154, he supposed, *francis et anglis* ‘was used exclusively to distinguish the two classes of men in England: the aristocracy who were “French” and the people who were “English”’. Before 1155, the phrase was never used, so far as I know, to distinguish the king’s subjects in France from his subjects in England. The distinction was regarded as one of race, not geography. But in this year the royal chancery made a sudden change of usage. Thereafter it used the phrase *only* to distinguish all the king’s subjects in England from all those in France. From this time, therefore, in the phraseology of the royal chancery, all who lived in England, whether nobility or not, were “English”, and all who lived in France were “French”.

economical means of aggregating the king's various territories, though he was not the first to use this expression.<sup>54</sup> These secondary territorial qualifiers do not relate to local delivery. Sometimes they have an obvious relevance to the function of the act, sometimes not: an exemption from toll may be valid throughout England but not in Normandy, or vice versa, but this means nothing in a renewal of tenure or judicial privileges. A general address is not related to the location of the lands or rights with which the charter is concerned.

The ethnic-linguistic formula is not itself the address but an adjunct to the address, functionally optional—it is nowhere

It is very striking that this change should have been made when royal policy was more than ever orientated towards extending the Anglo-French connection, and when French had reached its widest diffusion as the vernacular language of England. Royal chanceries are conservative organizations, and they are not apt to be quick in observing social change; so that we may be sure that by the middle of the twelfth century the distinction between the real Frenchmen of France and those who merely spoke French in England was very clear' ('England's first entry into Europe', in his *Medieval Humanism and other studies* (Oxford, 1970), 135–57 (at p. 142). As pointed out by R. C. van Caenegem, *The Birth of the English Common Law* (Cambridge, 1973), 139 n. 34, this is refuted by the testimony of the documents.

<sup>54</sup>N. C. Vincent, 'Regional variations in the charters of Henry II', in *Charters and Charter Scholarship in Britain and Ireland*, ed. M. T. Flanagan & J. A. Green (London, 2005), 70–106. Henry uses this formulation before 1154 in acts for the Norman abbey of Savigny (*Regesta* iii, nos. 810, 811) and the French abbey of Fontenay (*Regesta* iii, no. 326, datable to 1151). The only Anglo-Norman example is an act of Henry I for the monks of Fécamp (*Regesta* 1579), but it is found as 'totius terre sue' in Scotland already in acts of King Alexander I (A. C. Lawrie, *Early Scottish Charters prior to AD 1153* (Glasgow, 1905), 43–4, no. 49, datable to 1124) and King David I (in the shorter general address, Barrow, *David I*, 73, no. 38, datable 1128 × 1136; in the longer general address, ib. 75, no. 44, datable 1128 × 1136 (see below, n. 203); &c.). The word *terra* allows for a vague expansion beyond the defined *regnum*. R. R. Davies, *The First English Empire. Power and identities in the British Isles, 1093–1343* (Oxford, 2000), 14, read into this what he wanted to see, 'Scotland was recurrently referred to as a land (*terra*), not as a kingdom (*regnum*), thereby anticipating by over a century Edward I's vocabulary of demotion'; David in fact uses *terra* and *regnum* in fairly even ratio, and *terra* has no connotation of demotion on the facing page of Davies, where Henry II refers to 'the whole land (*totam terram*) of England, Normandy, Wales, and Ireland as if he regarded it as a single unit' (p. 15). Elaborate territorial adjuncts, such as that in a charter in the name of Henry II for the borough of Pembroke, 'totius Angl(ie), Wallie, Hibern(ie), Normannie, Britannie, Andag(aue), Pictau(ie), Gascon(ie) et omnibus hominibus suis siue citra mare et ultra' (Vincent 2020), speak of forgery.

necessary—and even formally optional, else draftsmen would have used it much more regularly. The words ‘francis’, ‘anglis’, and others, are adjectives, dependent on nouns in the address proper.<sup>55</sup> As I present examples to show the elaboration of the formula over an extended period, in different territories, and in documents produced in the names of a range of authors, the caveats already mentioned must apply with even greater force. It would take colossal effort to discover which lords of honours deploy ‘francis et anglis’ in their acts at any period, which elaborate on this basic formula; and a still greater effort to estimate the consistency with which they did so in different contexts over time. And actual numbers are too small to be statistically meaningful. The examples brought forward in the remainder of this paper are chosen because they appear interesting for the discussion in hand and not because they are selected from a gathered field to represent particular conventions of drafting.

#### SCOTS AND WELSH IN ANGLO-NORMAN ROYAL ACTS

To illustrate this elaboration I begin with examples of acts drafted by clerks of the Anglo-Norman royal chancery that go beyond the plain ‘francis et anglis’. First in date is a remarkable act by which King William II grants the gift of lands in Lothian made by Edgar, son of Máel Coluim III, king of Scots, to the church of Durham. It is the earlier of just two English royal acts that include ‘scottis’ in the formula:<sup>56</sup>

<sup>55</sup>This must affect how we translate them into English. While ‘French’, ‘English’, ‘Welsh’, ‘Irish’ are both adjective and noun, ‘Danish’ or ‘Danes’, ‘Flemish’ or ‘Flemings’, ‘Gaelic’ or ‘Gael’s’ are not equivalent.

<sup>56</sup>*Regesta* 365, William II grants to the church of Durham the gift by King Edgar of lands in Lothian, datable after the death of King Duncan II in November 1094 and before the death of Bishop William of Durham at the beginning of 1096, almost certainly when William Rufus was in Durham in the summer of 1095; printed from the original in Durham cathedral muniments, Misc. Ch. 558\*, in the hand of a royal scribe who had been in King William I’s service in 1087, by Lawrie, *Early Scottish Charters*, 14 (no. 16); facsimile in T. A. M. Bishop & P. Chaplais, *English Royal Writs to AD 1100* (Oxford, 1957), no. 10 and pl. ix. There is a second engrossment, also sealed, but without the witnesses, in the hand of a Durham scribe, Misc. Ch. 973, also reproduced by Bishop & Chaplais, no. 9, pl. viii, and listed as *Regesta* 364. Chaplais also found the hand of the Durham scribe in manuscript books, in one of which he gives his name William. (More has been revealed of William’s work by M.

**1095** W(illelmus) rex Anglor(um) Thome Eburacensi archiepiscopo et omnibus suis fidelibus francis et anglis et scottis ('William king of the English to Archbishop Thomas and to all his sworn men French and English and Gaelic').

On the face of it, this document has nowhere to go. The only particular element in the address is the naming of the archbishop of York, who presided in the shire courts of Yorkshire and Nottinghamshire, both of them shires where the church of Durham held lands, and who sometimes appears without explanation in acts destined for the shire court of Northumberland. The lands in question, however, Coldinghamshire and Berwickshire, lay north of Tweed in Lothian, where the episcopal ordinary was the bishop of St Andrews. Edgar's own act, whose authenticity has been vigorously defended by A. A. M. Duncan, refers to his 'possessing all the land of Lothian and the kingdom of *Scotia* by gift of my lord William king of the English and by paternal inheritance'.<sup>57</sup> In relations between the two kings William would have maintained that Edgar held the kingdom of him, but it may be questioned whether William's consent would add any weight to Edgar's gift if a dispute were to arise in Lothian. While it is hard to imagine a court in which this act could have been produced to good effect, it is rather easier to see that King William was ready and willing to confirm Edgar's acts as a gesture of overlordship, especially at a time when Edgar was not yet

Gullick, 'The scribes of the Durham cantor's book', in *Anglo-Norman Durham*, ed. D. W. Rollason & others (Woodbridge, 1994), 93–109, and 'The hand of Symeon of Durham', in *Symeon of Durham. Historian of Durham and the North*, ed. D. W. Rollason (Stamford, 1998), 14–31, at pp. 20–1). The same Durham scribe had made a similar 'authentic duplicate' of the charter of King Duncan II, Misc. Ch. 554 (below, n. 158).

<sup>57</sup>Edgar, son of King Máel Coluim III, gives lands in Lothian to St Cuthbert, Bishop William, and the monks of Durham, dated at Norham on the river Tweed, 29 August 1095; printed from a fifteenth-century exemplification, Durham cathedral muniments, Misc. Ch. 559, by Lawrie, *Early Scottish Charters*, 12–13 (no. 15), and by A. A. M. Duncan, 'The earliest Scottish charters', *SHR* 37 (1958), 103–135, and again, 'Yes, the earliest Scottish charters', *SHR* 78 (1999), 1–38. The act was indeed reworked at a much later date, with an address clause based on that of letters patent but with the formula added, 'omnibus ad quos presentes littere peruenerint tam francis et anglis quam scottis', but that forgery is Misc. Ch. 560; printed by Lawrie, *Early Scottish Charters*, 14–15 (no. 17).

installed as king and remained dependent on him for support.<sup>58</sup> Edgar was hardly in any position to deliver seisin to the church of Durham, so the transaction is perhaps more a promise, yet the monks must have thought it worthwhile to pay William for his confirmation. They even made a duplicate of this act and sought its corroboration with the great seal.<sup>59</sup> In this context, *scotti* can hardly be dissociated from the words used to name the donor's father, 'Eadgarus rex filius Malcolmi regis Scottorum' ('King Edgar, son of Máel Coluim king of Scots'). Edgar's act uses a similar form of words but has only an open address.<sup>60</sup> King William now addresses *scotti* among his *fideles*, and, as far as we understand the word at this date, they lived beyond the firth of Forth. We must return to the meaning of *scotti* when considering King Edgar's own acts, but the draftsman evidently envisaged their presence where he thought the act would be read.

The other royal act to include *scotti* is hardly less unusual. At some point during the years when William king of Scots held his realm under the terms of his treaty with King Henry II, Abbot Archibald of Dunfermline obtained a document affirming that the abbey and its possessions were in King Henry's protection and in particular ordering those addressed—'ideo precipio uobis quod' ('therefore I command you that . . .'), perhaps aimed particularly at his constables in Scotland and their officials—not to interfere with the abbey's

<sup>58</sup>Following the deaths of Máel Coluim III and his eldest son Edward in November 1093, the Scots chose Máel Coluim's brother Domnall Bán as king. William Rufus supported first Máel Coluim's son Duncan II, who had grown up in Normandy and England and lived at William's court, and then, after Duncan was killed in November 1094, he recognized Edgar as king in exile and assisted him to remove his uncle Domnall Bán in 1097 (A. A. M. Duncan, *Scotland. The Making of the Kingdom* (Edinburgh, 1975), 124–6).

<sup>59</sup>Above, n. 56.

<sup>60</sup>Notum sit omnibus Christi fidelibus presentibus et futuris quod ego Edgarus filius Malcolmi regis Scottorum' ('Be it known to all the faithful of Christ now and in future that I Edgar son of Máel Coluim king of Scots'). Although Edgar is not styled *rex* here, he subscribed as 'Signum + Egari regis' and the charter bore his seal as king of Scots.

business in the ports of Musselburgh and elsewhere. This act has a general address:<sup>61</sup>

**1178 × 1188** archiepiscopis episcopis abbatibus comitibus baronibus iusticiis uicecomitibus constabulariis ministris et omnibus fidelibus suis francis anglis et scotis totius Anglie et Scotie' ('to archbishops bishops abbots earls barons justices sheriffs constables officials and all his sworn men French English and Gaelic of all England and Scotland').

Among the witnesses at Marlborough, Alan Dapifer appears to be King William's steward, Alan fitz Walter. Here Henry II did, in Rees Davies's words, address French, English, and Scots 'as if they were all equally and directly his subjects'.<sup>62</sup> This appears to be truly exceptional interference, unique even in the exceptional circumstances of the time, and the reason for it may lie in the unexplained difficulties experienced by the abbey.

No such jurisdictional questions arise with the king's acts in Wales, where native rulers were simply subordinated, and from the first half of the twelfth century there are a few examples that include the Welsh. The earliest example dates from 1115, soon after King Henry's first personal foray into Welsh territory, and it is the act appointing Queen Matilda's chaplain to the see of St Davids. The only copy, however, is a late enrolment, and the tenor of the act as enrolled has been interpolated, which could diminish confidence in its testimony even as regards the general address:<sup>63</sup>

<sup>61</sup>Vincent 792; datable after the installation of Archibald as abbot, 1178, and before the king left England for the last time, 1188; printed from a post-medieval copy by G. W. S. Barrow, 'A Writ of Henry II for Dunfermline Abbey', *Scottish Historical Review* 36 (1957), 143.

<sup>62</sup>Davies, *First English Empire*, 15.

<sup>63</sup>King Henry I appoints Bernard as bishop of St Davids, dated 1115; printed from Patent Roll 32 Edward III, pt 1, C 66/254, mem. 33, inspeximus dated 10 February 1358, in *Calendar of Patent Rolls 1358–1361* (London, 1911), 7; calendared as *Regesta* 1091. Is the absence of justices and sheriffs of any significance? There were neither in Wales in 1115. Nor were there archbishops, but three—Canterbury, Rouen, and the elect of York—witnessed this nomination of Bernard to St Davids along with all the other English bishops and Bishop Urban of Llandaff at the council held at Westminster in September 1115 (D. Whitelock, M. Brett, & C. N. L. Brooke, *Councils and Synods with other documents relating to the English Church i AD 871–1204* (Oxford, 1981), 709–716).

**1115** Henr(icus) rex Angl(orum) archiepiscopis episcopis et comitibus et baronibus et omnibus fidelibus suis francis et wallensibus et anglicis salutem ('Henry king of the English to archbishops bishops and earls and barons and all his sworn men French and Welsh and English greeting').

It is worth remark that precedence is given, after the ruling French, to the Welsh population and not to the English, who may have been relatively few in number where this charter would be read out. In this respect it is unique and therefore probably untouched by the interpolator. All later examples have Welsh after English. Next in date is an act now known only from early modern transcripts of a lost original from the Augustinian priory of St John, Carmarthen; the lateness of the copy does not call into question the authenticity of the formula. King Henry confirms a gift made by a Welsh interpreter, and the formula strikingly includes a fourth community, the Flemish, in a unique general address limited to Wales:<sup>64</sup>

**1129 × 1133** H(enricus) rex Angl<orum> episcopis baronibus et omnibus fidelibus suis francis et anglicis, flamingis et walensibus de Walis ('Henry king of the English to the bishops barons and all his sworn men French and

<sup>64</sup>King Henry I confirms to the canons of Carmarthen the gift by Bleddri *latimer* 'interpreter' (Bleddri ap Cydifor) of four carucates of land in Eglwysnewydd, datable October 1129 × August 1130 or August 1131 × July 1133; printed from a seventeenth-century transcript by T. Phillipps, *Cartularium S. Johannis Bapt. de Caermarthen* (Cheltenham, 1865), 10 (no. 33); not in *Regesta*. In the pipe roll of 1129–30 'Blehericus walensis' is mentioned as owing 20s to the king, because his men had killed a Fleming (ed. J. Hunter (London, 1833), 89); discussion by Bullock-Davies, *Professional Interpreters*, 10–12. The later general confirmation to Carmarthen by King Henry II includes only 'francis et anglis et walensibus', ib. 28 (no. 78); Vincent 514, datable 1176 × 1182. The reading 'Anglie' is a mistaken expansion of 'Angl(orum)', which must be corrected; 'de Walis' is a good early usage (like 'in Walis' in *Regesta* 1091, 1197, and in the Book of Llandaff, *Regesta* 1466), where one would later expect 'de Walia'. The restriction to Wales explains the absence of archbishops from a general address; one might have expected earls, since the earls of Chester and Gloucester had lands in Wales; the king also had one sheriff in Wales, the Fleming, Hait, who accounted for Pembroke at the Exchequer in 1130. Another act is addressed generally, 'archiepisopis et episcopis et omnibus baronibus et fidelibus suis totius Anglie sed nominatim illis qui in Walis conuersantur' ('to archbishops and bishops and all his barons and sworn men, but in particular to those who dwell in Wales'); Henry I confirms the gift by Robert fitz Martin of land in Cemaes to the monks of Tiron, *Regesta* 1197, datable 1107 × 1118, of which the original is now in the muniments at Winchester College; this lacks the formula.

English, Flemish and Welsh of Wales’).

It was King Henry himself who introduced knights from Flanders as colonists in south-west Wales, where they remained (in Rees Davies’s words) ‘a vigorous and distinctive community’, speaking their own language until at least the late twelfth century, and still recognizable as neither French nor English in the early thirteenth century.<sup>65</sup> This is the only royal act that recognizes their distinct presence in this way. They appear also in an episcopal act of Peter de Leia, bishop of St Davids, in the last quarter of the twelfth century.<sup>66</sup>

<sup>65</sup>R. R. Davies, *Domination and Conquest: The experience of Ireland, Scotland, and Wales*, Wiles Lectures 1988 (Cambridge, 1990), 11. Gerald of Wales, *Speculum duorum*, ed. Y. Lefèvre & R. B. C. Huygens (Cardiff, 1974), 37, recalled a knight in Dyfed in the late twelfth century who spoke ‘Flandrensica lingua’ (‘in the Flemish tongue’). In the fourteenth century the Chester monk Ranulf Higden said that they spoke English ‘enough’ (though we may wonder whether he was guessing): ‘flandrenses uero qui occidia Wallie incolunt, dimissa iam barbarie, saxonice satis proloquuntur’ (‘the Flemings who live in the west of Wales have abandoned their barbarous speech and speak English well enough’) (*Polychronicon* I 59; both Middle English translators took *barbarie* to refer to the Flemish language; see below, n. 281). The detailed background is discussed by I. W. Rowlands, ‘The making of the March: aspects of the Norman settlement in Dyfed’, *Proceedings of the Battle Conference* 3 (1980), 142–59; L. Toorians, ‘Wizo Flandrensis and the Flemish settlement in Pembrokeshire’, *Cambridge Medieval Celtic Studies* 20 (1990), 99–118. The Welsh *Brut y tynysogion* records at this time that the leaders of the Welsh of Ceredigion and their dealings with outsiders ‘left Dyfed full of diverse peoples, Flemings and Normans and English (*flandrysswyr a ffreinc a saesson*) and of their own folk’ (*Brut y tynysogion*, or *The Chronicle of the Princes. Peniarth MS 20 Version*, ed. T. Jones (Cardiff, 1941), 67–8, and transl. T. Jones (Cardiff, 1952), 41–2; compare *Brenhinedd y saesson*, or *the Kings of the Saxons*, ed. & transl. T. Jones (Cardiff, 1971), 128–31 (*flemisheit a freinc a saesson*)).

<sup>66</sup>Peter de Leia, bishop of St Davids, confirms all the gifts made to the Hospitallers at Slebech in Pembrokeshire, itemizing the possessions and liberties and rights given ‘quacumque largitione comitum, baronum, militum et aliorum fidelium dei, tam francorum quam wallensium et flandrensium’ (‘by whatever generosity of earls, barons, knights and others of God’s faithful, as well French as Welsh and Flemish’), datable only by the period of his episcopate, November 1176 × July 1198; it was inspected and confirmed in turn by bishops Geoffrey of Henlow (1203–1214), Iorwerth (1215–1229), and Anselm le gros (1231–1247); printed from an antiquarian copy of Bishop Anselm’s inspeximus by J. S. Barrow, *St Davids Episcopal Acta 1085–1280*, *South Wales Record Society* 13 (1988), 68–73 (no. 46). The commandery of Slebech appears to have been founded before 1143, when one of the named donors, Anarawd ap Gruffudd, was killed (Barrow, 73), and certainly before the death of Bishop Bernard in 1148 (ib. 50). There were no *angli* among the thirty or so local

Other early examples of royal addresses including the Welsh carry the stigma of possible forgery, coming from the much reworked archive of Battle abbey, which had a dependent cell at Brecon.<sup>67</sup> One act that survives as an original for Great Malvern priory appears datable between September 1126 and August 1127; it has a modified general address, ‘archiepiscope episcopis abbatibus uicecomitibus et baronibus et omnibus fidelibus suis francis et angl(is) et walensibus totius Anglię et Wallię’ (‘to archbishops bishops abbots sheriffs and barons, and to all his sworn men French and English and Welsh of all England and Wales’). In spite of the witnesses that provide the date, this act is not authentic and probably dates from the closing years of the twelfth century.<sup>68</sup> No doubts attach to an original act of Empress Matilda, confirming the gift in fee of the castle and honour of Abergavenny by Brian fitz Count to Miles of Gloucester, lord of Brecon and newly made earl of Hereford. It has a general address for England and Wales:<sup>69</sup>

1141 × 1142 M(athildis) imperatrix H(enrici) regis filia et Anglorum domina archiepiscopis episcopis abbatibus comitibus baronibus iustic(iis) uicecomitibus ministris et omnibus fidelibus suis francis et anglis et walensibus totius Anglie et Walie (‘Matilda empress, daughter of King Henry and lady of the English, to archbishops bishops abbots earls barons justices sheriffs officials and all her sworn men French and English and Welsh of all England and Wales’).

An example from Henry II’s reign uses the same formula in a

lords of Pembrokeshire who contributed to building up the endowment of this commandery. This is local reality, not routine repetition of a formula.

<sup>67</sup>For example, Bates 19, William I for Battle abbey; *Regesta* 846, 1403, and 1646, Henry I for Battle abbey.

<sup>68</sup>Forged charter in the name of King Henry, confirming gifts to the monks of Great Malvern; the original is in the muniments at Madresfield, but the text was printed from the patent roll of 50 Edward III, pt 1, C 66/294, an inspeximus dated 1376, by R. Dodsworth & W. Dugdale, *Monasticon Anglicanum* (London, 1655–73), i. 365–6, and reprinted in the revised *Monasticon Anglicanum*, ed. H. Ellis & others (London, 1817–30), iii. 447–8; calendared as *Regesta* 1490. The handwriting of the original dates from the second half, probably the last quarter, of the twelfth century.

<sup>69</sup>Empress Matilda consents to the gift by Brian fitz Count to Miles of Gloucester, earl of Hereford, of the castle and honour of Abergavenny, datable after Miles was made earl and before Matilda lost Oxford, 25 July 1141 × December 1142; printed from the original, PRO DL 10/17, *Regesta* iii, no. 394.

document with a distinctly odd address, essentially a conventional shire address to Herefordshire but influenced in the inclusion of ‘abbatibus’ from the general address:<sup>70</sup>

**1156 × 1157** episcopo Hereford’, abbatibus baron(ibus) iustic(ie) uice(co)m(iti) et omnibus fidelibus de Herefordscire francis et angl(is) et walensibus (‘to the bishop of Hereford abbots barons the justice the sheriff and all sworn men of Herefordshire French and English and Welsh’).

Hereford is a county in which there were at this date Welsh landholders. It could be assumed that speakers of Welsh would be in attendance at the shire court as well as speakers of French and English.

Turning to examples from the south-west peninsula, we find there are some similar difficulties with the earliest evidence. The first example is again from an act that has been interpolated, this time in the address as well as in the tenor:<sup>71</sup>

**1121** Willelmo episcopo et [Radulpho decano sancti Stephani et canonicis eiusdem loci] et omnibus baronibus et fidelibus suis [de episcopatu Exoniensi] francis et anglis et walensibus (‘to Bishop William and [Ralph, dean of St Stephens and the canons of that place] and all his barons and

<sup>70</sup>Vincent 2577, King Henry II gives to Richard Talbot the manor of Linton and land at Coughton, datable while the king was in Normandy before the death of Warin fitz Gerold, 1156 × April 1157; printed from enrolments by Delisle & Berger, *Actes de Henri II*, i. 181–2 (no. 78), *Calendar of the Charter Rolls iv 1327–1341* (London, 1912), 83.

<sup>71</sup>King Henry I licenses William Warelwast, bishop of Exeter, to establish canons regular in the church of St Stephens by Launceston (Cornwall), datable January × August 1121; printed from the fifteenth-century cartulary in *Regesta*, ii. 341 (no. cxxxvi); calendared as *Regesta* 1281 and by P. L. Hull, *The Cartulary of Launceston Priory*, Devon and Cornwall Record Society new ser. 30 (1987), 4 (no. 4). The naming of the bishop indicates a shire-address; the dean and canons of St Stephens must have been substituted for the names of the justice and the sheriff in the county, while the mention of the bishopric must have been substituted for the county, presumably Devon and Cornwall. *Regesta* 1663 for Tavistock (Devon), datable to 1129–30, provides a guide to what the authentic address might have said, allowing that the names would not have been the same as in 1121: ‘Henricus rex Angl<orum> Willelmo episcopo Exoniensi et W(illelmo) filio Iohannis et G(aufrido) de Furnellis et omnibus baronibus et fidelibus suis de Deuonia et Cornubia’. Henry II’s confirmation of *Regesta* 1281 has a general address including the formula ‘francis et anglis et wallencibus’ (Vincent 1448, see next note).

sworn men [of the bishopric of Exeter] French and English and Welsh’).

If the interpolation was achieved by erasure and overwriting in the document, then the flawed words (shown in square brackets) would have been substituted for authentic words; there is no need to suppose that any words were added without equivalent erasure, so the formula may be accepted here as in the example above for Bishop Bernard. It is particularly interesting to find that draftsmen thought that the word *walenses* ‘Welsh’ was an appropriate way to refer to people in the south-west of England. Here are two later examples, the first with a general address:<sup>72</sup>

**1155** Henricus rex Angl<orum> et dux Norm<annorum> et Acquietan(orum) et comes And(egauorum) archiepiscopis episcopis abbatibus com(itibus) iustic(iis) uic(ecomitibus) ministris et omnibus fidelibus suis franc(is) et anglis et wallencibus (‘Henry king of the English and duke of the Normans and Aquitanians and count of the Angevins to archbishops bishops abbots earls justices sheriffs officials and all his sworn men French and English and Welsh’).

And the second with a local address:<sup>73</sup>

**1156 × 1157** H(enricus) rex Angl(orum) et dux Norm(annorum) et Aquitan(orum) et comes Andeg(auorum) episcopo Exon’ et omnibus iustic(iis) et baronibus et uic(ecomitibus) et ministr(is) et fidelibus suis francis et anglis et wallensibus Cornubie et Deuonie (‘Henry king of the English and duke of the Normans and Aquitanians and count of the Angevins to the bishop of Exeter and all his justices and barons and sheriffs and officials and sworn men French and English and Welsh of Cornwall and Devon’).

In this context the most plausible interpretation of ‘walensibus’ is speakers of Cornish. No one would confuse Wales with Cornwall nor, surely, the people of Wales with the people of Cornwall, but the

<sup>72</sup>Vincent 1448; King Henry II confirms the gifts made by King Henry I and Bishop William Warewast to the canons of Launceston, datable from the place-date to early in 1155; printed from the fifteenth-century Launceston cartulary, Lambeth Palace, MS 719, fol. 11r–v, by Hull, *Cartulary of Launceston Priory*, 9 (no. 10).

<sup>73</sup>Vincent 2194; King Henry II confirms to Richard Pincerna the gift by Robert, earl of Gloucester, of the manor of Connerton in Gwithian (Cornw), datable 1156 × April 1157; printed from the Confirmation Roll of 19–23 Elizabeth I by W. M. M. Picken, *A Medieval Cornish Miscellany* (Chichester, 2000), 107–8, no. 4).

Cornish and Welsh languages were still as close to one another as some of the regional dialects of English.<sup>74</sup> The perception of the Cornish language as Welsh may be paralleled later in the century, but the evidence is not certain.<sup>75</sup> We shall find odd examples of ‘walensibus’ also in address-clauses from Scotland; while it would add an attractive parallel to interpret these as referring to the Brittonic language of Cumbria, I am not convinced.<sup>76</sup>

With the exception of William Rufus’s unusual act confirming Edgar’s in Scotland, these examples of other language-groups addressed in royal acts come from Wales and Cornwall. I have not met with any example of the extended formula in a royal act locally addressed that would be read in an English county or in Normandy. While ‘francis et anglis’ may be used throughout the Anglo-Norman lands, the extension of the formula to include other groups is never adopted into a standard general address. The kings of the English do not use the formula for the sake of aggrandisement, to proclaim that their realm includes Welsh or Flemings or Cornish; these groups are addressed only in contexts where speakers of the languages may be assumed actually to be present to hear.

<sup>74</sup>In this understanding I am anticipated by N. C. Vincent, ‘Regional variations in the charters of Henry II’, in *Charters and Charter Scholarship in Britain and Ireland*, ed. M. T. Flanagan & J. A. Green (London, 2005), 70–106, ‘*Wallenses* in this context being perhaps better interpreted as a linguistic distinction, “Welsh speakers”, rather than an indication of ethnicity let alone nationality’ (p. 81, and n. 66, citing O. J. Padel).

<sup>75</sup>Gerald of Wales, *Libellus invectionum* V 8, ed. W. S. Davies, *Y Cymmrodor* 30 (1920), 77–237 (at p. 189), tells a story in which Gerard de Pucelle, not yet bishop of Coventry (1183–4), turns aside a joking proposal from Henry II to make him bishop of St Davids, ‘*Quinimmo magister Iohannes Cornubiensis qui linguam Walensicam nouit ibi preficiatur*’ (‘No, no, let Master John of Cornwall be preferred there, since he knows the Welsh language’); to which Geoffrey Ridell, bishop of Ely, says that is good reason for him not to be sent to Wales. Gerald of Wales was aware that Welsh and Cornish were similar rather than the same (*Itinerarium Cambrie* I 6), and it is possible that Master John actually knew both languages (O. J. Padel, ‘Evidence for oral tales in medieval Cornwall’, *Studia Celtica* 40 (2006), 127–53, at p. 149).

<sup>76</sup>Below, 88–91.

## NON-ROYAL USE OF THE FORMULA

Our formula began as 'French and English'. It was varied where the business of a document involved contact with the Gaels or the Welsh or the Flemings in south-west Wales or the *walenses* of Cornwall. As well as going through adaptation of this sort, the formula also spread wider than royal acts into the acts of great men who, like the king himself, addressed their men or the officers and officials of their honour. An early example is found in a charter of Archbishop Anselm; the address is a shire address, adapted from royal practice, in which the archbishop addresses the king's *barones*.<sup>77</sup>

**1096 × 1107** Anselmus gratia dei archiepiscopus Cantuarie Haimoni uiccomiti et omnibus baronibus regis francigenis et anglis de comitatu de Chent ('Anselm by God's grace archbishop of Canterbury to Haimo the sheriff and all the king's barons French and English of the shire of Kent').

Among Anselm's acts the formula is found also in the peculiar diploma confirming the monastic status of the new cathedral priory at Norwich in 1101, 'fratribus et filiis secularibus et ecclesiasticis francis et anglis de Northfolch et Suthfolch' ('to his brothers and sons, lay and clerk, French and English, of Norfolk and Suffolk').<sup>78</sup> The use of the formula is more appropriate in documents concerning the lands and men of the bishopric than in acts of episcopal jurisdiction, but it was not widely adopted except in the unusual bishopric of Durham; here it is first seen in acts of Bishop Ranulf Flambard. The earliest has a remarkable address clause to two shires and the bishopric of Durham.<sup>79</sup>

<sup>77</sup>Archbishop Anselm confirms to Bishop Gundulf of Rochester the rights granted to him by Archbishop Lanfranc, datable from the witness of Prior Ernulf, *c.* 1096–1107, though Anselm's two periods of exile (November 1096–September 1100, April 1103–August 1106) restrict the real possibilities; printed from the early-twelfth-century *Textus Roffensis* by M. Brett & J. A. Gribbin, *English Episcopal Acta 28 Canterbury 1070–1136* (Oxford, 2004), 28–9 (no. 26), described in their introduction as 'slightly suspect' (p. xxxvii).

<sup>78</sup>Brett & Gribbin, *Canterbury 1070–1136*, 23–5 (no. 23), datable July 1101 × June 1102, but almost certainly 3 September 1101, the date of the king's diploma (*Regesta* 548).

<sup>79</sup>Bishop Ranulf gives lands to the value of two knights' fees to William fitz Ranulf, datable after the nomination of Archbishop Thurstan in August 1114 and before he left England in 1116; printed from the original among Durham Cathedral

**1114 × 1116** R(annulfus) dei gratia Dunelmensis ecclesie episcopus Turstino eadem gratia Eboracensi archiepiscopo et omnibus baronibus francis et anglis de Euerwicsire et capitulo sancti Cuthberti et omnibus baronibus et fidelibus suis de Haliarefolc et omnibus baronibus francis et anglis de Northumberlanda ('Ranulf by God's grace bishop of Durham to Thurstan by the same grace archbishop of York and to all barons French and English of Yorkshire and to the chapter of St Cuthbert and all his barons and sworn men of the Haliweresfolc and to all barons French and English of Northumberland').

It is surely significant that 'francis et anglis' is repeated for the king's *barones* of the two named shires but omitted for the bishop's own *barones* of the bishopric. The formula continues to appear in episcopal acts from Durham as late as 1218.<sup>80</sup>

How early the formula is found in the acts of great laymen I cannot say with confidence. The examples already mentioned in acts of Bishop Odo are perhaps too close to royal to be counted. The next earliest I can offer at present dates from no later than 1112 in a deed of Ranulf Meschin, who was Henry I's Norman strongman in the district of Carlisle: 'Ranulfus Meschinus Richerio uiccomiti Karlioli et omnibus hominibus suis francis et anglis qui in potestate Karlioli habitant' ('Ranulf Meschin to Richer the sheriff and all his men French and English who dwell in the jurisdiction of Carlisle').<sup>81</sup> We see something similar in a charter of Archbishop Ralph in his capacity as lord of the manor of Aldington, 'Ernulfo episcopo Roff' et omnibus hominibus suis francis et anglis Cantie et toti hundredo de Aldintone' ('to Bishop Ernulf of Rochester and to all his [Ralph's]

Muniments, 2. 1. Pont. 7, by H. S. Offler, *Durham Episcopal Charters, 1071–1152*, Surtees Society 179 (1968), 72–4 (no. 11). The contrast may be noted between *his* barons and sworn men of the bishopric and those of the two shires who are properly 'baronibus regis'.

<sup>80</sup>M. G. Snape, *English Episcopal Acta 24 Durham 1153–1195* (Oxford, 2002), p. lvii ('commonly appearing in acta concerning the bishop's lands'). The last example, dated 6 May 1218, takes the form 'omnibus hominibus tocius episcopatus sui francis et anglis' ('to all men of his bishopric, French and English'), *English Episcopal Acta 25 Durham 1196–1237* (Oxford, 2002), 258–9 (no. 276).

<sup>81</sup>Ranulf Meschin gives the manor of Wetheral to Abbot Stephen and the monks of York, datable 1100 × 1112, after Osbert the clerk became sheriff of Yorkshire and before the death of Abbot Stephen; printed from the cartulary by J. E. Prescott, *The Register of the Priory of Wetheral*, CWAAS Record Series 1 (1897), 1–5 (no. 1).

men French and English of Kent and to all the hundred of Aldington’).<sup>82</sup> From the 1120s onwards great men began to imitate royal acts in various more significant ways.<sup>83</sup> Ralf de Tosny could use the formula in addressing his sokemen of Necton in Norfolk, ‘omnibus de soka Neketonie tam francis quam anglis’ (‘to all of the soke of Necton as well French as English’).<sup>84</sup> The formula can also be found in the deeds of men of lesser rank. For example, Henry of Beningbrough, a sub-tenant of the Arches fee, uses it in a deed conveying to a burgess of York three dwellings in the city.<sup>85</sup> Monastic land-holders too occasionally deployed it in their deeds.<sup>86</sup> By the mid-twelfth century it was so widespread that, in the earliest

<sup>82</sup>Archbishop Anselm gives the gable of *Tridhurst* in his manor and hundred of Aldington to the altar of Canterbury cathedral, datable 1115 × 1122; printed from Canterbury cartularies by Brett & Gribbin, *Canterbury 1070–1136*, 41 (no. 39).

<sup>83</sup>This can be illustrated from the examples of honorial acts gathered by Stenton in the appendix to *The First Century of English Feudalism* (Oxford, 1932, 2nd edn, 1961). Among these, for example, is a writ in the name of Richard fitz Gilbert (d. 1136), which makes provisions for enforcement modelled on those of a royal writ (Stenton, *First Century*, 75, 269, no. 18).

<sup>84</sup>Ralf was a major land-holder in Normandy. A few deeds from property in Norfolk survived in the Beauchamp family cartulary. Ralf de Tosny confirms to William fitz Estangrin the fee farm of Necton, datable between his succession in 1102 and his death in 1126; printed from the Beauchamp cartulary by E. E. Mason, *The Beauchamp Cartulary*, Pipe Roll Society 81 (1980), 202–3 (no. 356). His son’s subsequent confirmation is addressed in a wider honorial manner, ‘Rogerus de Toeneio omnibus hominibus tam francis quam anglis’ (‘to all his men as well French as English’), datable 1126 × 1162; *ib.* 203 (no. 357).

<sup>85</sup>Henry of Beningbrough conveys three dwellings in Coney Street, York, to William of Tickhill for rent of 1lb of pepper, datable c. 1160 × 1182: ‘omnibus hominibus et amicis suis francis et anglicis presentibus et futuris’ (‘to all his men and friends, French and English, present and future’): printed from a fourteenth-century cartulary by W. Farrer, *Early Yorkshire Charters* (published privately 1914–16), i, 192 (no. 235).

<sup>86</sup>Three authentic examples are found among the deeds of Gervase of Blois as abbot of Westminster, 1138–57; printed by E. E. Mason, *Westminster Abbey Charters, 1066–c. 1214*, London Record Society 25 (1988), 124–5 (no. 258), with a local address, ‘omnibus baronibus et ciuibus London’ et amicis et tenentibus suis’; *ib.* 127 (no. 262), addressed to the abbey’s men; and *ib.* 121–2 (no. 254), granting succession to a lay office within the abbey, addressed ‘omnibus probis hominibus suis francis et anglis’. (These deeds are set in context by B. F. Harvey, ‘Abbot Gervase de Blois and the fee farms of Westminster abbey’, *Bulletin of the Institute of Historical Research* 40 (1967), 127–40.)

discussion of the topic, in 1702, Thomas Madox gives as his first instance of what he terms a 'general compellation' *Omnibus hominibus suis francis et anglis*.<sup>87</sup> Madox also noted, 'The Lords who lived in or near Wales, and had Vassals that were Welsh men as well as French and English, would direct, *Hominibus suis francis et anglis et wallensibus*, and so other Lords in resembling cases'. His examples begin with a charter of David, king of Scots, and proceed with examples involving Wales, Cumbria, Cornwall, and Brittany.<sup>88</sup> One of these

<sup>87</sup>Thomas Madox, *Formulare Anglicanum: or, A Collection of Ancient Charters and Instruments of divers kinds, taken from the originals, placed under several heads* (London, 1702), xxxii.

<sup>88</sup>Madox's examples are mostly drawn from R. Dodsworth & W. Dugdale, *Monasticon Anglicanum* (London, 1655–73). All can be found in the enlarged edition of the *Monasticon* (London, 1817–30), but for many better references are now available: (Madox's note *m*) 'episcopis abbatibus comitibus uicecomitibus baronibus et omnibus probis hominibus suis totius terre sue francis et anglis et scotis et galwensibus', Dugdale, i. 335a, King David for Tynemouth priory, dated 1138, Barrow, *David I*, 84–5 (no. 66); (*n*) 'comitibus iusticiariis baronibus uicecomitibus ministris omnibus probis hominibus suis totius Cumberlandie, francis et anglis et cumbrensibus', Dugdale, i. 399a, King David for the monks of Wetheral priory, datable 1136 × 1141, Barrow, *David I*, 89–90 (no. 76) (below, n. 239); (*o*) 'francis et anglis et walensibus', *Formulare*, 46 (no. 83), William, earl of Gloucester confirms the gift to Bruern abbey by Robert de la Mara of land in Rendcomb, datable to 1147 × 1162, from the original, PRO E 327/83 (not in Patterson's *Earldom of Gloucester Charters*); (*p*) 'omnibus hominibus suis, uicinis et amicis francis et anglis atque walensibus', Dugdale, i. 600b, Baderon of Monmouth gives three forges in Monmouth to Monmouth priory, datable to 1148 × 1173, from the original, BL Add. Ch. 20405, reprinted in *Monasticon*, iv. 596 (no. ii), and reproduced by G. F. Warner & H. J. Ellis, *Facsimiles of Royal and Other Charters in the British Museum* (London, 1903), no. 41, pl. xxvii; (*†*) 'omnibus fidelibus francis anglicis et walensibus', Dugdale, ii. 904a, H(ugh) de Beauchamp confirms gifts by Hamelin de Baalon, Brian fitz Count, and others to Abergavenny priory, datable 1165 × 1173, from a sixteenth-century transcript, reprinted in *Monasticon*, iv. 616 (no. ii); (*q*) 'omnibus hominibus suis anglicis et walensibus', Dugdale, ii. 299a, Gilbert de Clare, earl of Gloucester and Hertford, confirms the possessions of Keynsham priory, datable 1217 × 1230, from the patent roll 11 Edward II, pt 1, C 66/148 mem. 7, reprinted in *Monasticon*, vi. 452–3 (no. ii); (*r*) 'baronibus suis et balliuis suis Cornubie et Sully', Dugdale, i. 1002a, Reginald, earl of Cornwall, confirms to the monks in Tresco the lands they held in King Henry I's time, datable to 1141 × 1175, printed from the thirteenth-century cartulary by H. P. R. Finberg, 'Some early Tavistock charters', *EHR* 62 (1947), 352–77 (at pp. 359–60, no. xx); King Henry's charter (*Regesta* 1068), datable to September 1114, was copied on the same leaf of the cartulary; (*s*) 'francigenis et anglicis et britonibus', Dugdale, i. 869b, Alan, count of

should be excluded as having only a territorial limiter to Cornwall and Scilly and not the formula. A particularly early example of a multi-part formula in the act of a lord comes from the archive of Gloucester abbey and concerns property in Ceredigion:<sup>89</sup>

**1117 × 1136** Ricardus filius Gilberti omnibus hominibus suis francis et anglis et walensibus salutem ('Richard fitz Gilbert to all his men French and English and Welsh').

Starting around the same time, we find that acts of Ranulf II, earl of Chester, regularly, though not invariably, include 'francis et anglis' in their address clauses. Occasionally Welsh are included as well. These two examples show the alternative adjuncts of people or territory:

**1129 × 1140** R(annulfus) comes Cestrie constabuloni et dapifero et omnibus baronibus suis et hominibus et amicis francis et anglis et walensibus ('Ranulf earl of Chester to his constable and steward and all his barons and men and friends French and English and Welsh').<sup>90</sup>

**1135 × 1140** Stephano regi Anglie archiepiscopis episcopis et omnibus sancte dei ecclesie filiis Ranulfus comes Cestrie et constabulario suo et dapifero et omnibus baronibus suis et hominibus Anglie et Normannie et Wallie ('To Stephen king of the English, archbishops bishops and all sons of God's holy church, Ranulf earl of Chester, and to his constable and

Brittany and England confirms gifts by his men to the monks of Jervaulx (below, n. 110).

<sup>89</sup>Richard fitz Gilbert confirms his father's gift of the church of Llanbadarn to the monks of Gloucester abbey, datable after Richard fitz Gilbert succeeded his father as lord of Clare, Tonbridge, and Ceredigion in 1117, and before his death in April 1136; printed from Abbot Gamages' cartulary (1284 × 1306) by W. H. Hart, *Historia et Cartularium monasterii Sancti Petri Gloucestriae*, Rolls Series 33 (1863–7), ii. 74 (no. 548). The monks also retained a writ of Richard's, ordering his men not to hunt or take wood in the lands of Llanbadarn, addressed, 'R(icardus) filius G(ilberti) omnibus baronibus suis atque ministris francigenis anglis et walensibus' (ib. 75, no. 550).

<sup>90</sup>Earl Ranulf II of Chester gives Storeton and Puddington (Wirral) to Alan Savage, datable after William the constable followed his father in office, c. 1130, and before the earl's brother William de Roumare was made earl of Chester around Christmas 1140; printed from the original, Manchester, JRUL Ch. 1807, by G. Barraclough, *The Charters of the Anglo-Norman Earls of Chester, c. 1071–1237*, Lancashire and Cheshire Record Society 126 (1988), 50 (no. 35). The very short tenor includes a *volo*-clause in imitation of royal form.

steward and all his barons and men of England and Normandy and Wales').<sup>91</sup>

These formulations were not understood as equivalent. The draftsman knew that the earl had lands in three countries and that his men spoke three languages, but no matching distribution can be inferred. The variation in sequence is worthy of notice: 'French' always precedes 'English', but where both lands are named England almost invariably precedes Normandy. Another act of similar date is addressed to the earl's honour in England, 'to William the constable and Robert the steward, and all his barons and men French and English of all England', but it naturally includes 'French'.<sup>92</sup> Such honorial acts will sometimes address the honour as a whole, either simply or in more complex terms; sometimes a local address will specify the part of the honour where the property or right actually lies. These two examples fall into the latter category:

**1147 × 1183** W(illelmus) comes Gloec(estrie) uiccomiti suo et omnibus baronibus et hominibus suis Wal' ('William earl of Gloucester to his sheriff

<sup>91</sup>Earl Ranulf II of Chester gives Caldy (Wirral) to the monks of Basingwerk, datable after the coronation of King Stephen on 22 December 1135 and presumably before the rupture of good relations between the earl and the king in 1140; printed from fourteenth-century copies by Barraclough, *Charters of the Earls of Chester*, 52–3 (no. 37). The rather unusual opening with its echo of the king's general address, 'Stephanus rex Anglorum archiepiscopis, episcopis, abbatibus, comitibus . . .', may be compared with a slightly earlier act by Count Stephen of Brittany for the monks of Bury St Edmunds, dated 1135, 'Henrico dei gratia regi Anglie dilectissimo domino suo et omnibus prelatibus sancte ecclesie tam presentibus quam futuris, archiepiscopis episcopis abbatibus et comitibus et baronibus totius Anglie Stephanus comes Britannie Eudonis comitis filius omnibus filiis suis G(alfrido) uidelicet atque Alano necnon Henrico omnibusque hominibus suis francis et anglis'; printed from an early-thirteenth-century cartulary (but note fuller list of witnesses and date copied from the original in a later cartulary) by D. C. Douglas, *Federal Documents from the abbey of Bury St Edmunds* (London, 1932), 155 (no. 173), and in C. T. Clay, *Early Yorkshire Charters iv–v The Honour of Richmond*, Yorkshire Archaeological Society (1935–6), iv. 13–14 (no. 11).

<sup>92</sup>Ranulf II earl of Chester confirms to Geva Ridel, daughter of Earl Hugh, the manor of Drayton (Staffs), as given her by her father, datable after *c.* 1135 when Robert the steward succeeded to his office and before Richard fitz Gilbert was made earl of Clare in 1138; printed from late copies by Barraclough, *Charters of the Earls of Chester*, 54–5 (no. 39). The phrase 'totius Anglie' is borrowed from royal usage: the earl did not have jurisdiction throughout the realm.

and all his barons and men of Wales').<sup>93</sup>

**c. 1150 × 1166** Will(elmu)s comes Glouc(estrie) Nicholao Landauensi episcopo et uicecomiti suo de Glammorgan et omnibus baronibus et hominibus suis et amicis francis et anglis et walensibus ('William earl of Gloucester to Bishop Nicholas of Llandaff and his sheriff of Glamorgan and all his barons and men and friends French and English and Welsh').<sup>94</sup>

The specificity of bishop and sheriff in the second example indicates that this was locally addressed to the earl's Glamorgan estate and not to his entire honour.<sup>95</sup> His Welsh men could be addressed, however, even in acts that have nothing to do with Wales. This one, for example, confirms a gift of land in Somerset to the canons of Bristol:<sup>96</sup>

<sup>93</sup>William earl of Gloucester gives to Hugh of Hereford land at Kenfig (Glam); printed from the original by R. B. Patterson, *Earldom of Gloucester Charters. The charters and scribes of the earls and countesses of Gloucester to AD 1217* (Oxford, 1973), 98 (no. 97). Patterson, following G. T. Clark, *Cartae et alia munimenta quae ad dominium de Glamorgancia pertinent*, 2nd edn, ed. G. L. Clark (Cardiff, 1910), vi. 2272 (no. 1551), reads 'Wal(ensibus)', but I find a single adjective incompatible with the nature of the formula and prefer to read 'Wal(ie)'; compare, for example, acts of Empress Matilda (n. 69) and Geoffrey de Mandeville (n. 97).

<sup>94</sup>William earl of Gloucester confirms Margam abbey's lands in the mountains of South Wales, datable from the witness of Richard, abbot of St Augustine's Bristol, c. 1150–1177; printed from a thirteenth-century copy with authentic seal by Patterson, *Earldom of Gloucester Charters*, 125 (no. 136), but there dated 'thirteenth century' from the curious form of the copy. The text presents no suspicious features. William de Bosco, sheriff of Glamorgan, witnesses; Patterson, 190, dates his time in office 'probably c. 1150–c. 1166'.

<sup>95</sup>A contrast, however, is provided by another act of the earl, confirming the gift by John fitz Albert of land near Penarth (Glam), held by him of Miles de Cogan, to the canons of St Augustine's Bristol, which is addressed, 'dapifero suo et uicecomiti suo de Glamorgan et omnibus baronibus suis et hominibus francis et anglis et walensibus' ('to his steward and his sheriff of Glamorgan and all his barons and men French and English and Welsh'), datable only by the earl, 1148 × 1183, but perhaps after 1170; printed from the cartulary by Patterson, 40 (no. 14), and by D. G. Walker, *The Cartulary of St Augustine's Abbey, Bristol*, Gloucestershire Record Series 10 (1999), 26 (no. 42); another deed there in the name of John de Cogan, brother of Walter fitz Albert, is datable c. 1170 × 1191 (ib. 46, no. 77). In this case the earl's steward was a singular household officer, not a local officer in Glamorgan.

<sup>96</sup>William earl of Gloucester confirms the gift by his man Robert fitz Harding of land at Leigh (Som) to the canons of St Augustine's Bristol, datable after Earl William inherited in 1148 and before the death of Bishop Simon of Worcester in

**1148 × 1150** Will(elmu)s comes Gloec(estrie) Symoni dei gratia Wigornensi episcopo et omnibus religiosis uiris eiusdem episcopatus, Huberto dapifero, et omnibus suis baronibus et uicecomitibus et iusticiis et amicis et fidelibus et probis suis hominibus francis et angl(is) et walensibus ('William earl of Gloucester to Simon by God's grace bishop of Worcester and to all religious of the same diocese, to Hubert the steward, and to all his [*William's*] barons and sheriffs and justices and friends and sworn men and worthy men French and English and Welsh').

We may well ask why the earl of Gloucester should include his Welsh men in this address. No royal act would do so, but a royal act in these circumstances would be directed locally to the shire court of Somerset, since that is where the property lies. The bishop of Worcester was the episcopal ordinary for Bristol, where the castle was in the earl's hands at this date, but it is not usual for a local address to be focused on the beneficiary rather than the property. Despite naming one bishop, the earl most likely addresses his honour in all its members. A much later act of Geoffrey de Mandeville, earl of Essex and Gloucester, is specifically addressed to his Welsh honour with a local formulation, naming the bishop of Llandaff and specifying the sheriff and reeves of Glamorgan, and at the same time it includes the territorial adjunct normally used with a general address:<sup>97</sup>

1150; printed from the cartulary by Patterson, *Earldom of Gloucester Charters*, 39 (no. 12), and Walker, *Cartulary of St Augustine's Bristol*, 20 (no. 31). Bristol, on the north side of the river Avon, lay in the diocese of Worcester, while Leigh was in the diocese of Bath. The inclusion of both *fideles* and *probi homines* in the address is striking. I mention for comparison an act of Robert Ewyas, whose landed interests were centred in Herefordshire; by the act in question Robert gave 'the whole vill' of Upton Scudamore (Wilts) to Geoffrey Scudamore (from whose family the vill was already named) in return for the service of castleward at Ewyas (Herefs), and the address includes Welsh though it relates to property in Wiltshire: 'Omnibus hominibus suis francis et anglis et gualensibus et amicis suis [&c.] Robertus Ewyas salutem' (copied from the original in 1583 by Robert Glover, London, College of Arms, MS Glover 1, fol. 8v; datable from the witness of Earl Patrick of Salisbury to 1142 × 1168; copy in the Hungerford cartulary, ed. J. L. Kirby, *Wiltshire Record Society* 49 (1994), 93, no. 363).

<sup>97</sup>Earl Geoffrey confirms the gift by his man Maurice of London of the vill of Ewenny to Gloucester abbey, datable after he succeeded as earl by marriage in 1214 and before his accidental death in 1216; printed from the original, Hereford

**1214 × 1216** Galfrid(us) de Mandeuill' comes Essex' et Gloucestr' H(enrico) Landauensi episcopo et uiccomiti et ministris suis de Glamorgan et omnibus baronibus et hominibus suis francis et anglicis et wallensibus Wallie ('Geoffrey de Mandeville earl of Essex and Gloucester to H(enry) bishop of Llandaff and his sheriff and officials of Glamorgan and all his barons and men French and English and Welsh of Wales').

There are examples of wording very like the formula outside address clauses. A remarkable example from the first years of Henry I's reign is the diploma of Robert de la Haie and his wife Gundrada, giving to the monks of Glastonbury the church of Bassaleg in Gwent with its dependent chapels and rights as the basis for a monastic cell; the text includes bounds in Old English, 'terminos parrochie de Basselech in cartula ista anglice notari uolumus ut ab indignis [?! indigenis] intelligatur clarius' ('we will that the bounds of the parish of Bassaleg be recorded in English in this charter, so that it may be more clearly understood by the natives').<sup>98</sup> The assumed language of the local population is therefore English, but the document recognizes a Welsh presence. The donors give a Welshman, Gwrgi ab Gwrgan, to the monks, and they make provision for gifts by their men: 'Si quis hominum nostrorum tam francorum quam anglorum uel gualensium ecclesie Basselech donationem uel uenditionem de terra sua fecerit . . . a deo et nobis liberam habeat licenciam' ('If any of our men, French, English, or Welsh, will have made a gift or sale to the church of Bassaleg . . . it shall have free licence from God and us'). Among the acts of Earl Roger of Hereford in King Stephen's time we find an example of the formula transferred to the witness-list. This is in one of several general confirmations of gifts made to the monks of Brecon priory, and it opens with no specific address,

cathedral muniments 2304, by R. B. Patterson, *Original Acta of St Peter's Abbey, Gloucester, c. 1122–1263*, Gloucestershire Record Series 11 (1998), 21–2 (no. 24).

<sup>98</sup>Robert de la Haie and Gundrada his wife make gifts to found a cell of Glastonbury at Bassaleg (Gwent), datable after the installation of Abbot Herluin in 1100 and before Robert fitz Haimo was incapacitated in 1105; printed from a fourteenth-century Glastonbury cartulary by T. Hearne, *Adami de Domerham Historia de rebus Glastoniensibus* (Oxford, 1727), 604–7, repr. in *Monasticon*, iv. 633–4; calendared by D. A. E. Pelteret, *Catalogue of English Post-Conquest Vernacular Documents* (Woodbridge, 1990), 84 (no. 58). Hearne, 605n, tentatively suggested the correction 'indigenis' (his *F.* for *fortasse*).

‘Notum sit omnibus presentibus et posteris’; unlike some of the others in the series, it names no witnesses, reading instead, ‘Testibus francigenis anglicis et wallicis curie mee de Brechonia’ (‘witness the French, English, and Welsh of my court of Brecon’).<sup>99</sup> A later deed by Earl Roger’s brother, Henry of Hereford, and presumably dated in the seignorial court at Brecon, carries a long list of witnesses and ends, ‘et multis aliis francis wallensibus et anglis’ (‘and many others, French, Welsh, and English’).<sup>100</sup> The customary precedence that placed English after French has given way to the likely fact that Welsh-speakers outnumbered English-speakers in the lordship of Brecon.

When used in a substantive clause such wording must not be casually employed. The deeds of foundation for Neath abbey provide an unusual illustration. The first deed is likely to date from Henry I’s time, quite early in the elaboration of the formula. The official foundation-date of the abbey was 25 October 1130.<sup>101</sup> Two versions of the deed exist, highlighting the fact that using such an elective formula in a dispositive clause required precision. Land, rights, and revenues over an extensive tract in West Glamorgan were given to Savigniac monks to establish an abbey by Richard de Grainville with the consent of his lord, Earl Robert of Gloucester; the revenues included tithes, and in the shorter and earlier of the two versions, this is expressed thus, ‘cum omni decima hominum illius prouincie uidelicet francorum et anglorum’ (‘with all the tithes of the men of that district, to wit of French and English’).<sup>102</sup> Perhaps the

<sup>99</sup>Earl Roger of Hereford confirms gifts to Brecon priory, datable 1143 × 1155; printed by Dugdale, i. 321, and in *Monasticon*, iii. 265 (no. v), and again by R. W. Banks in *Archaeologia Cambrensis* 4th ser. 14 (1883), 147–8; calendared by D. G. Walker, *Charters of the Earldom of Hereford*, Camden Miscellany 22, Camden 4th ser. 1 (1964), 33 (no. 49).

<sup>100</sup>Henry of Hereford grants to the monks the right to appoint vicars in two churches, datable to around the early 1160s; printed from an antiquarian copy by R. W. Banks, *Archaeologia Cambrensis* 4th ser. 14 (1883), 151–2; calendared by Walker, *Charters of the Earldom of Hereford*, 49 (no. 82).

<sup>101</sup>L. J. Janaschek, *Origines Cistercienses* (Vienna, 1877), 98, cites the evidence of Cistercian lists of foundations. According to a narrative in the lost register, the foundation process began in 1129.

<sup>102</sup>The original deed was acquired by West Glamorgan RO in 1990, now MS A/N 1; it is reproduced by L. A. S. Butler, ‘The foundation charter of Neath abbey’,

donor or the draftsman was new to Wales. The later and longer version reads, ‘cum omni decima hominum terre illius francorum anglorum et walensium’ (‘with all the tithe of the men of that land, French, English, and Welsh’).<sup>103</sup> Might one infer that careless phrasing had allowed Welsh-speaking tenants to say that their tithes were not covered by the original deed? Amendment here may have been one of the active reasons for the sealing of a second foundation deed.

As in Wales, so in Cornwall, examples of the formula can be found among the charters of Reginald, one of King Henry I’s illegitimate sons, who was earl of Cornwall from 1140–41 until his death in 1175. I have found only one that refers explicitly to Cornishmen:<sup>104</sup>

*Archaeologia Cambrensis* 148 (1999), 214–16. Its reading is a close match with that printed in *Monasticon*, v. 259, from the lost register formerly in the possession of Sir Edward Stradling (1529–1609), of St Donats, where the clause is given thus, ‘cum omni decima hominum nostrorum illius prouincie viz. francorum et anglorum’; this text is reprinted in Clark, *Cartae de Glamorgancia*, i. 74–6 (no. 67). Clark makes a case for dating the deed no earlier than 1131 but in any case before the death of Earl Robert in 1147. Evidence for the content of the lost register is gathered by G. C. G. Thomas, ‘The Stradling Library at St Donats, Glamorgan’, *National Library of Wales Journal* 24 (1985–6), 402–19 (at pp. 404–5).

<sup>103</sup>This version was printed from the confirmation in the charter roll of 9 John in *Monasticon*, v. 259–60, and by T. D. Hardy, *Rotuli chartarum* (London, 1837), 174a; there is a fourteenth-century copy, now BL Add. Ch. 67905. The longer text is also printed in G. G. Francis, *Original charters and materials for a history of Neath and its abbey* (Swansea, 1845), [item 1], apparently from a copy among the Lansdowne manuscripts compared with other copies (according to the table of contents), and again by W. de G. Birch, *A History of Neath Abbey* (Neath, 1902), 309–10. Another textual source for three foundation deeds in Richard de Grainville’s name is a confirmation dated 1468 by Richard Nevill, earl of Warwick; printed by G. G. Francis, *Original charters and materials for a history of Neath and its abbey* (Swansea, 1845), [item 14], 3–4: only the first of the three has the clause, and this reads, ‘cum decima hominum meorum illius prouincie francorum anglorum et walensium’.

<sup>104</sup>Earl Reginald grants free customs to his burgesses of Truro as they had them ‘in the time of Richard de Lucy’, dated at Tiverton, after Richard de Lucy received his Cornish estate of Kenwyn, perhaps as early as the 1140s, and before the earl’s death in 1175; printed from the Charter Roll of 13 Edward I in *Calendar of Charter Rolls*, ii. 304, and from the original by C. Henderson, ‘Records of the Borough of Truro before AD 1300’, *Journal of the Royal Institution of Cornwall* 23 (1929–32), 103–36, at pp. 121–2 (no. 1). He reproduces the original, which survives among the borough muniments of Truro, now Cornwall RO, BTRU/1; the handlist there dates the earl’s

**1141 × 1175** Reginaldus regis filius comes Cornubie omnibus baronibus Cornubie et omnibus militibus et omnibus libere tenentibus [et omnibus] tam anglicis quam cornubiensibus ('Reginald the king's son, earl of Cornwall, to all barons of Cornwall and all knights and all free tenants [and all] English as well as Cornish').

This is a very unusual address. The wording of the formula is peculiar in apparently treating as nouns what are normally construed as adjectives, as if 'all English as well as Cornish' were a fourth category following the barons, knights, and free tenants. We have the original, so this is not so much a copying error as perhaps a drafting error; as such we may be justified in removing the third 'et omnibus'.<sup>105</sup> It is evidently a local address to the barons of the county but, rather than the royal 'fidelibus suis' or the honorial 'hominibus suis', those below baronial rank are addressed as 'omnibus militibus et omnibus libere tenentibus' without reference to their relationship to the earl. This may be a genuinely comital act. It is unusual even among Earl Reginald's twenty known acts.<sup>106</sup> Others have more ordinary addresses, and only two include our formula. One of these is straightforwardly honorial:<sup>107</sup>

charter to *c.* 1161 × 1166; the first term is unclear, the second is based only on the fact that Richard had nineteen knights' fees in Cornwall in 1166. Henderson offered a date of 1173, 'it may have been on this occasion', when Reginald and Richard de Lucy besieged Leicester; this worthless guess still has currency for the earliest attestation of the name Truro (e.g. O. J. Padel, *A Popular Dictionary of Cornish Place-Names* (Penzance, 1988), 174). After the shire of Cornwall reverted to the crown on the earl's death, Henry II confirmed the privilege in a charter generally addressed, Vincent 2690, datable to 1175 × 1179, printed in the same publications. The address clause here has the territorial limiter, 'Anglie et Cornubie'; this confirmation refers to Richard de Lucy's burgesses and the earl's confirmation, 'sicut carta ipsius comitis testatur' ('as the same earl's charter testifies').

<sup>105</sup>Error is an awkward category in an authentic original. The draftsman should simply have written it out again on another piece of parchment; an alteration would have invalidated the document. A drafting error was perhaps allowed to stand where it made no difference to the substance of the act.

<sup>106</sup>My thanks to Prof. David Crouch for access to his collection of acts by earls before 1300.

<sup>107</sup>Earl Reginald confirms to the canons of Launceston priory their church and lands and their rights in the borough of Launceston, datable 1154 × 1165; calendared from the cartulary, fol. 11r-v, by Hull, *Cartulary of Launceston Priory*, 9–10 (no. 11). This act and the next may be compared with an act of Earl Reginald for the monks

**1154 × 1165** Reginaldus Henrici regis filius comes Cornub(ie) omnibus hominibus suis francis anglis et walensibus salutem ('Reginald, King Henry's son, earl of Cornwall, to his men French and English and Welsh').

The earl addresses his men, whether they speak French or English or Cornish; as we have seen above, 'walensibus' cannot be understood as 'men of Cornwall' but may be understood as 'speakers of Cornish', a language very similar to Welsh. The other act to include the formula is addressed to the sheriff and reeves of the county, a sufficiently narrow circle of known individuals that the inclusion of the formula is surprising.<sup>108</sup>

**1154 × 1156** uiccom(iti) et omnibus ministris suis francis anglis et walensibus (to his sheriff and all his officials French English and Welsh).

An unusual variation is found in one of the acts of Count Alan, who used a unique style, 'comes Britannie et Anglie', reflecting both his title as a count of Brittany and his very extensive English honour centred on Richmond in Yorkshire. His father Count Stephen had begun to include 'francigenis et anglicis' around 1130, and Alan did this in the majority of his surviving acts.<sup>109</sup> In one act, however, confirming gifts by several of his men of land in Wensleydale to the Cistercians of Jervaulx abbey, he remembers his Breton following:<sup>110</sup>

**1145** Alanus comes Britannie et Anglie dapifero suo et constabulario suo de Ricomonte et omnibus baronibus suis francis et britonibus et anglis ('Alan count of Brittany and England to his steward and to his constable of Richmond and to all his barons French and Breton and English').

in Tresco, addressed 'omnibus baronibus suis et balliuis suis Cornubie et Sulling' (to all his barons and his bailiffs of Cornwall and Scilly); cited by Madox in 1702 (above, n. 88).

<sup>108</sup>Earl Reginald gives to the canons of St Stephen a moiety of the chapel (at Launceston castle), datable 1154 × 1156; printed from the cartulary, fols. 16v–17r, by Hull, *Cartulary of Launceston Priory*, 17 (no. 27), with the reading 'uiccomitibus'.

<sup>109</sup>Clay, *Early Yorkshire Charters*, iv. 11–12 (no. 9, datable c. 1130), 12–13 (no. 10, c. 1135); compare 'francis et anglis' in an act that imitates the king's general address (above, n. 91). Alan continues to favour 'francigenis et anglicis', ib. nos. 13, 14, 23, or 'francis et anglis', ib. nos. 16–22.

<sup>110</sup>Alan confirms gifts by Acarias, Roger son of Guihomarch, Hugh son of Jernegan, to the monks of Wensleydale, datable to 1145, between the founding of Jervaulx and Alan's departure for Brittany; printed from a seventeenth-century copy by Clay, *Early Yorkshire Charters*, iv. 26–7 (no. 24).

The local specificity of the constable of Richmond indicates that this is locally addressed. There were Bretons settled in the Richmond fee from the 1080s onwards, but how far their numbers were refreshed by continuing contact with Brittany is unknown. At any rate they appear to be still distinct. Bretons are also seen in acts of his son, Conan, who with Henry II's support succeeded through his mother as the duke of Brittany:<sup>111</sup>

**1156 × 1158** Con(anus) dux Britannie comes de Richemund' omnibus filiis sancte matris ecclesie et dapifero suo et camerario suo et omnibus ministris suis et omnibus hominibus suis francis et anglis et omnibus bretonibus et omnibus beniuolis suis ('Conan duke of Brittany and count of Richmond to all sons of holy mother church and to his steward and his chamberlain and all his officials and to all his men French and English and to all Bretons and all who wish him well').

The repetition of *omnibus* to separate 'all his men French and English' from 'all (his) Bretons' might be construed as differentiating the duke's men from all who live in the duchy or perhaps all who speak Breton, but that is not borne out by other examples.<sup>112</sup> None

<sup>111</sup>Duke Conan gives land in his wood at Cheshunt (Herts) to the hermits serving St John's church, datable from the duke's visit to England, October 1156 × April 1158; printed from the original from the archive of Hatfield priory, BL Add. Ch. 28335, by Clay, *Early Yorkshire Charters*, iv. 40–41 (no. 35).

<sup>112</sup>Duke Conan for Alan, his constable, 'dapifero suo et camerario et omnibus baronibus et ministris et omnibus hominibus et amicis suis francis et anglis atque britonibus', datable to 1158; printed from the original, ib. 48–9 (no. 47); Duke Conan for Mont-Saint-Michel, concerning land in Yorkshire, 'dapifero suo et constabulario suo et camerario suo et omnibus ministris suis et omnibus hominibus suis francis britannis et anglis', datable c. 1163–4; printed from a cartulary, ib. 67–8 (no. 72). Compare also acts with an equivalent territorial adjunct, for example, Duke Conan gives land in Gayton-le-Wold (Lincs) to the monks of Kirkstead, 'Conanus dux Britannie et comes Richemund' omnibus suis hominibus et amicis Britann(ie) et Anglie', dated at Redon in Brittany and datable to 1158; printed from the original, BL Harley Ch. 48 G. 40, by F. M. Stenton, *Documents illustrative of the social and economic history of the Danelaw* (London, 1920), 109 (no. 162), and by Clay, *Early Yorkshire Charters*, iv. 47–8 (no. 46). Another act concerning the same gift in a wider context, and arguably later, datable according to Clay to 1156 × 1158, was printed from the original, BL Harley Ch. 48 G. 41, by Clay, *Early Yorkshire Charters*, iv. 37–8 (no. 31), in which 'Britannie et Anglie' are written in full. A further act for the same beneficiary in a cartulary copy has abbreviations, 'omnibus suis hominibus et amicis Britann(ie) et Angl(ie)', Clay, *Early Yorkshire Charters*, iv. 36 (no. 30B), while yet

the less Conan's acts are not locally addressed and provide no certain evidence for Bretons as a distinct group in Yorkshire in the 1150s and 1160s. Two acts for a Breton beneficiary but concerning land in Lincolnshire continue to include 'bretonibus et anglicis' as late as 1187.<sup>113</sup>

Like royal acts, honorial acts use the formula inclusively to embrace all the lord's men, whether or not they speak the same language. Honorial acts however often use the extended formula in acts addressed generally to a lord's honour, so that Welsh are addressed in business concerning Somerset. We have seen that kings of the English did not use it in this way. Yet it would be absurd to infer from this difference of practice that lords more than their kings sought to proclaim imperial power over subject nations. The explanation lies in the different dynamic of an honour: local addresses are less favoured than in royal acts because the honour has no federal structure comparable to the shires of England. It is simply an aggregate of estates held honorably for the time being by one person.

#### ANGEVIN IRELAND

The invasion of Ireland added a further dimension to the possibilities of the formula. Initially Diarmait mac Murchada, king of Leinster, invited Richard fitz Gilbert, known as Strongbow, to bring forces to Ireland to help him in his own Irish wars. This intervention in 1170 followed by Diarmait's death in May 1171 caused King Henry II himself to invade Ireland. Very soon one finds the Irish included in the formula with a general address in royal charters. The

others have the words in full, *ib.* 57 (no. 56A), 61–2 (no. 64). These five occurrences in acts for the one beneficiary and not elsewhere may indicate beneficiary drafting. Elsewhere in his charters 'francis et anglis' is more common, and for Kirkstead Duke Geoffrey's confirmation in 1184 has that (J. A. Everard & M. C. E. Jones, *The Charters of Duchess Constance of Brittany and her family 1171–1221* (Woodbridge, 1999), 16–17 (no. Ge8)).

<sup>113</sup>Duke Geoffrey confirms the gift of Saltfleetby (Lincs) to the monks of Langonnet (diocese of Quimper), datable 1181 × 1186, and the confirmation of the same by Duchess Constance, 1187 × 1201, probably at the beginning of the date-range, and both likely to follow the primary deed of gift by Duke Conan IV; printed from a late copy by Everard & Jones, 20, 86–7 (nos. Ge16, C67).

earliest example concerns Ireland but its address includes the words ‘totius terre sue’:

**1172** H(enricus) [dei gratia] rex Angl(orum) et dux Norm(annorum) et Aquitan(orum) et comes And(egauorum) archiepiscopis episcopis abbatibus com(itibus) baron(ibus) iustic(iis) et omnibus ministris et fidelibus suis franc(is) et angl(is) et hybernensibus totius terre sue (‘Henry [by God’s grace] king of the English and duke of the Normans and Aquitanians and count of the Angevins to archbishops bishops abbots earls barons justices sheriffs officials and all his sworn men French and English and Irish of all his land’).<sup>114</sup>

**1175** archiepiscopis episcopis abbatibus com(itibus) baronibus iustic(iis) uic(ecomitibus) ministris et omnibus fidelibus suis francis et anglis et hibernensibus totius Hibernie (‘to archbishops bishops abbots earls barons justices sheriffs officials and all his sworn men French and English and Irish of all Ireland’).<sup>115</sup>

**1177** archiepiscopis episcopis abbatibus comitibus baronibus iustic(iis), uiccom(itibus) et omnibus ministris et fidelibus suis francis, anglis et hibernensibus (‘to archbishops bishops abbots earls barons justices sheriffs all officials and his sworn men French and English and Irish’).<sup>116</sup>

Despite ‘totius terre sue’ in the first of these in contrast to ‘totius Hibernie’ in the second, the Irish are not included in royal acts that

<sup>114</sup>Vincent 1440; Henry II gives to Hugh de Lacy the lands of Meath, formerly held by Murchad Ua Máel Sechlainn, king of Meath, datable when the king was at Wexford in March and April 1172; printed by Sir James Ware, *De Hibernia et antiquitatibus eius disquisitiones* (Dublin, 1654), 235–6. As Vincent notes, Irish copies lack ‘dei gratia’, which may be a copyist’s anachronism elsewhere.

<sup>115</sup>Vincent 2759; King Henry II gives to Walter the goldsmith the lands of Terenure and Kimmage in Rathfarnham (Co. Dublin), datable to the king’s time in Nottingham July × August 1175; original, Canterbury Cathedral Library, Chartae Antiquae C 1206 (listed by T. A. M. Bishop, *Scriptores Regis* (Oxford, 1961), no. 127); noted by Delisle, *Actes de Henri II*, Introduction, 209n. For the inclusion of ‘Hibernie’, compare the general confirmation for Mellifont abbey (Vincent 1786; datable 1175 × 1177).

<sup>116</sup>Vincent 1008; King Henry II confers custody of the city of Cork and the right to the kingdom of Cork (i.e. Desmond) on Robert fitz Stephen and Miles de Cogan, datable to May 1177; printed from his own transcript, BL MS Add. 4787, fol. 236r–v, by Ware, *De Hibernia et antiquitatibus eius*, 237–9. The original charter, now lost, was copied in the late sixteenth century by Sir George Carew, Lambeth Palace Library, MS 635, fol. 98r, from whom it came to the notice of other antiquaries.

do not concern Ireland and are only sporadically included in those that do. In this respect royal practice in relation to Ireland mirrors what we saw in relation to Wales.

Acts in the names of men who acquired lands in Ireland present a richer picture. Richard fitz Gilbert himself had succeeded his father as lord of Striguil and earl of Pembroke in 1148, and in his acts we may perhaps see a certain progression. Some of his charters that use the formula include the Welsh but not the Irish, others include both; the question is whether this may be a criterion for dating them before or after he acquired lands in Ireland or, alternatively, evidence of where the acts were expected to be read. So, a grant of tithes to the nuns of Usk priory is addressed in honorial fashion:<sup>117</sup>

Comes Ricardus filius comitis Gilberti omnibus amicis suis et hominibus francis et anglis et wallensibus ('Earl Richard son of Earl Gilbert to all his friends and men French and English and Welsh').

Or his charter giving the town of Raglan to Walter Bloet:<sup>118</sup>

Comes Ricardus filius comitis Gill(eberti) omnibus hominibus suis francis et anglis et gual(ensibus) ('Earl Richard son of Earl Gilbert to all his men French and English and Welsh').

<sup>117</sup>Richard fitz Gilbert, earl of Pembroke, gives tithes in Usk, &c., to the nuns of Usk priory, datable 1148 × 1174; translated from a fourteenth-century inspeximus by Elizabeth de Burgh, lady of Clare and Usk, BL Add. Ch. 5342, by A. G. Mein, *Norman Usk. The birth of a town* (Usk, 1986), 119. Mein, 39–43, proposes to date the act to 1154 × 1170; D. B. Crouch, 'The transformation of medieval Gwent', *The Gwent County History ii The Age of the Marcher Lords, c. 1070–1536* (Cardiff, 2008), 1–45, at 43–4 n. 104, favours 1170 × 1174, supposing that the witness of Raymond le Gros indicates a date after the first invasion of Ireland. Raymond is seventh of twelve witnesses, preceded by less prominent names, and this seems to me more likely to suggest a date before the invasion of 1170–71. Earl Richard's half-sister Isabella witnesses second; she would marry Raymond in 1174. The same address is used in another charter, Earl Richard gives to the canons of Lanthony their *fabrica* ('forge') which they hold of him in Lanthony; copy in the fourteenth-century cartulary of Lanthony, PRO C 115/77 (formerly C 115/K2/6683), fol. 90v.

<sup>118</sup>Earl Richard gives the vill of Raglan to Walter Bloet in return for the service of one Welsh knight; original charter in NLW Badminton deposit (box 3). The gift was confirmed by King Henry II, 'sicut carta comitis Ricardi quam inde habet testatur' ('just as the charter of Earl Richard which he has thereof testifies'), Vincent 244, datable to 1173 or 1174.

Or another concerning property in Wiltshire:<sup>119</sup>

Ricardus comes filius comitis Gil(berti) omnibus hominibus suis francis et anglis atque walensibus ('Earl Richard son of Earl Gilbert to all his men French and English and Welsh').

The dating of these acts is uncertain, and much depends on whether witnesses who can be associated with him in Ireland were already associated with him in Wales. Certainly his enfeoffment of William de Angulo in Ireland cannot have happened before 1171:<sup>120</sup>

**1171 × 1176** Comes Ricardus filius comitis Gisleberti omnibus amicis suis et hominibus francis anglicis walensibus hibernensibus tam presentibus quam futuris ('Earl Richard son of Earl Gilbert to all his friends and men French English Welsh Irish as well present as future').

Another act from 1171 or later concerns property in Wales, yet this one includes Irish among the peoples addressed, embracing the men of all parts of his honour:<sup>121</sup>

**1171 × 1176** Comes Ric(ardus) filius comitis Gilb(erti) omnibus amicis suis et hominibus franc(is) anglic(is) walensibus et hibernensibus ('Earl Richard fitz Gilbert to all his friends and men French and English Welsh and Irish').

Men to whom the king gave lands in Ireland and whose acts are known, like Earl Richard himself, often had estates in England and Wales as well. Raymond le Gros was Richard fitz Gilbert's brother in

<sup>119</sup>Earl Richard gives land in Durnford (Wilts) to John Levesque of Bristol, datable to 1154 × 1176; printed from a cartulary of the Hungerford family of Farleigh Hungerford (Som), now Taunton, Somerset RO, DD/SAS/H/348 (s. xv), fol. 150r–v, by J. L. Kirby, *The Hungerford Cartulary. A calendar of the Hobbouse cartulary*, Wiltshire Record Society 60 (2007), 50–51 (nos. 1171–2).

<sup>120</sup>Earl Richard gives the lands of *Tilach*, *Achetdaned*, &c., to William de Angulo, datable to 1172 × 1176; calendared from the original, now NLI MS D2, by E. Curtis, *Calendar of Ormond Deeds* (Dublin, 1932–43), i. 1 (no. 2). The same wording is found in another charter, Earl Richard gives half the vill of Aghaboe (Co. Laois) and its cantred to Adam of Hereford, datable *c.* 1172; reproduced from the original by J. T. Gilbert, *Facsimiles of the National Manuscripts of Ireland* (London, 1874–84), vol. ii, pl. 63, and calendared by Curtis, *Ormond Deeds*, i. 1 (no. 1).

<sup>121</sup>Earl Richard confirming his father's gift of the church of St Peter, Llantrisant (Gwent), to Robert ab Eli, datable after he obtains Leinster in Ireland in 1171 and before his death in 1176; in the fourteenth-century cartulary of Lanthony priory, PRO C 115/77 (formerly C 115/K2/6683), fol. 287r.

law and his constable in Ireland. He received from him a grant of lands in Wexford and Carlow, and he in turn gave two knights' fees to his nephew William Monk. Although his deed of gift has only the open address of a private deed, it includes a five-part ethnic-linguistic formula:<sup>122</sup>

**1174 × 1176** Notum sit omnibus tam presentibus quam futuris francigenis anglicis flandrensibus walensibus yberniensibus quod ego Reimundus constabularius comitis Ricardi . . . ('Be it known to all as well present as future French English Flemish Welsh and Irish that I Raymond, Earl Richard's constable . . .')

This has no deliverable address, so we can only suppose that it was meant to reflect the situation in Leinster at the time. A Flemish presence, for example, is visible among the witnesses, Richard fitz Godebert, 'un chevalier de Penbrocsire', son of Godebert the Fleming of Rhos.<sup>123</sup> Raymond's draftsman appears more fully informed or at any rate more concerned than the royal chancery to address the invaders in their full diversity. Robert fitz Stephen had also gone to Ireland with Richard fitz Gilbert, whom he served in Wales as constable of Cardigan castle. He was recalled by the king but returned to Ireland in his service and was rewarded along with his associate from Wales, Miles de Cogan, who were each to have half the kingdom of Desmond. The grant was, in Marie Therese Flanagan's word, 'speculative': it was up to them to make it reality.<sup>124</sup> Soon after receiving this grant, Robert and Miles made numerous gifts themselves; in words appropriate to their middle rank, they address their lords and their men, sometimes, though not always, with the formula:

**1177 × 1182** Robertus filius Stephani omnibus dominis suis et amicis et

<sup>122</sup>Raymond le Gros gives land at Glascarrig (Co. Wexford), a knight's fee in Uí Drona (Idrone, Co. Carlow), and lands and a knight's fee in Fotharta Uí Nualláin (Forth, Co. Carlow) to William Monachus, datable 1174 × 1176; printed from the original, BL Add. Ch. 34265, by E. St J. Brooks, 'An unpublished charter of Raymond le Gros', *Journal of the Royal Society of Antiquaries of Ireland* 7th ser. 9 (1939), 167–9.

<sup>123</sup>*La geste des anglais en Yrland* (see n. 311), line 409.

<sup>124</sup>See n. 116; M. T. Flanagan, *Irish Society, Anglo-Norman Settlers, Angevin Kingship: Interactions in Ireland in the Late Twelfth Century* (Oxford, 1989), 152.

hominibus francis et anglis walensibus et hiberniensibus ('Robert fitz Stephen to all his lords and friends and men French and English Welsh and Irish').<sup>125</sup>

**1177 × 1182** Milo de Cogan omnibus dominis suis amicis et hominibus francis et anglis walensibus et hiberniensibus qui sunt et qui uenturi sunt ('Robert fitz Stephen to all his lords and friends and men French and English Welsh and Irish who are and who are to come').<sup>126</sup>

It seems possible that the same draftsman was writing deeds for them both at a particular time. Such deeds would be read in Ireland, presumably to the seignorial courts of these lords. Like Earl Richard, both donors had lands and men in Wales, so that one may well ask whether the Welshmen addressed are those on their Welsh estates or Welsh knights among their following in Ireland. Both of these gifts are made for the salvation of King Henry and his son John, whom Henry from 1177 intended to designate king of Ireland. Henry would send John to Ireland in 1185 with the title of *dominus Hibernie*; some of his acts include Irishmen among his *fideles*. This example is from his charter confirming to the Cistercians of St Mary's abbey in Dublin the lands that had been given to them.<sup>127</sup>

**1185** Johannes filius domini regis Anglie et dominus Hybernie archiepiscopus episcopis abbatibus comitibus baronibus iusticiis constabulariis balliuis et omnibus fidelibus suis francis et anglis et hiberniensibus (John

<sup>125</sup>Robert fitz Stephen gives a burgage in Cork to the priory of St Nicholas, Exeter, datable after he received Cork from the king in 1177 and before Miles de Cogan died in 1182; printed from Devon RO, Exeter Misc. Roll 53, by E. St J. Brooks, 'Unpublished charters relating to Ireland, 1177–82, from the archives of the city of Exeter', *Proceedings of the Royal Irish Academy* 43C (1935–7), 316–66, at p. 335 (no. 16). Sir James Ware, BL MS Add. 4787, fol. 109r, copied an act of the same Robert fitz Stephen in favour of Philip de Barry, uncle of Gerald of Wales, giving him a cantred in the kingdom of Cork, also datable to 1177 × 1182, and addressed like the next example, 'Robertus filius Stephani omnibus dominis suis amicis et hominibus francis anglis wallensibus et hiberniensibus qui sunt et qui futuri sint'.

<sup>126</sup>Miles de Cogan gives land and a small wharf at Cork to the priory of St Nicholas, Exeter, datable by the same terms; printed by Brooks, 'Unpublished charters', 336 (no. 17).

<sup>127</sup>John, lord of Ireland, confirms lands in Ireland given to the monks of St Mary's abbey, Dublin, datable during his visit to Dublin, April × December 1185; printed from the cartulary by J. T. Gilbert, *Chartularies of St Mary's Abbey, Dublin*, Rolls Series 80 (1884), i. 86–7 (no. 63).

son of the lord king of England, lord of Ireland, to archbishops bishops abbots earls barons justices his constable bailiffs and all his sworn men French and English and Irish’).

Another to his officers and officials adds a wide territorial qualifier, ‘iusticiis constabulariis bailluis et fidelibus suis francis et anglicis et hybarniensibus de tota terra sua de Anglia et Walia et Hybernia’ (‘to his justices constables bailiffs and sworn men, French and English and Irish, of all his land of England and Wales and Ireland’).<sup>128</sup> With Wales as well as Ireland named in this way, one may wonder whether Welsh should be restored to a place in the address formula.

One exceptionally interesting charter of John as lord of Ireland includes a revealing contrast. It is a confirmation to the monks of Jerpoint, addressed generally within Ireland:<sup>129</sup>

**1190 × 1191** Johannes dominus Hibernie et comes Moritonie archiepiscopis episcopis abbatibus comitibus baronibus iustic<iis> constabulariis et omnibus ministris et balliis et fidelibus suis francis et anglis et hibarniensibus de tota Hibernia (‘John lord of Ireland and count of Mortain to archbishops bishops abbots earls barons justices constables and all his officials and bailiffs and sworn men French and English and Irish of all Ireland’).

The tenor of the act confirms in the first place gifts made to the monks, ‘quas hibarnienses eis fecerunt rationabiliter ante primum aduentum comitis Ricardi in Hiberniam’ (‘which Irishmen lawfully made to them before Earl Richard first came to Ireland’). It goes on to confirm other gifts of lands, ‘que eis rationabiliter collata sunt post primum aduentum comitis Ricardi in Hiberniam et que de cetero eis rationabiliter collata erunt ab hominibus de lingua mea in Hibernia’ (‘which were lawfully conveyed to them after Earl Richard

<sup>128</sup>Writ of protection for the monks of St Mary’s abbey, Dublin, datable 1189 × 1193; printed from the cartulary of St Mary’s abbey by Gilbert, *Chartularies of St Mary’s*, i. 87–8 (no. 63a).

<sup>129</sup>John, lord of Ireland, confirms gifts made to Jerpoint abbey, dated at Leicester and datable after John’s return to England in 1190 and before the death of Roger le Plan in October 1191; printed from the patent roll of 34 Edward III, pt 3, C 66/261, mem. 14, by Dodsworth & Dugdale, ii. 1028, repr. in *Monasticon*, vi, pt. 2, 1131–2, and by R. Langrishe, ‘Notes on Jerpoint abbey, Co. Kilkenny’, *Journal of the Royal Society of Antiquaries of Ireland* 36 (1906), 179–97 (at pp. 179–81).

first came to Ireland and which hereafter will be lawfully conveyed to them by men of my language in Ireland'). The contrast between 'Irish' and 'men of my language' is a clear indication that in this context language was the perceived factor differentiating the Irish and the Anglo-Normans; it is perhaps revealing that the phrasing avoided a choice between *franci* and *angli* to describe the group to which Count John belonged. A similar usage is found at a similar date in a letter of Adam de Faipon, who says that his brother Thomas 'primum omnium de lingua nostra in episcopatu illo fuisse ordinatum et primum per episcopum institutum' ('was the first of our language to have been ordained in that diocese and the first to be instituted by the bishop').<sup>130</sup>

Without his actually anticipating our reasoning as to the significance of address clauses for the languages of those addressed, Edmund Curtis, in a brief introduction to the Ormond deeds, wrote:<sup>131</sup>

The colonial population to which these deeds relate were at the first conversant with French, Latin, and an early form of English, and many with Welsh, for Cymric names are common among them; some probably with Flemish. The survival of the older Norse or Ostman population can be deduced. Very soon the settlers began to know some Irish, through intercourse with the native race among whom they dwelt. The diversity of race and speech is reflected in these deeds.

It is language that appears to have come first to Curtis's mind when confronted with the diversity of the colonists as reflected in the deeds. His referring only to colonists derives from his focus on personal names in deeds. If he had paid attention to address clauses, he would have realised that the Irish too are greeted among the following of the colonial lords. While the formula was introduced by

<sup>130</sup>The wording comes from a letter addressed to an unnamed prelate; an approximate date is provided by mention of Bishop Eugenius of Meath, i.e. Echthigern mac Maíl Chiaráin, bishop from 1177 to 1191 (Gilbert, *Chartularies of St Mary's*, ii. 21–2). Adam was the man of Hugh de Lacy (d. 1186), lord of Meath (ib. i. 92). On this, R. R. Davies remarks, 'it is not language but ethnic affiliation and loyalty which are referred to' ('Peoples of Britain and Ireland 4 Language and historical mythology' (n. 282), 2).

<sup>131</sup>Curtis, *Calendar of Ormond Deeds*, vol. i, pp. vii–viii.

colonists, it continued to be used as inclusively in Ireland as it was in Wales.

As late as 1192 King John's charter for the citizens of Dublin is addressed in honorial fashion 'omnibus hominibus et amicis suis francis et anglicis hiberniensibus et walensibus presentibus et futuris' ('to all his men and friends French and English Irish and Welsh present and future').<sup>132</sup> This manner of address appears to survive longest in the charters of magnates who held in Wales and Ireland. An act of William Marshal (d. 1219), earl of Pembroke, concerning property in Somerset addresses his honour, including Welsh and Irish:<sup>133</sup>

**1194 × 1199** Guillelmus marescallus omnibus hominibus et amicis suis francis anglis wallic(is) et hibernic(is) ('William Marshal to all his men and friends French English Welsh Irish').

Although it was becoming rare as the twelfth century came to an end, examples can be found as late as the 1220s, '30s, and even '40s. These three are acts of William Marshal the younger (d. 1231) and his brothers, Gilbert Marshal (d. 1240) and Walter Marshal (d. 1245), earls of Pembroke:

**1223** uniuersis hominibus suis francis et anglicis walensibus hibernicis et omnibus amicis balliuis et fidelibus suis ('to all his men French and English Welsh Irish and all his friends bailiffs and sworn men').<sup>134</sup>

**1234 × 1240** uniuersis hominibus suis francis anglicis walensibus hibernicis et omnibus amicis balliuis et fidelibus suis ('to all his men French English

<sup>132</sup>John, lord of Ireland, grants privileges to the citizens of Dublin, dated at London, 15 May 1192; printed from the cartulary of St Mary's abbey by Gilbert, *Chartularies of St Mary's*, i. 266–70, 272–3 (no. 248).

<sup>133</sup>William Marshal gives to Warin fitz Warin succession to his land of Nettlecombe (Som) as in the deeds of William's father and brother, datable to 1194 × 1199; printed from the original in the possession of Sir John Trevelyan (1761–1846), 5th Bt, of Nettlecombe, in *Collectanea Topographica et Genealogica* 2 (1835), 164–5.

<sup>134</sup>One of the last writs in which such a multiple address clause is used? (so cited by R. R. Davies, *Conquest, Coexistence, and Change: Wales 1063–1415* (Oxford, 1987), 215n). William Marshal the younger, earl of Pembroke, confirms previous gifts to the Cistercians of Tintern abbey, dated at Chepstow, 22 March 1223; printed from a sixteenth-century copy, BL MS Arundel 19, from an inspeximus of 35 Edward I in *Monasticon*, v. 267; the inspeximus is noted in *Calendar of the Charter Rolls iii 1300–1326* (London, 1908), 89.

Welsh Irish and all his friends, bailiffs, and sworn men<sup>135</sup>).

**1241 × 1245** uniuersis hominibus suis francis anglicis walensibus et hibernicis et omnibus presentem cartam uisuris uel auditoris ('to all his men French English Welsh and Irish and to all who will see or hear the present charter').<sup>136</sup>

One may suspect that they echo the acts of their father, William Marshal. Evidence in support of that is provided by his foundation deed for the abbey of Tintern de Voto (Co. Wexford), whose text has reached us only in a nineteenth-century printing.<sup>137</sup>

**1201 × 1214** Will(ell)mus marescallus comes de Pembroc' uniuersis hominibus suis francis et anglis walensibus et hiberniensibus et omnibus amicis et fidelibus suis ('William marshal earl of Pembroke to all his men French and English Welsh and Irish and to all his friends and sworn men').

Precedent prolonged the life of this address in the acts of the family, and we should not make too much of its continuity beyond the time of William Marshal the elder. It survives also in acts of Henry de Bohun, whose honour in Wales was centred on Caldicot in Gwent and who was made earl of Hereford by King John in 1200.<sup>138</sup>

<sup>135</sup>Gilbert Marshal, earl of Pembroke, renews the confirmation to the Cistercians of Tintern abbey, datable 1234 × 1240; BL MS Arundel 19, fols. 14v–17r; calendar in *Calendar of Charter Rolls*, iii, 97–8.

<sup>136</sup>Walter Marshal, earl of Pembroke, gives lands in Ireland to the Cistercian abbey of Dunbrody (Co. Wexford), datable to 1241 × 1245; printed from the thirteenth-century cartulary by Gilbert, *Chartularies of St Mary's*, ii, 161–4 (no. vii).

<sup>137</sup>William Marsal, earl of Pembroke, endows a Cistercian abbey dedicated to St Mary de Voto with lands and privileges in Ireland, datable 1201 × 1214; printed from an inspeximus of 5 Richard II by [E. Groves & E. R. Tresham], [*Chartae, Privilegia, et Immunitates, being transcripts of charters and privileges to cities, towns, abbeys, and other bodies corporate, 18 Henry II–18 Richard II, 1171–1395*] ([Dublin]: Irish Record Commission, 1829–30; distributed with title-page, 1889), 80, from the Irish patent roll of 24 Elizabeth, which in turn had the text from an inspeximus of 5 Richard II, both destroyed in 1922. (This volume was in press when the Commission's patent was revoked in 1830; M. Griffiths, 'The Irish Record Commission 1810–30', *Irish Historical Studies* 7 (1950–51), 17–38, at p. 30.)

<sup>138</sup>Henry de Bohun, earl of Hereford, gives a tithe of fish from his weir at Caldicot to the canons of Lanthony near Gloucester, datable between his being made earl in 1200 and his death in 1220; from a cartulary of Lanthony, PRO C 115/83 (AD 1449), fol. 182r. Henry had inherited the estates of the earlier earls of Hereford

**1200 × 1220** Henricus de Bohun comes Hereford' omnibus hominibus suis francis anglicis et wallensibus ('Henry de Bohun earl of Hereford to all his men French English and Welsh').

Ascertaining when the formula was last used is no simple matter, since examples may be found in a wide range of contexts, often not accessible in print. By this late date, however, its use must have been very sparse.

#### FRENCH AND NORMANS IN FRANCE

It is evidence of the vitality of the formula that we find examples that go against the first principle of its construction. Such examples prove that draftsmen understood the formula as an active signifier, not empty routine. Lords whose lands extended into France, beyond the confines of Normandy, would find the customary use of *franci* inappropriate. These two examples concern land in Meulan, a county on the frontier between Normandy and Île-de-France, whose counts were men of both the duke of Normandy and the French king. This is Count Waleran:<sup>139</sup>

**1157 × 1159** omnibus iusticiis et ministris et fidelibus suis francis et normannis tam presentibus quam futuris ('to all his justices and officials and sworn men French and Norman as well present as future').

His son Count Robert confirms the gift:<sup>140</sup>

through his grandmother; his mother was a sister of King William of Scotland and a widow of Conan, duke of Brittany.

<sup>139</sup>Count Waleran gives land in Meulan to Ralph of Southampton; from a thirteenth-century cartulary, BNF MS lat. 13888, fol. 23r (E. Houth, 'Galeran II, comte de Meulan. Catalogue de ses actes', *Bulletin philologique et historique du Comité des travaux historiques et scientifiques*, année 1960 (1961), 627–82, at p. 668, no. 66).

<sup>140</sup>Count Robert of Meulan to Ralph of Southampton; from a thirteenth-century cartulary, BNF MS lat. 13888, fol. 25r (E. Houth, 'Catalogue des actes de Robert II, comte de Meulan', *Bulletin philologique et historique du Comité des travaux historiques et scientifiques*, année 1961 (1963), 499–543, at p. 520, no. 49). Compare a writ of the same Count Robert for the abbey of Foucarmont, conferring freedom from tolls 'per omnia dominia mea', addressed 'omnibus iusticiis suis uicecomitibus ministris et omnibus fidelibus suis francis et normannis' ('to his justices sheriffs officials and to all his sworn men French and Norman'); from the thirteenth-century cartulary, Rouen, Bibliothèque municipale, MS Y. 13, fol. 160v.

1166 × 1182 omnibus hominibus suis et balliuis gallicis et normannis tam presentibus quam futuris ('to all his men and bailiffs French and Norman as well present as future').

This formulation adapts to a situation quite different from that implicit in the adoption of the word *franci*, which for the most part signified Normans in England. It was none the less a real one for the counts of Meulan, fully aware of their particular Normanness yet holding lands in France of the king of France. The change from the established word *franci* to the contemporary usage *gallici* shows a continuing attention to precise expression. Here, however, the language they spoke could play no part in differentiating loyalties to Normandy or to France. In this context *gallici* must mean 'men of the king of France', *normanni* 'men of the duke of Normandy'. The count himself was both.

#### WELSH, IRISH, AND MANX RULERS

What we have seen so far is the elaboration of the formula in the acts of great men as well as in the charters of Anglo-Norman kings. This is visible particularly in Wales and Ireland where people who speak languages other than French and English formed part of the following of the great land-holders. There is a contrast in the acts of native rulers in these areas. We shall see that in the kingdom of Scotland the formula was variously adapted, by kings and by others, but elsewhere within these islands rulers were less receptive—so far as the very limited evidence goes. The earliest known example of the formula in any act by a native Welsh ruler dates from the beginning of Henry II's reign. Morgan ab Owain, king of Gwynllŵg or lord of Caerleon (depending on one's perspective), addressed his following in the same manner as Anglo-Norman lords in Wales, 'omnibus hominibus suis francis et anglis et walensibus' ('to all his men French and English and Welsh'), and something similar is found in two later acts by his kinsmen.<sup>141</sup> Three later acts incorporate the formula into

<sup>141</sup>Morgan has the title *rex* in witnessing an act of Roger, earl of Hereford, for the canons of Lanthony, datable 1147 × 1154; printed by Walker, *Charters of the Earldom of Hereford*, 28 (no. 36). Morgan ab Owain and his brother Iorwerth confirm to the monks of Goldcliff priory (Gwent) their liberties and free customs in Gwynllŵg,

an open address of the kind commonly found in such documents. Morgan ap Caradog in Glamorgan adapts the word-order to local circumstances, ‘Morganus filius Cardoci omnibus francis walensibus et anglicis ad quos presentes littere peruenerint’ (‘Morgan ap Caradog to all to whom the present letters will have come French Welsh and English’).<sup>142</sup> Dafydd ab Owain in Gwynedd and his Angevin wife appear to adopt the simple formula, ‘francis et anglis’, but in this case we may suspect that their acts were drafted by the beneficiaries, the monks of Haughmond abbey near Shrewsbury.<sup>143</sup> The more important rulers, such as Rhys ap Gruffudd, show no sign of wishing to imitate royal or honorial acts in this way. Among the small number of acts by Irish rulers there are no examples at all.<sup>144</sup> Nor do

datable 1154 × 1158; printed from the charter roll of 18 Edward I by A. H. Pryce with C. I. Insley, *The Acts of Welsh Rulers, 1120–1283* (Cardiff, 2005), 663–4 (no. 464). An act of Morgan ap Morgan giving land to the church of St Gwynllw, a dependency of Gloucester abbey in Gwent, is addressed ‘omnibus amicis suis et hominibus francis anglicis et walensibus’ (ib. 664–5, no. 465, datable 1158 × 1186). A later confirmation for Goldcliff priory by Hywel ab Iorwerth is addressed ‘omnibus hominibus suis francis anglis atque walensibus et omnibus Cristi fidelibus ad quos presens scriptum peruenerit’ (printed from the original in Évreux, ib. 667–8, no. 469, datable 1184 × 1217); this appears to be related to forgeries in the names of Henry I (*Regesta* 1014) and Duke Henry (*Regesta* iii, no. 373). Comment in introduction, 116–17.

<sup>142</sup>Morgan ap Caradog gives twenty acres of land in Newcastle to Roger Cole, datable 1189 × 1203; printed by Pryce, *Acts of Welsh Rulers*, 260–1 (no. 124), and comment in introduction, 108. Strictly English colonists in Glamorgan may have been few.

<sup>143</sup>Dafydd ab Owain Gwynedd, ‘princeps Norwallie’, and his wife Emma of Anjou, half-sister of King Henry II, give Stockett (Salop) to the monks of Haughmond abbey, both datable to the same occasion, 1186 × 1194; printed from the cartulary by U. Rees, *The Cartulary of Haughmond Abbey* (Cardiff, 1985), 216 (nos. 1169–70), and by Pryce, *Acts of Welsh Rulers*, 333, 335 (nos. 200, 202).

<sup>144</sup>Fifteen surviving acts are collected by M. T. Flanagan, *Irish Royal Charters. Texts and contexts* (Oxford, 2005), 253–372. The nearest semblance of the formula is found in the one act of Muirchertach Mac Lochlainn, king of Cenél nEógain (1136–43, 1145–66) and of Ireland (1156–66), who addresses his peoples thus: ‘Mauritius Mag Lachlain rex totius Hibernie uniuersis magnatibus suis subregulis principibus ducibus clericis et laicis omnibusque singulis Hiberniensibus presentibus et futuris’ (‘Muirchertach Mac Lochlainn king of all Ireland to all his great men, underkings, princes, dukes, clerk and lay, and to all and each of the Irish present and future’). The mention of *Hibernienses*, not joined with any other group, is more likely intended to embrace the men of Ireland as a whole, whatever their more local loyalties, than

Manx rulers show any tendency to adopt or adapt the formula to their circumstances.<sup>145</sup> Whether viewed in terms of ethnicity or language, the significant factor may be that in these cases the rulers belonged to the majority community and saw no need to embrace the colonizing minorities.

#### THE KINGDOM OF THE SCOTS

Turning at last to Scotland, we find a complicated and challenging picture. The use of the formula in Scottish royal acts is widespread and provides instructive parallels to and contrasts with Anglo-Norman practice.<sup>146</sup> Aspects of this use have been the subject of recent investigation, though this has been too narrowly based to allow the full story to emerge.<sup>147</sup> What we have seen so far under the rule of the English crown may be summarized in three phases, an early and coherent use of ‘French and English’ in the post-Conquest period, a widening compass as other peoples are increasingly seen as participants in the Anglo-Norman realm and in the honours of its great men, and adaptation to suit different circumstances, even circumstances that are not compatible with the formula as it had become familiar. In the kingdom of the Scots we see four stages. The first stage is entirely adapted to conditions in Scotland at the

to reflect the ethnic-linguistic formula. King Muirchertach, as king of Ireland, for the Cistercians of Newry abbey, datable *c.* 1157; printed from seventeenth-century copies by Flanagan, *Irish Royal Charters*, 291–3 (no. 5).

<sup>145</sup>Documents concerning the Isle of Man from the period 1134–1413 are collected by J. R. Oliver, *Monumenta de insula Manniae; or, A Collection of National Documents relating to the Isle of Man*, Manx Society 7 (1861).

<sup>146</sup>The formula, referred to as a racial address, is considered by G. W. S. Barrow, *The Acts of Malcolm IV, King of Scots 1153–1165*, *Regesta regum Scottorum 1153–1424* 1 (Edinburgh, 1960), 39–40, 73–4, and G. W. S. Barrow with W. W. Scott, *The Acts of William I, King of Scots 1165–1214*, *Regesta regum Scottorum 1153–1424* 2 (Edinburgh, 1971), 77.

<sup>147</sup>K. Nishioka, ‘Scots and Galwegians in the “peoples address” of Scottish royal charters’, *Scottish Historical Review* 87 (2008), 206–32, seeks to explain the inclusion of Scots and Galwegians in charters of King David, Earl Henry, King Malcolm, and King William. While recognizing that the great majority of their acts do not employ an ethnic formula, he tabulates all those that do in a systematic way, allowing correlation with beneficiary, location of property or privilege, and place where the act was dated (pp. 226–32).

end of the eleventh century but it appears to have been short-lived. The second stage is a new departure, simply following practice in England; it must reflect the perspective of a new Anglo-Norman elite in Scotland. At the third stage a tidy development elaborates on the formula in a manner that appears parallel to what we have seen in Wales and Ireland but in fact has a very different purpose. Finally this is augmented in a way compatible with the third stage but arguably departing from the underlying principle of the formula. Comparison with Anglo-Norman convention shows more contrast than similarity.

Before looking at the examples in some detail, it is necessary to engage with our terms. The words ‘Scot’ and ‘Scotland’ do not well represent the Latin *scottus* and *Scottia* as used in the eleventh and twelfth centuries, and the sense we attach to the Latin words will inevitably affect our comprehension of phrases in which they are used. While the *regnum Scottorum* stretched south to the river Tweed, it is only from about the end of the twelfth century that one finds *Scotia*—settling down with a single *t*—unambiguously used to signify the whole territory of the realm.<sup>148</sup> Until then its meaning is restricted to the land north of the firth of Forth.<sup>149</sup> Yet through the twelfth century *regnum Scottorum* and *rex Scottorum* denote the realm as

<sup>148</sup>It is uncontroversial that Adam of Dryburgh (d. 1212), a Premonstratensian canon whose abbey lies in a bend of the Tweed, writes to his superiors at Prémontré from a location ‘in regno Scotorum’ (*PL* 198. 611A); it is more striking that he says, ‘pro eo quod in terra Anglorum et in regno Scotorum sumus’ (‘for the reason that we are in the land of the English and in the realm of the Scots’) (ib. 723C). His biographer places his birth in the same *provincia* as Dryburgh, ‘in confinio Anglie et Scotie’ (‘on the border of England and Scotland’), words from the early-thirteenth-century account of his life by one who had shared his later Carthusian cell (*De uita et conuersatione magistri Adae Cartusienensis secundum quod habetur in cronica domus de Witham*, ed. M. Thompson, *Bulletin of the John Rylands Library* 16 (1932), 482–506, at p. 496).

<sup>149</sup>For example, in the Anglo-Saxon Chronicle (E), s.a. 1091, King Máel Coluim ‘for mid his fyrde ut of Scotlande into Loðene on Englalund 7 þær abad’ (‘went with his army out of Scotland into Lothian in England and there remained’) (Clark, *Peterborough Chronicle*, 19). Compare Turgot’s Life of St Margaret Queen of Scots, § 9, ed. J. H. Hinde, *Symeonis Dunelmensis opera et collectanea* i, Surtees Society 51 (1868), 247, which refers to ‘littora maris, quod Lodoneiam diuidit et Scotiam’ (‘the shores of the sea that separates Lothian and Scotland’).

a whole and not part of it, and *rex Scotie* is used in the same sense.<sup>150</sup> For the sake of continuity with historical discourse I translate the regnal style *rex Scottorum* as ‘king of Scots’, but in other contexts to translate *scotti* as Scots (‘people of the king of Scots’) would hopelessly confuse the sense. *Ex hypothesi*, therefore, in translating the formula I render *scottus* as ‘Gaelic’, and ask the reader to accept that inconsistency. There is no question that *scotti*, in Gaelic *albanaig*, were speakers of Gaelic from *Scottia*, Gaelic *Alba*, north of the firth of Forth.<sup>151</sup> The writer of the little tract *De situ Albanie* cites the authority of Andrew, bishop of Caithness, for an account of the seven divisions of *Albania*, in the course of which he names the Forth in three languages:<sup>152</sup>

Primum regnum fuit, sicut mihi uerus relator retulit Andreas uidelicet uir uenerabilis Katanensis episcopus nacione scoctus [l. scottus] et Dunfermelis monachus, ab illa aqua optima que scottice uocata est †Froch [l. Forth], britannice Werid, romane uero Scottewater, id est aqua scottorum, quia regna scottorum et anglorum diuidit (‘The first realm, as I was told by that true witness, Bishop Andrew of Caithness, a man of Gaelic family and a monk of Dunfermline, was bounded by the excellent river which in Gaelic is named *Forth*, in British *Werid*, but in French *Scotwater*, that is water of the Gaels, because it separates the realms of the Gaels and the English’).

<sup>150</sup>*Rex Scotie* is not the regnal style, but it is found by c. 1140 in the style of Henry, ‘filius reg(is) Scotie’, written in full in some originals (below, n. 209). Its appearance in acts of King Alexander I for the canons of Scone (below, n. 165) may be the consequence of forgery or the anachronistic expansion of the abbreviation ‘Scot(torum)’.

<sup>151</sup>The difficulty of the word ‘Scot’ in this period is usefully discussed by A. A. M. Duncan, *The Kingship of the Scots, 842–1292. Succession and Independence* (Edinburgh, 2002), 3–6, and by D. Broun, ‘Attitudes of *gall* to *gaedhel* in Scotland before John of Fordun’, in *Mìorun mòr nan Gall, the Great Ill-Will of the Lowlander? Lowland Perceptions of the Highlands, Medieval and Modern*, ed. D. Broun & M. MacGregor ([Glasgow], 2009), 49–82 (at pp. 64–8).

<sup>152</sup>The text of *De situ Albanie* is printed from the fourteenth-century Poppleton manuscript by M. O. Anderson, *Kings and Kingship in Early Scotland* (Edinburgh, 1974, 2nd edn, 1980), 240–3 (quotation from p. 242). This work appears to have been written after the accession of King William on 24 December 1165 and before the death of Bishop Andrew of Caithness on 29/30 December 1184. The best discussion of the evidence for the name *Forth* is S. Taylor with G. Márkus, *The Place-Names of Fife* (Donnington, Lincs, 2006–), i. 39–45 (though *De situ Albanie* is there given too late a date).

The first two forms given, *scottice* and *britannice*, represent the speech of the Gaels and the Britons. The third form, *Scotwater*, is found in a charter of King Malcolm IV.<sup>153</sup> It is not without interest that this is English though referred to as *romane* ‘in French’. I infer that the writer is a speaker of insular French who uses an English expression without even observing a difference.<sup>154</sup> He was perhaps bilingual, but someone who thought of his own language as English would have written *anglice*. Ranulf Higden, who knew this source, makes that change.<sup>155</sup> The word *scotti* connotes both territory and language.

The first manifestation of the formula north of Tweed is very early and very significant. It is almost contemporary with the act of King William Rufus for Durham, already quoted, which confirmed a gift made, or at least pledged, by Edgar, the claimant king of Scots.<sup>156</sup> Edgar’s own act on that occasion in 1095 used no royal address, though King William’s used ‘et omnibus suis fidelibus francis et anglis et scottis’ (‘and to all his sworn men French and English and Gaelic’). This was a known model, which Edgar imitated rather than borrowed. The first known example is again a gift to the monks of

<sup>153</sup>‘Qui in meo dominio ex illa parte Scotwater applicuerint’ (below, n. 246); contrast the similar charter for Kelso abbey, ‘qui applicuerint in Ford ex utraque parte aque’ (Barrow, *Acts of Malcolm IV*, 221, no. 177).

<sup>154</sup>Compare an insular French-speaker’s contrast between *wain* and *char* in referring to the constellation, Thomas of Kent in his *Alexander*, ll. 4674–5: ‘Ces sunt les esteilles qe nos Charle wain nomon / Char l’apelent franceis’ (‘these are the stars that we name Charles *wain*, the French call it *chariot*’); cited by Short, *Manual of Anglo-Norman*, 16.

<sup>155</sup>Writing at Chester abbey in the reign of Edward III Ranulf Higden was a universal chronicler whose *Polychronicon* was widely known. He defines the northern limit of Northumbria as ‘mare scoticum, quod scottice dicitur Forth, britannice Werid, anglice Scottische See’ (ed. C. Babington & J. R. Lumby, Rolls Series 41 (1865–86), ii. 106). Fr Thomas Innes was long ago aware that Higden knew materials related to the Scottish texts in the Poppleton manuscript, but this is the first instance suggesting that he had read *De situ Albanie* (and therefore modifies the point made by R. Sharpe, ‘In quest of Pictish manuscripts’, *Innes Review* 59 (2008), 145–67, at pp. 151–2 and n. 24). Higden was in turn the source used by an account of early British history, compiled in the mid-fifteenth century at Winchester and published from the unique manuscript, then at Shirburn castle, now BL MS Add. 82931, by E. Edwards, *Liber monasterii de Hyda AD 455–1023*, Rolls Series 45 (1866), 1–279 (at p. 15).

<sup>156</sup>Above, n. 56.

Durham of lands in and around Coldingham, rather more limited in extent than those promised in 1095:<sup>157</sup>

**1097 × 1107** Eadgarus rex Scottorum omnibus suis hominibus scottis et anglis ('Edgar king of Scots to all his men Gaelic and English').

Edgar is here styled *rex Scottorum*, but his address is that of a lord to his men, not a form used by King William Rufus. It is a very early example of this honorial form. Other evidence for Scottish royal addresses is scant in the extreme, but the formula is not found in the only extant act of Edgar's elder half-brother Donnchad, also for the church of Durham, and surviving as a sealed copy made by a Durham scribe.<sup>158</sup>

There is a particular difficulty here, because all the surviving texts of acts by Edgar are from Durham, and it cannot be proven that the wording is not shaped by the beneficiary's interest rather than by the conventions of the king's writing-office. At a larger level, indeed, it is difficult to show that Donnchad and Edgar were in the habit of sealing Latin charters for different beneficiaries when they survive only for one. Even the script may suggest reliance on Durham for scribal support.<sup>159</sup> Yet one may not expect kings of Scots to have

<sup>157</sup>King Edgar for the monks of Durham, datable to 1097 × 1107, probably in or soon after 1097; printed from the original in Durham cathedral muniments, Misc. Ch. 555, by Lawrie, *Early Scottish Charters*, 16–17 (no. 19).

<sup>158</sup>Donnchad mac Mail Choluim, *al.* Duncan II, gives Tynninghame and other lands in Lothian to the church of Durham, datable to 1094; printed from a contemporary and authentic duplicate, Durham cathedral muniments, Misc. Ch. 554, by Lawrie, *Early Scottish Charters*, 10 (no. 12). This is the only authentic royal act before King Edgar's; the scribe is the same William who made an authentic duplicate of King William II's act for Durham, Misc. Ch. 973 (above, n. 56). The official engrossment, which included the subscription of the *scriptor* Grento, is lost; no one named Grento appears in the Durham *liber uitae*. The name is Norman (e.g. in M. Fauroux, *Recueil des actes des ducs de Normandie de 911 à 1066* (Caen, 1961), 138, 222; in Bates 50, 217; in Great Domesday Book, fols. 22ra, 103vb, 255vb, Sussex § 10. 66, Devon § 5. 13, and Shropshire § 4. 4. 20; a donor of lands to Lewes priory; and Grento of York in the pipe roll of 31 Henry I).

<sup>159</sup>G. W. S. Barrow, 'The *capella regis* of the kings of Scotland, 1107–1222', in *Miscellany Five*, Stair Society 52 (2006), 1–11 (at p. 2), observes, 'All the surviving Edgar writs are in book hands which might well be the work of Durham scribes'. D. Broun, 'The writing of charters in Scotland and Ireland in the twelfth century', in *Charters and the Use of the Written Word in Medieval Society*, ed. K. Heidecker (Turnhout,

seals only for the benefit of the monks of Durham, while the seals themselves convey messages not likely to come from the monks.<sup>160</sup> It is telling that the draftsman of King Donnchad's charter for Durham, a Norman named Grento, was not a member of the community there, while the scribe of the authenticated copy was. Grento presumably served the king. The surviving documents show both consistency and variation in the address. The variation suggests that they do not result from copying from one act to another by draftsmen at Durham, and the consistency allows us to suppose that they were governed by convention. In these survivors, therefore, we perhaps see evidence for the first general use of Latin charters by kings of Scots:

Eadgarus rex Scottorum omnibus in regno suo scottis et anglis ('Edgar king of Scots to all in his realm Gaelic and English').<sup>161</sup>

Eadgarus rex Scottorum omnibus per regnum suum scottis et anglis ('Edgar king of Scots to all throughout his realm Gaelic and English').<sup>162</sup>

Eadgarus dei gratia rex Scottorum omnibus per regnum suum scottis et anglis ('Edgar by God's grace king of Scots to all throughout his realm Gaelic and English').<sup>163</sup>

Eadgarus dei gratia rex Scottorum omnibus suis fidelibus per regnum suum scottis et anglis ('Edgar by God's grace king of Scots to all his sworn men throughout his realm Gaelic and English').<sup>164</sup>

2000), 113–31, more emphatically treats them as 'produced at Durham'; he traces the general use of charters in Scotland only from David I, with Alexander I as a rather uncertain precursor (p. 113 and n. 3).

<sup>160</sup>Below, n. 170.

<sup>161</sup>King Edgar for the monks of Durham, datable to 1097 × 1107; printed from the original in Durham cathedral muniments, Misc. Ch. 557, by Lawrie, *Early Scottish Charters*, 18 (no. 21).

<sup>162</sup>King Edgar for the monks of Durham, datable to 1097 × 1107; printed from the original in Durham cathedral muniments, Misc. Ch. 556, by Lawrie, *Early Scottish Charters*, 17–18 (no. 20). The hand has been identified as that of Simeon of Durham by Gullick, 'The hand of Symeon', 26 (no. 12).

<sup>163</sup>King Edgar for the monks of Durham, datable to 1097 × 1107; printed from the thirteenth-century *Registrum Vetus* by Lawrie, *Early Scottish Charters*, 16 (no. 18).

<sup>164</sup>King Edgar for the monks of Durham, datable to 1097 × 1107; printed from the original in Durham cathedral muniments, Misc. Ch. 558, by Lawrie, *Early Scottish*

We find the same formulation in one act of King Alexander, also for the church of Durham; it is an act for which there was a precedent in Edgar's name, which has not survived:<sup>165</sup>

Alexander rex Scottorum omnibus per regnum suum scottis et anglis ('Alexander king of Scots to all throughout his realm Gaelic and English').

Still more persuasive is the resonance of the formula. Edgar was a son of King Máel Coluim III and Queen Margaret, Edward the Confessor's half-Hungarian great-niece, who had grown up in his court. They had ruled the *regnum Scottorum* with some awareness that

*Charters*, 18 (no. 22). The hand has been identified as that of Simeon of Durham by Gullick, 'The hand of Symeon', 26 (no. 13).

<sup>165</sup>King Alexander I for the monks of Durham, datable to 1107 or soon after; printed from the original in Durham cathedral muniments, Misc. Ch. 561, by Lawrie, *Early Scottish Charters*, 24 (no. 31). The formula, 'die qua frater meus rex Eadgarus uiuus et mortuus fuit', which caused Lawrie, 270, to say that 'he seems to speak of King Edgar as recently dead', was common in Anglo-Norman royal acts and might be used long after the event. None the less, the renewal of an existing tenure would most likely have been obtained early in the new reign. Alexander's act may have simply retained the form from Edgar's act that served as its precedent, 'sicut breue fratris mei Edgari eis testatur'. Edgar's act in this particular case is no longer in the archive, perhaps because it was sent by Earl David along with an act addressed to the bishop, to the brothers Colban and Gospatric, and to his sworn men, 1116 × 1118, Misc. Ch. 759; printed by Lawrie, *Early Scottish Charters*, 25 (no. 32), and Barrow, *David I*, 57 (no. 11). In addition to this charter, there are also two surviving original brieves for the monks of Durham, both addressed to Prior Algar (Misc. Ch. 562, 563; Lawrie, *Early Scottish Charters*, 21–2, nos. 26–7). All four originals have been assigned to the same scribe by Barrow, *David I*, 25, whom he further identifies with the Durham hand recognized by Chaplais that wrote acts of William I and Henry I for Durham as well as three forgeries; again Barrow assigns an act of King Edgar, Misc. Ch. 558 to the same hand, but this is certainly in the hand of Simeon (above, n. 164).

The only other extant charters of King Alexander I are from Scone and lack Edgar's formula. Four acts for the canons of Scone are known from the cartulary, a forged diploma with no address (on which see A. A. M. Duncan, *Scotland: The making of the kingdom* (Edinburgh, 1975), 640–41), a writ addressed 'omnibus mercatoribus Anglie', and two charters generally addressed, 'episcopis et comitibus necnon et omnibus fidelibus totius Scotie' or 'totius terre sue' (Lawrie, *Early Scottish Charters*, 28–30, 42–4 (nos. 36, 47–9). Supposing that any of these is authentic, it would date from late in the reign and might indicate that the formula had lapsed.

This early formula had some afterlife in forgeries also at Durham (below, 78–9 and nn. 195, 196).

their offspring combined the Scottish royal lineage and the royal line of English kings descended from her great-grandfather King Æthelred and her grandfather King Eadmund. Indeed, four of their sons bore royal Saxon names.<sup>166</sup> The two peoples who comprised Edgar's *regnum* represented two lines of royal descent and two languages, Gaelic and English. King Máel Coluim spoke both languages perfectly and he himself acted as the queen's interpreter, as we learn from the Life of Queen Margaret, composed by Turgot, prior of Durham.<sup>167</sup> If charters were ever issued in King Máel Coluim's name or with his seal, we may wonder whether they were drafted as appropriate to the context in Gaelic or English.<sup>168</sup> King

<sup>166</sup>Simeon of Durham, *Historia regum*, s.a. 1070, names their sons, 'Eadwardum' [after Margaret's father Edward ðtheling and her great-uncle King Edward the Confessor], 'Eadmundum' [after her grandfather], 'Eadgarum regem' [after her brother and her great-great-grandfather], 'et Alexandrum regem, Ethelredum' [after her great-grandfather], 'Dauid regem' [showing that this was written after 1124], 'et duas filias, Mahtildam Anglorum reginam et Mariam quam Eustachius comes Bononie in coniugium accepit'; ed. T. Arnold, *Rolls Series 75* (1882–85), ii. 192. Queen Matilda had been baptized Eadgyth.

<sup>167</sup>Rex ipse adiutor et precipuus residebat, . . . qui, quoniam perfecte Anglorum linguam eque et propriam nouerat, uigilantissimus in hoc concilio utriusque partis interpres extiterat' ('the king himself sat beside her as her chief helper . . . who, because he knew the language of the English as perfectly as his own, was a most alert interpreter on either side in this council') (Turgot, *Translatio S. Margaretae Scottorum reginae* § 8; ed. Hinde, 243). Prior Turgot of Durham had been closely associated with Margaret and dedicated this work to her daughter, Queen Matilda, between 1100 and 1107; in 1104 Earl Alexander was present at Durham when Turgot opened the tomb of St Cuthbert, and as king in 1109 he asked Henry I to allow Turgot to become bishop of St Andrews (John of Worcester, iii. 106, 118; Simeon of Durham, *Historia regum*, ed. Arnold, 236, 241, and in his digression on Turgot's career, ib. 204).

<sup>168</sup>The evidence for vernacular *notitiae* in Gaelic points more towards use by ecclesiastical beneficiaries than by the king or other secular donors. The Gaelic documents entered in the eleventh and twelfth centuries in gospel books from Kells, Durrow, and Old Deer suggest that this holds good for both Ireland and Scotland (D. Broun, *The Charters of Gaelic Scotland and Ireland in the Central Middle Ages*, Quiggin Lecture 2 (Cambridge, 1995), 29–37, 50–51). A Latin writ of King David I was also lightly gaelicized when it was entered in the Book of Deer (Barrow, *David I*, 119, no. 136). By this date, however, Gaelic *notitiae* elsewhere were being translated into Latin, to judge from the batch of records from Lochleven (S. Taylor, 'The rock of the Irishmen: an early place-name from Fife and Kinross', in *West over Sea: Studies in Scandinavian Sea-borne Expansion and Settlement before 1300. A festschrift in honour of Dr*

Edgar was put on the throne by his mother's brother Edgar *atheling*.<sup>169</sup> In spite of his debt to the backing of William Rufus, he presented himself in his seal as a distinctly pre-Conquest king.<sup>170</sup> The seal of his half-brother Donnchad, called Dunecan in French and hence Duncan, has a conspicuously Norman design.<sup>171</sup> He had been unpopular because of his closeness to the Normans, which provided a pretext for their uncle Domnall Bán to take the throne. When Duncan defeated Domnall with Anglo-Norman forces, he promised that 'he would never again bring Englishmen nor Frenchmen into the country'.<sup>172</sup> Edgar appears to have quite deliberately addressed his realm of Gaels and English in order to dissociate himself from the colonists.<sup>173</sup>

Barbara E. Crawford (Leiden, 2007), 497–514). The only evidence for Old English writs in a northern context is that in the name of one Gospatric (F. W. Ragg, 'Gospatric's charter', *CW* 2 5 (1905), 71–84; Dickins, *Place-Names of Cumberland*, xxvii–xxx; F. E. Harmer, *Anglo-Saxon Writs* (Manchester, 1952), 423–4, no. 121, and 531–6).

<sup>169</sup>Anglo-Saxon Chronicle (E), s. a. 1097, ed. Clark, *Peterborough Chronicle*, 26; followed by other sources, among them John of Worcester's chronicle, Simeon of Durham's *Historia regum*, and the chronicle of Melrose.

<sup>170</sup>Edgar's seal shows him seated on a throne, holding the sceptre and sheathed sword of office, very much like the seal of Edward the Confessor. The legend also harks back to the language of Anglo-Saxon diplomas in its use of *basileus* rather than *rex*, IMAGO EDGARI SCOTTORUM BASILEI. Alexander I's seal is double-sided, with both majesty and equestrian types, like the Anglo-Norman royal-ducal seal. There are impressions of all three seals in Durham cathedral muniments, and they were described (but not depicted) for the British Archaeological Association meeting in Glasgow (1888) by A. Wyon, 'The great seals of Scotland', *Journal of the British Archaeological Association* 45 (1889), 95–111, 235–49 (at pp. 104–6), who also highlights the parallels between Edgar's seal and Edward's (p. 95). King Edgar's seal is reproduced by Duncan, *Kingship of the Scots*, pl. 2a.

<sup>171</sup>Donnchad mac Mail Choluim, *al.* Duncan II, used an equestrian seal appropriate to an Anglo-Norman *comes*; the influence here of Duke Robert Curthose is noted by Barrow, 'The *capella regis* of the kings of Scotland, 1107–1222' (n. 159), 1.

<sup>172</sup>Anglo-Saxon Chronicle (E), s.a. 1094, ꝥet he næfre eft englisce ne frencisce into þam lande ne gelogige' (Clark, *Peterborough Chronicle*, 21), 'ut amplius in Scottiam nec Anglos nec Normannos introduceret' (John of Worcester, s.a. 1093, ed. McGurk, iii. 68; Simeon of Durham, *Historia regum*, ed. Arnold, 222).

<sup>173</sup>The significance of the formula here is conspicuously missed by R. L. G. Ritchie, *The Normans in Scotland* (Edinburgh, 1954), 93, who sought only to deny that it showed Edgar's Englishness: 'The "Scots" are merely dwellers in Scotland proper, mostly Gaelic-speaking; the "English" are Edgar's other subjects'. Nishioka, 216,

Already, however, in King Edgar's time, the basis was laid for greater Anglo-Norman influence in Scotland. His sister was married to King Henry I, and their younger brother David was made earl of Huntingdon by his Norman brother in law. It has been inferred that David had become Henry's man in the Cotentin before 1100.<sup>174</sup> As his brothers Edgar and Alexander died without legitimate issue, so David became first heir and then king. He brought French-speakers and Norman ways into the realm to a far greater extent than previously.

The equivalent formula in David's acts before his succession to the throne follows the Anglo-Norman formula exactly. In a deed as earl of Huntingdon for the monks of Daventry he addresses his men in the manner of an Anglo-Norman magnate, 'omnibus baronibus et amicis suis francis et anglis' ('to all his barons and friends French and English').<sup>175</sup> In his lordship of Cumbria he established a community of Tironensian monks at Selkirk; in his foundation charter, which shows evidence of ecclesiastical drafting, the formula was adapted to include Gaels but now after French and English:<sup>176</sup>

**1120 × 1124** David comes filius Malcolmi regis Scotorum omnibus amicis suis francis et anglis et scotis cunctisque sancte dei ecclesie filiis ('Earl David son of Máel Coluim king of Scots to all his friends French and English and Gaelic and all sons of God's holy church').

These two are the only examples of the formula among fourteen

refers to these early examples only in the context of the one act of Malcolm IV with 'scotis' before 'anglis' in a general address, 'francis scotis et anglis' (Barrow, *Acts of Malcolm IV*, 252–3, no. 228).

<sup>174</sup>G. W. S. Barrow, 'Scotland's Norman families' (1965), in *The Kingdom of the Scots*, 2nd edn (Edinburgh, 2003), 285, drawing on an act of Earl David as lord of Robert de Brus in the context of the gift of the church and vill of *Karkareuil* to the monks of St Mary's abbey in York, 1113 × 1124; printed from the Wetheral cartulary by Barrow, *David I*, 53 (no. 1). The inference depends on the identification of the place as Querqueville near Cherbourg.

<sup>175</sup>Earl David for the monks of Daventry priory, datable 1113 × 1124, probably c. 1114; printed from the Daventry cartulary by Barrow, *David I*, 54 (no. 4).

<sup>176</sup>Earl David for the monks of Selkirk, datable 1114 × 1124 but most likely 1120 × 1121 or 1123 × 1124; printed from the fourteenth-century cartulary of Kelso abbey by Lawrie, *Early Scottish Charters*, 26–8 (no. 35), and by Barrow, *David I*, 58–9 (no. 14). It is difficult to make a decisive case, but I have doubts as to the authenticity of this act.

extant acts of Earl David. The simple ‘francis et anglis’ continues to appear in his charters after he succeeded as king of Scots. This example comes from the very beginning of the reign, and although it concerns land within the realm its form of address is more that of an Anglo-Norman magnate:<sup>177</sup>

**1124** D(avid) dei gratia rex Scott(orum) omnibus baronibus suis et hominibus et amicis francis et angl(is) (‘David by God’s grace king of Scots to all his barons and men and friends French and English’).

The beneficiary in this case is Robert de Brus, a Norman, apparently already David’s man in the Cotentin, to whom he now gave Annandale (*Estrabanent*) and Nithsdale (*Stranil*). The draftsman too was very likely a speaker of French, who writes the two Gaelic place-names as he hears them.<sup>178</sup> Dated at Scone, two miles north of Perth, the act was drafted among *scotti*, perhaps straight after David’s enthronement, but its address is purely Anglo-Norman, and so are the witnesses.<sup>179</sup> David spent much of his youth at the Anglo-Norman court in the 1090s and after; he grew up speaking French, his wife spoke French, and as earl and king he probably spoke French most of the time. Aelred of Rievaulx depicts David as an accessible ruler, who had listened to all ranks of men and women, but he gives no hint as to whether he could do so himself in Gaelic and English as well as in French or whether he used an interpreter.<sup>180</sup> As an earl in England he was served by clerks accustomed to drafting documents in Anglo-Norman style, and he brought his

<sup>177</sup>King David for Robert de Brus, datable 1124 × 1129, probably soon after his inauguration in April 1124; printed from the original by Barrow, *David I*, 61–2 (no. 16).

<sup>178</sup>Broun, *Charters of Gaelic Scotland and Ireland*, 1–3.

<sup>179</sup>The last witness alone had an English name, Edmund the chamberlain, who may have been David’s butler or clerk in earlier years. The others have Anglo-Norman names, and the list is headed by Eustace fitz John, one of King Henry’s justices in the northern shires. Among the others are Hugh de Morville, Alan de Percy, Berengar Engaine, all of whom had witnessed for Earl David as ruler of Cumbria (Barrow, *David I*, 15–16, no. 15).

<sup>180</sup>Aelred of Rievaulx, *De genealogia regum Anglorum*, a work dedicated to Duke Henry, after King David’s death on 24 May 1153 and most likely after Henry became King Stephen’s designated heir on 6 November 1153, ed. R. Twysden, *Rerum Anglicarum scriptores X* (London, 1652), 347–70, repr. *PL* 195. 711–38, at 714CD.

household to Scotland. His enfeoffment of French-speakers in Scotland changed the Scottish court, which in turn no doubt influenced the formula used in his acts. Indeed, to apply arithmetic crudely, nearly half of those using an ethnic-linguistic formula at all have simply ‘francis et anglis’, though these are mostly concerned with the honour of Huntingdon.<sup>181</sup>

It is proper to emphasize the significance of this innovation, because it precisely exemplifies David’s Anglo-Norman orientation. As Geoffrey Barrow has remarked, ‘You will search long before finding such an address in which the *franci*, French, are not placed first. In the twelfth century royal and official Scotland was firmly part of the French-dominated world of north-west Europe.’<sup>182</sup> This surely needs a gloss. The *regnum Scottorum* was not dominated by the French nor even by Anglo-Normans, but the king introduced numbers of them to the elite of the realm. The men closest to the king spoke French, and we may suppose that well-connected speakers of Gaelic or English began to learn French.<sup>183</sup> From the last weeks of 1135 the *rex Anglorum* was a Frenchman, Stephen of Blois, from whose control David and his son Henry snatched Carlisle and Newcastle, even as *franci* were appearing in their more important charters.<sup>184</sup> The formula ‘francis et anglis et scottis’ embodies an order of precedence, something not at all strange to users of

<sup>181</sup>Nishioka, ‘Scots and Galwegians’, 231–2, for a table of David’s acts with such a formula. Scottish and English acts are merged into one sequence.

<sup>182</sup>G. W. S. Barrow, ‘Witnesses and the attestation of formal documents in Scotland, twelfth–thirteenth centuries’, *Journal of Legal History* 16 (1995), 1–20 (at p. 6). Barrow’s note 36 acknowledges that ‘under Edgar, Alexander I, and (usually) David I it seems to have been normal to put *scottis* before *anglicis*, even for acts dealing with country south of Forth and not uncommon to omit *francis*’. This retrospective view of the formula under Edgar does no justice to the significance of his ‘scottis et anglis’.

<sup>183</sup>The adoption of French names in families of Gaelic or English descent can be used as proxy evidence for identification with the French-speaking elite, but it does not prove change of first language. M. H. Hammond, ‘Ethnicity, personal names, and the nature of Scottish europeanization’, *Thirteenth-Century England* 11 (2005) [2007], 82–94.

<sup>184</sup>Richard of Hexham, *De gestis regis Stephani et de bello standardii*, ed. R. Howlett, RS 82 (1884–9), iii. 139–78, reports that David seized Carlisle, Newcastle, and three other castles around Christmas 1135 (p. 145); in February 1136 Stephen ceded Carlisle to him but recovered the others (p. 146).

charters, yet its purpose is inclusive. Gaels were not third-class subjects in David's realm, but their language had lost precedence since Edgar's time. The French language now had prestige. David's Gaelic subjects allowed that speaking French would get a man further in the world than speaking Gaelic, and much of the elite of Scotland became bilingual in French and Gaelic or French and English. In King William's time the writer of *De situ Albanie* was surely no foreigner, but he gives a reflection of multilingualism in twelfth-century Scotland: the river Forth had different names in the local languages, Gaelic and Cumbric, but we, the lettered elite, he says, speak French and at the same time have assimilated English place-names as our own. Speakers of French continue to occupy first place in this formula in royal acts until its use lapses about 1180, though David's Anglo-Norman settlers can have formed only a small proportion of his men, and under Malcolm IV and William I they would have come to identify themselves firmly with the *regnum Scottorum*.

Study of this formula in Scotland, it seems to me, has missed the point. What has attracted notice is the three- and even four-part formula, and the approach to understanding this has been conspicuously territorial. G. W. S. Barrow first laid down the guidelines in his discussion of Malcolm IV's acts. In all except peculiar circumstances, he explains, those charters that include the formula at all had only 'francis et anglis', taken over from usage south of the border, where no underlying territorial connotation has been or could be envisaged. The addition of 'scottis' or 'galwensibus' is then explained:<sup>185</sup>

We may say therefore that while it was not usual to add a racial clause at all, its use where it occurs is logical. The king's 'French' lieges are never omitted: we have already noted their dominance in the witness-lists. Presumably *franci* embraced most continental immigrants including Bretons, Flemings, and Normans, as well as English of Norman descent. Englishmen are addressed in acts relating to the English and partly English regions of Lothian, Teviotdale and Clydesdale, and also in a few (usually important) acts relating to Scotia or to the whole kingdom of Scotland. Scots likewise are included in acts concerned with Scotia, as well as in

<sup>185</sup>Barrow, *Acts of Malcolm IV*, 74.

important acts for Lothian or for the kingdom as a whole. An act of exceptional solemnity, intended to have permanent force throughout the bishopric of Glasgow, an area of great variety reaching from the purely Gaelic territory north of Loch Lomond to the purely Anglian parishes east of Roxburgh, and including parts of Galloway and the major remnant of the ancient British kingdom of Strathclyde, was addressed to men of five different racial stocks.

Many years later Barrow recognized the possibility of a linguistic dimension, but that has not been given the weight it merits.<sup>186</sup> Taking his cue from the passage quoted here, Dauvit Broun has shifted the emphasis:<sup>187</sup>

Scottish royal charters (until *ca* 1180) sometimes included a racial address—*francis et anglis et scotis* is fairly common. Usually this was applied in a way appropriate to the area concerned. It might be trimmed down to *francis et anglis* if the charter related to Lothian or be expanded to include *galwalensibus* if it concerned Galloway.

This line of thinking has been developed and given more precision by Kenji Nishioka. His figures show that in the reign of Malcolm IV the three-part formula, ‘francis et anglis et scottis’ (*FAS*), is commonest, and that a large proportion of these cannot be explained ‘in terms of the region concerned’: ‘It is difficult to find a convincing reason in some of his *FAS* charters why their address includes Scots. It is therefore more likely that including the Scots was a common feature than that it needed a specific reason’.<sup>188</sup> The shorter ‘francis et anglis’ becomes the aberration, which is often explained as concerning only the English estates held by the king of Scots. He further notes that the inclusion of Galwegians in about half the acts of Malcolm IV that have the formula at all is concentrated in the last five years of his reign, 1161–5, following the king’s expeditions into Galloway and the defeat of Fergus, lord of Galloway. In the earlier reign of David I, the simple ‘francis et anglis’ was commoner, but either Scots or Galwegians or both may be included. ‘It is not surprising that the Scots are included in the address’ [of two acts

<sup>186</sup>Below, 87 and n. 215.

<sup>187</sup>Broun, *Charters of Gaelic Scotland and Ireland*, 19.

<sup>188</sup>Nishioka, ‘Scots and Galwegians’, 210, 213.

concerning lands in Ayrshire and Lanarkshire] ‘as well as the Galwegians because the indigenous population of the realm was categorised as either Scots or Galwegians in the reign of David I.<sup>189</sup> Nishioka also introduces the notion that the place-date is relevant, on the grounds that ‘it was not usual, presumably, for something to be dealt with when the king was far away’, a highly questionable proposition.<sup>190</sup> Despite the detail of Nishioka’s arguments, he has not persuaded me that either the location of the land concerned or the location of the king at the occasion of the sealing and witnessing of the act has any bearing on the formula in David’s acts or later. On the contrary, he makes a case that, whereas in David’s acts *scotti* and *galwenses* may be included at will, in Malcolm’s acts generally addressed it was normal for the formula, in those documents where it is used within his realm, to include three peoples and after 1160 four peoples. In the first years of William I the three-part formula remained usual on the occasions when it was used at all.

Although Barrow did not highlight the parallels, it is easy enough

<sup>189</sup>Nishioka, ‘Scots and Galwegians’, 219.

<sup>190</sup>Insofar as the king responded to requests, it was convenient for those soliciting his charter or his breve to do so when he was near at hand. This will always mean that some transactions were done locally. None the less, if a beneficiary chose to send an agent far and wide to solicit the king’s seal, a charter could be drafted, witnessed, and sealed anywhere in the realm. It could be seen as an infringement of another’s sovereignty to use the seal outside the realm, and we do not find acts concerning Scottish business place-dated outside the realm. When David was in England or Normandy, David’s son Henry acted as regent in his father’s absence, as is clear, for example, from his writ addressed to Earl Gospatric at the behest of the monks of Durham (Barrow, *David I*, 90, no. 78, datable 1138 × 1141). Barrow separates out ‘English place-dates’ without explanation (*David I*, 22). Huntingdon and Yardley Hastings were indeed in another realm, but they were in David’s honour, and the business transacted there was honorial business; similarly, Wadworth must have formed part of Doncaster, which was held by his son Henry at the time the act dated there was sealed. The other places, such as Carlisle and Newcastle, were in the northern counties, where David thought himself king at the time of the act. Two acts for Shrewsbury abbey (*David I*, 107, nos. 111–12), dated at the new castle of Tulketh, an estate of the honour of Lancaster which Stephen had held long before he became king, must show that David had control of that fee, as Barrow himself notes. The one exception is King David’s gift to Westminster abbey of an anniversary payment for his sister, Queen Matilda, which was sealed at London, but it was not Scottish business, for the estate concerned was Tottenham in Middlesex (*David I*, 104, no. 105, dated at London, datable 1139 × 1141).

to see that his interpretation is in some sense analogous to what we have seen in Wales and Ireland, where Welsh and Irish are added to the core formula 'francis et anglis'. A fundamental difference is implicit, however, in his supposing that the English of Norman descent are subsumed in *franci* and that north of the border *angli* acquires a specific territorial connotation, though not one that is carried through to such an extent that outside Lothian and other areas of English folk they are excluded from the address. In fact, the invariable inclusion of *angli* even in acts relating to *Scottia* north of the Forth must mean that the location of the land in question is not relevant. And *franci* are not and could not be treated locally.

This interpretative emphasis on location may have been conditioned by territorial indicators in some acts. King David's charter for the church of St Cuthbert under the Castle in Edinburgh is addressed in a simple formula, which Barrow aptly described as the short general address, 'omnibus probis hominibus suis totius Lodon' clericis et laicis francis et anglicis' ('to all his worthy men of all Lothian, clerk and lay, French and English').<sup>191</sup> As expressed, this is a general address limited by a territorial adjunct rather than a local address to the local assembly—if there was one—of Lothian. In more complex form, but without the formula, a later act is addressed, 'episcopo sancti Andree et uicecomiti et omnibus baronibus et probis hominibus suis de Laudonio' ('to the bishop of St Andrews and the sheriff and all his barons and worthy men of Lothian').<sup>192</sup> The second is an imitation of the English shire address, substituting the new Scottish 'probis hominibus'—inspired by French *prudhommes*?—for the usual Anglo-Norman royal 'fidelibus'.<sup>193</sup> It is ahead of the English trend in reducing both bishop

<sup>191</sup>David gives land beneath the castle [of Edinburgh] to the church of St Cuthbert *sub castello*, datable to 1124 × 1139; printed from the original by Barrow, *David I*, 87 (no. 71).

<sup>192</sup>David gives a toft in his burgh of Haddington (East Lothian) to the canons of St Andrews, dated at Scone, 1145 × 1152; printed from the cartulary by Barrow, *David I*, 128 (no. 157).

<sup>193</sup>The designation *probi homines* is adopted in Scottish acts in King David's time. Its first known appearance is dated to c. 1126 by G. W. S. Barrow, 'Omnibus probis hominibus (suis): the Scottish royal general address (*inscriptio*), c. 1126–1847', in *De litteris, manuscriptis, inscriptionibus . . . Festschrift zum 65. Geburtstag von Walter Koch*

and sheriff to title only, but it suggests officers in a local assembly analogous to the shire court. Such institutions in an early sheriffdom of Lothian would provide an explanation for local addresses comparable to what is found in England until the 1160s. The role of local institutions in shaping address-clauses has not been explored for Scotland; that is a topic for separate investigation, and, until it is done, it is nearly impossible to imagine the contexts in which these charters were read.<sup>194</sup> One must be cautious of inferring the existence of institutions on the English model without firm evidence.

Some documents can simply mislead. Two acts in King David's name for the church of Durham preserved the formula 'scottis et anglis' from earlier acts in the name of King Edgar. One of these must be quickly discounted as a forgery by the church.<sup>195</sup> The other's

(Vienna, 2007), 57–66. This is in a charter for the monks of Daventry with an honorial address, 'omnibus probis hominibus et amicis' (Barrow, *David I*, 65–6, no. 25). He also notes the parallel between two acts for the monks of Shrewsbury, very likely from the same occasion at Tulketh (Lancs), of which one has 'omnibus fidelibus suis totius honoris Lancastr' in the address while the other has 'omnibus probis hominibus suis totius honoris Lancastr' (*David I*, 107, nos. 111–12). The expression had some currency in England; see, e.g., above, nn. 86, 96, and in a return to the king in 1166, 'secundum quod de probis et antiquis hominibus meis inquirere potui' ('according to what I have been able to find out from my worthy and old men'), printed from the Red and Black Books by H. Hall, *Red Book of the Exchequer*, Rolls Series 99 (1896), i. 239. Indeed the phrase *probi et legales homines* long continued to define those qualified to serve on a jury in England. Was King David perhaps conscious that his male subjects were not bound by *fides* 'oath' in the way that King Henry's subjects were? Might King Henry's chancery have sought to restrict use of the word *fideles* to sworn men of his own realm?

<sup>194</sup>By the latter half of King David's reign, it would appear that there were courts in which the king's justice acted (below, nn. 205, 209). A sheriff appears in local addresses to Stirlingshire (Barrow, *David I*, 77, 101, nos. 49, 99, for Dunfermline; ib. 108, no. 115, for Holyrood) and to the sheriffdom (*nicecomitatus*) of Berwick (ib. 77, no. 51, for Durham, c. 1136). The sheriffdom of Perth is addressed in a brieve from the last years of the reign (ib. 146, no. 188), and sheriffdoms of Aberdeen and Banff are mentioned in a forgery for the cathedral of Aberdeen (ib. 80, no. 55).

<sup>195</sup>David I confirms the bounds of Coldingham and Bunkle; printed from the purported original, Durham, Misc. Ch. 566, by Barrow, *David I*, 74 (no. 41). The original is in a hand of the early thirteenth century; it must have been produced in the context of the dispute at that period between the monks of Durham and Ranulf of Bunkle.

authenticity is (in Barrow's words) 'in considerable doubt'.<sup>196</sup> Its address clause appears to embody a territorial interpretation of the formula: 'omnibus per regnum suum in Scottia et Lodoneia constitutis scottis et anglis' ('to all throughout his realm, settled in Scotland and Lothian, Gaelic and English'). Did the draftsman seek to explain the formula distributively, *scotti* in *Scottia* and *angli* in Lothian?<sup>197</sup> In so doing, he may inadvertently reflect the circumstances behind Edgar's use of it, but it is wholly out of line with the practice of David's acts.

Before setting out the evidence for the use of the formula in David's acts, I must emphasise the difficulty of arriving at a clear perception. Acts of twelfth-century Scottish rulers invariably survive through the archives of their beneficiaries—the registers of the great seal did not begin until the thirteenth century and survive only from the fourteenth—and those that concern Scotland came into print for the most part with the publishing of the cartularies of religious houses in the early nineteenth century. Most acts from David's reign and earlier were collected by Lawrie in 1905, and Barrow's supplement, based on wider research and published in 1960, is dominated by acts of David and his son Earl Henry for English beneficiaries and concerning only their English lands. Barrow's collected edition merges acts of David as king with his and his son's acts as Anglo-Norman landholders, which are better understood separately. An arrangement of their acts by beneficiary would have had two signal advantages. It would have separated Scottish from English acts and it would have allowed acts to be more readily understood as a meaningful sequence in the context of the relevant archives. This would further have helped to identify forgeries. At present I am inclined to think a good deal of forgery remains

<sup>196</sup>David I grants land in Coldingham to the monks of Durham; printed from two purported originals, Durham, Misc. Ch. 567, 568, by Barrow, *David I*, 69–70 (nos. 31–2). 'If this act is not genuine', says Barrow, 'it is hard to explain the apparent fact that authentic seals of David I are attached to both A1 and A2'. The sealing is on tongues and can hardly have been tampered with; it is likely therefore that the seals are not authentic.

<sup>197</sup>That appears to be the interpretation put on this phrasing by John Skene, *De uerborum significatione* (London, 1641), s.v. *Scotia*; followed by Henry Spelman, *Glossarium archaologicum*, ed. W. Dugdale (London, 1687), 506.

unrecognized. Among David's Scottish acts, there is greater variety than one would expect from a well-regulated writing-office; this may be explained either by beneficiary drafting or by forgery, and these alternatives need to be addressed. Taken as a whole the address clauses come in so many shapes that it is difficult to perceive any rationale. An alphabetical listing of address formulae would have helped, but it is best to be able to sort such a list in conjunction with other categories. I have worked from a spreadsheet with separate columns for the beneficiary, the date-range, the character of the address, its precise wording, and the initials of our formula (*FA*, *FAS*, and so on, as used by Nishioka). This allows one to see two distinct categories for its use.

First, and unsurprisingly, 'francis et anglis' is occasionally used by King David and by his son Earl Henry both in the honour of Huntingdon and in the county of Northumberland. It usually appears as an adjunct to a short honorial address or to a fuller local address.<sup>198</sup> This is what I referred to above as the second stage of its use in acts by Scottish rulers. In a truly Scottish context, however, it is relatively rare. In two examples, from the sheriffdoms of Roxburgh and Berwick, the formula is attached to the longer general address:

**1146 × 1153** Dauid rex Scotorum episcopis abbatibus justic(iis) baronibus uicecomitibus prepositis ministris et omnibus hominibus totius terre sue francis et anglis ('to bishops abbots justices barons sheriffs provosts officials and all the men of all his realm French and English').<sup>199</sup>

<sup>198</sup>Examples of the formula with the short, honorial address in the honour of Huntingdon are Earl David for Daventry priory, 1113 × 1124 (Barrow, *David I*, 54, no. 4); Earl Henry for Daventry priory, 1136 × 1141 (ib. 82–3, no. 61). The formula is found with a longer local address in the honour in King David for St Andrew's priory, Northampton, 1124 × 1130 (ib. 73–4, no. 40); Earl Henry for Huntingdon priory, 1139 × 1141 (ib. 87, no. 72). Examples with local addresses for Northumberland in Earl Henry for William fitz Alfric, 1139 × 1140 (ib. 93, no. 83); Earl David for Tynemouth priory, 1139 × 1140 (ib. 93–4, no. 84). An unusual general address for Northumberland and Huntingdon, with the formula, is found in Earl Henry for Eustace fitz John, 1139 × 1140 (ib. 92–3, no. 82).

<sup>199</sup>King David gives to Walter of Ryedale the Whittons, half of Chatto, and other lands in Roxburghshire to hold as one knight's fee, dated at Scone and variously dated by Barrow, *Acts of Malcolm IV*, 158–9 (no. 42), and *David I*, 141 (no. 177), but

**1150 × 1153** Daid rex Scot<torum> episcopis abbatibus comitibus baronibus iustic<iis> uicecomitibus prepositis ministris et omnibus probis hominibus totius terre sue clericis et laicis francis et anglis tam futuris quam presentibus ('to bishops abbots earls barons justices sheriffs provosts officials and all his worthy men of all his land clerk and lay French and English as well future as present').<sup>200</sup>

Three similar examples are found in close conjunction in acts concerning Haddington in East Lothian, all found in the St Andrews cartulary, not all of which can be authentic.<sup>201</sup> In every case it is an adjunct to the longer general address.

Second, the instances of a three-part or four-part formula are almost always part of the same longer general address. This is so consistent that it must be judged part of that form, an adjunct following the territorial formula, 'totius regni sui' or 'totius terre sue'. This was clear to Barrow, who refers to our formula particularly in conjunction with the longer general address.<sup>202</sup> This is the third stage in the evolution of the formula in Scotland. The earliest convincing example is the charter restoring to Dunfermline abbey the shire of Kirkcaldy, which Earl Causantín of Fife had seized:<sup>203</sup>

**1128 × 1136** Daid dei gratia rex Scott(orum) episcopis abbatibus comitibus uicecomitibus baronibus prepositis ministris et omnibus probis hominibus totius terre sue francis anglicis scottis ('to bishops abbots earls sheriffs barons provosts officials and all worthy men of all his land French English Gaelic').

This is one of a dozen similar acts for different beneficiaries. Most are in the name of King David but two are in the name of Henry, his

at least after Andrew become bishop of Caithness, *c.* 1146, and before David's death in 1153.

<sup>200</sup>King David confirms the foundation gifts of land by Hugh de Moreville and his wife to Dryburgh abbey, datable to 1150 × 1153; printed from the cartulary by Barrow, *David I*, 147–8 (no. 192). As with other acts in this cartulary 'Scotie' and 'iusticiariis' are inappropriate expansions of abbreviations in the lost original.

<sup>201</sup>Barrow, *David I*, 94–6 (nos. 85–7).

<sup>202</sup>Barrow, *David I*, 13, where he calls it 'the collective address, in its classic form'. The example given there as the earliest instance, an act from the archive of Durham with the apparent date 1124 × 1136 (Barrow, *David I*, 74, no. 41), is a forgery of the early thirteenth century.

<sup>203</sup>Barrow, *David I*, 75–6 (no. 44).

son and heir, who was earl of Huntingdon between 1136 and 1141, earl of Northumberland from 1139 to his death in 1152, and from about 1135 closely associated with David's rule. The first example here is one of those two:

**1140** H(enricus) filius regis Scotie episcopis abbatibus comitibus uicecomitibus baronibus et omnibus probis hominibus totius terre sue francis anglicis et scottis clericis et laicis ('Henry son of the king of Scotland to bishops abbots earls sheriffs barons and all his worthy men of all his land French English and Gaelic clerk and lay').<sup>204</sup>

**1140** D(auid) rex Scot(torum) episcopis abbatibus comitibus iustic' baronibus uicecomitibus et omnibus fidelibus suis totius regni sui francis et anglicis et scottis (David I for the hospital of St Andrews, *David I*, no. 89).

**1140** episcopis abbatibus comitibus iustic' baronibus uicecomitibus et omnibus fidelibus suis totius regni sui francis et anglicis et scottis tam futuris quam presentibus (David I for the cathedral priory of St Andrews, *David I*, no. 88).

**1140 × 1141** episcopis abbatibus comitibus baronibus iusticiis uicecomitibus ministris et omnibus probis hominibus totius regni sui clericis et laicis francis anglicis et scottis (David I for Newbattle abbey, *David I*, no. 97).

**1141 × 1147** episcopis abbatibus comitibus baronibus uicecomitibus iusticiis prepositis ministris et omnibus probis hominibus totius regni sui francis anglicis et scottis (David I for Kelso abbey, *David I*, no. 151).

**1147 × 1151** episcopis abbatibus comitibus uicecomitibus baronibus prepositis ministris et omnibus probis hominibus totius regni sui francis anglicis et scottis (David I for Dunfermline abbey, *David I*, no. 171).

**1140 × 1152** episcopis abbatibus comitibus baronibus iusticiis uicecomitibus et omnibus probis hominibus totius regni sui clericis et laicis francis anglicis et scottis (David I for Newbattle abbey, *David I*, no. 98).

**1144 × 1152** episcopis abbatibus comitibus iusticiis baronibus uicecomitibus et omnibus fidelibus totius regni sui francis et anglicis et scottis (David I for the cathedral priory of St Andrews, *David I*, no. 153).

**1150 × 1152** episcopis abbatibus comitibus baronibus iusticiis uicecomitibus

<sup>204</sup>Henry confirms the gift to Kelso abbey by Bishop John of the town of Sprouston, dated 1 July and datable from the witness of Robert de Sigillo to 1140; printed from the Kelso cartulary by Barrow, *David I*, 97–8, no. 91.

ministris et omnibus probis hominibus totius terre sue francis anglicis et scottis (David I for Kelso abbey, *David I*, no. 180).

**1145 × 1153** episcopis abbatibus baronibus iustic(iis) uicecomitibus et omnibus hominibus totius terre sue francis anglicis et scotis (David I for Urquhart priory, *David I*, no. 185).

The word-order in these addresses shows the same confusion as to the precedence of justices, sheriffs, and barons as we see in acts of King Stephen in England in this period, though the reason for it had little place in Scottish practice.<sup>205</sup> I remark also the occasional omission of ‘probis’ in the last and the next examples.<sup>206</sup> There are two instances of the formula with the shorter form of the general address, and the beneficiary in both cases is a layman:

**1150 × 1153** omnibus hominibus totius regni sui clericis et laicis francis et anglis et scottis (‘to all men of all his realm clerk and lay French and English and Gaelic’) (David I for Alexander de S. Martino, *David I*, no. 194).

**1150 × 1153** omnibus probis hominibus totius terre sue francis et anglicis et galweiensibus (‘to all worthy men of all his land French and English and Galwegian’) (David I for Robert le meschin de Brus, *David I*, no. 210).<sup>207</sup>

<sup>205</sup>Historically, in England, the sheriff had convened the *barones* of his county, and he naturally had precedence over them in local addresses, which was carried over into the general address (as here in nos. 44, 66, 91). The county justice, established in England in Henry I’s time, had authority over the sheriff and so took precedence. From the 1130s, however, in the general address, *barones* are erratically but increasingly perceived as a second rank of magnate after earls and above either or both justices and sheriffs. The office of justice is not attested in Scottish charters before 1136, and then first in the English county of Cumberland (Barrow, *David I*, 81–2, 89–90, nos. 58, 76). G. W. S. Barrow, ‘The Scottish justiciar in the twelfth and thirteenth centuries’, *Juridical Review* 2 (1971), repr. in *The Kingdom of the Scots*, 2nd edn (Edinburgh, 2003), 68–111, observes that the thirty or so acts of King David and Earl Henry that address justices (usually in a general address) do not establish whether the office was ‘regionally based’ before 1153; English usage before and Scottish practice later are strong indicators that it was. The act quoted above for Kelso (no. 151), which puts justices after sheriffs, is an aberration.

<sup>206</sup>This omission cannot be used to fault the acts.

<sup>207</sup>King David grants to Robert II de Brus the right to hold his lands in Annandale ‘in foresto’ (‘under forest law’), datable 1150 × 1153; printed from the original by Barrow, *David I*, 155–6 (no. 210). No confirmation to Robert from King Malcolm IV survives for comparison. The confirmation in King William’s name, which

A consistent feature of these general addresses, even the shorter form, is that they include ‘totius regni sui’ or ‘totius terre sue’, words which should warn us against looking for a narrower territorial slant. The last example here is the only surviving act by a twelfth-century king to include Galwegians but not *scotti*.

Four-part examples, including Galwegians, are found in the same species of act. The first appearance of this extended formula in an act drafted for King David is in 1138, dated at the siege of Norham castle, when it may have been proclaimed to the king’s troops—in French and English and Gaelic—that he granted peace to the monks of Tynemouth:

**1138** Daudid rex Scottor(um) episcopis abbatibus comitibus uicecomitibus baronibus et omnibus probis hominibus totius terre sue francis et anglis et scotis et galwensibus (‘David king of Scots to bishops abbots earls sheriffs barons and all worthy men of all his land French and English and Gaelic and Galwegian’).<sup>208</sup>

**1138 × 1141** H(enricus) filius regis Scotie episcopis abbatibus comitibus iusticie (*sic*) baronibus uicecomitibus prepositis ministris et omnibus fidelibus suis clericis et laicis francis et anglicis scottis et galwelensibus tam futuris quam presentibus (‘Henry son of the king of Scotland to bishops abbots earls justice (*sic*) barons sheriffs provosts officials and all his sworn men clerk and lay French and English Gaelic and Galwegian as well future as present’).<sup>209</sup>

probably dates from soon after his accession in 1165, has the longer general address including ‘francis et anglis scottis et galwahensibus’ (printed from the original by Barrow, *Acts of William I*, 178–9, no. 80). There is no express disposition concerning forest status, but the descriptive formula includes the words ‘in forestis et tristriis’ (‘in forests and trists’).

<sup>208</sup>David I grants his peace to the monks of Tynemouth, dated at the siege of Norham castle, soon after 11 June 1138; printed from the cartulary by Barrow, *David I*, 84–5 (no. 66).

<sup>209</sup>Henry gives to Kelso abbey the estate of ‘Treuerlen’ (Duddingston, Midlothian), datable 1138 × 1147, perhaps no later than 1141; printed from the Kelso cartulary by C. N. Innes, *Liber S. Mariae de Calchou* (Edinburgh, 1846), i. 196 (no. 241), and by Barrow, *David I*, 86–7 (no. 70). For Henry’s style with ‘regis Scotie’ in full in original acts, ib. 105, 112–13 (nos. 107, 122). The singular *iusticie* in an original raises the possibility that at this date there was only one royal justice in the realm. Compare also ib. 113 (no. 124), with ‘iusticie’ in full in a general address, which is not at all likely to be the cartularist’s expansion of an abbreviation. The plural in full is found

†1142 D(auid) dei gratia rex Scottorum episcopis abbatibus comitibus baronibus et probis hominibus suis et omnibus fidelibus suis totius regni sui francis et anglicis et scottis et galwensibus (David I for Melrose abbey, *David I*, no. 120); but compare its twin, †1142 H(enricus) filius Daud regis Scott(orum) omnibus episcopis abbatibus comitibus proceribus et omnibus probis hominibus francis et angl(is) totius regni Scot(ie) (Henry for Melrose abbey, *David I*, no. 121).<sup>210</sup>

in originals (ib. 100, 112–13, 113–14, nos. 97, 122, 125). With no. 97 datable to 1140 × 1141 and no. 124 dated by Barrow to 1141 × 1150, one might think that the number of justices was increased in 1141. These dates, however, may need further scrutiny.

<sup>210</sup>These two acts, whose originals from Melrose were preserved in the charter chest of the earls of Morton and are now in SRO, Melrose Charters, GD 55/1, 55/2, appear to have been drafted by the same Melrose scribe and are remarkable for their long witness-lists. The king's act is place-dated 'Apud Ercheldon in Iunio', his son's simply 'Apud Ercheldune'; Barrow, *Acts of Malcolm IV*, 157 (no. 41, Henry), and again, *David I*, 111–12 (nos. 120–21, David and Henry), takes the substance of the acts to be recopied from an earlier act, dating from the first foundation, probably in 1136. Embedded within the tenor is an increase in the primary gift, accompanied by mention of a perambulation of these lands at Gattonside on the morrow of Ascension in the second year of King Stephen's capture, a curious dating-clause, which Barrow correctly computes to Friday, 29 May 1142; this carries its own short witness-list 'ad hoc presens donum' ('for the present gift'). Barrow complicates the matter by saying that the movent clause refers to Henry's children ('filiorum meorum') and that this was not drafted until after the birth of his second son, William, dated by an addition in the Melrose chronicle to 1143; he proposes as dating 1143 × 1147. The second point must be rejected; it is not unusual for a movent clause to anticipate further children just as it anticipates successors. But Henry was not even married in 1136, so there is no possibility that the tenor of the act was drafted in that year. The primary and secondary witness-lists are not so easily disposed of, but the circumstances are striking. 'Ercheldon' (Earlston, Berwickshire) is little more than three miles from Gattonside, and the Leader Water would be crossed without trouble on horse-back. Gattonside itself lies immediately across the Tweed from Melrose. Earlston in June 1142 immediately after the perambulation has an element of plausibility. The primary witness-list, however, includes William the chancellor, that is William Cumin, who ceased to be chancellor in 1141; it also includes 'Robert Brus meschin', whose father died in May 1142. Once one starts to find fault, the problems multiply. David's is the only act to combine *probi homines* with *fideles*, Henry's is the only act to use *proceres* apart from its renewal by Malcolm IV (Barrow, *Acts of Malcolm IV*, 256–7, no. 235). And the handwriting, to judge from the engraved plate in C. N. Innes, *Liber S. Marie de Melros* (Edinburgh, 1837), i. 2, appears to be some twenty years or more later than any apparent date. If both acts are forged, as seems probable, where did the witness-lists come from?

**1150 × 1153** Daud rex Scot<torum> episcopis abbatibus comitibus iustic<iis> baronibus uicecomitibus ministris et omnibus hominibus totius terre sue francis anglicis et scotis et galwith' (David I for Dryburgh abbey, *David I*, no. 205).

The context is clear. The formula is used to emphasise that the whole realm is addressed. Rees Davies saw it as a symptom of 'federative overkingship'.<sup>211</sup> The common form is the three-part formula, and the four-part formula is an extension of it.

As in other parts of these islands, a linguistic interpretation makes ready sense. In Scotland the practicalities of language must have had a considerable impact on the workings of governance, but there is no direct information available to us on either multilingualism or the availability of translators. Indeed, we know so little about public assemblies or courts that it is all but impossible to imagine how political and legal business was conducted in this land of many languages. None the less, it is pretty much certain that French became the language of government, to be learned by those who had a role in public life or aspired to one. There are unmistakable signs that charter-draftsmen had French in mind behind their Latin.<sup>212</sup> Government documents, literary texts, and even inscriptions on dress accessories such as brooches all reflect the role of French among the Scottish elite at least into the fourteenth century.<sup>213</sup>

<sup>211</sup>Davies, *First English Empire*, 62.

<sup>212</sup>Above, 72 and n. 178. Further instances of names expressed in French in Barrow, *David I*, 78–9 (no. 53) and *Acta of William I*, 296–7 (nos. 264–5), are cited by G. W. S. Barrow, 'French after the style of Petithachengon', in *Church, Chronicle, and Learning in Medieval and Early Renaissance Scotland. Essays presented to Donald Watt* (Edinburgh, 1999), 187–93.

<sup>213</sup>Although evidence is very limited, Barrow's article seems to me to understate the extent of French use and to play down the similarity with practice in England in the late thirteenth and early fourteenth centuries. In government documents, what survives from the English side suggests that Latin and French were used in much the same way in Scotland as in England. A few literary texts with Scottish connexions are listed in Ruth Dean's *Anglo-Norman Literature* (London, 1999); nos. 28, 86, date from the same period, and no. 75 from the mid-fourteenth century. The song about the legend of the Stone of Scone (no. 86), composed soon after Edward I's death, has a Scottish connexion, but its editor suggests that it was hawked around Westminster abbey (M. D. Legge, 'La Piere d'Escoce', *SHR* 38 (1959), 109–113). Evidence for spoken use is scarcely to be found. It is striking, however, to find

Ignorance of French probably hindered participation in public life as it did in England, but knowledge of French on the part of first-language speakers of Gaelic or English may have reduced the incentive for them to speak one another's language. Meanwhile, with little written in either vernacular, the place-name record shows the spread of English at the expense of Gaelic north of the Forth in Fife and elsewhere, though the Gaelic dimension remained resilient in some contexts.<sup>214</sup>

Forty years on, Geoffrey Barrow himself has included language alongside his territorial perceptions. Observing that 'francis et anglicis' was normal in English royal acts, he adds:<sup>215</sup>

but in Scotland there seems to have been a markedly linguistic dimension. Thus in acts dealing with Scotia, the Gaelic-speaking country benorth Forth, *scoti* would be added to *franci et anglici*, and might precede *anglici*. In acts of solemn character or general relevance these three peoples or languages might be joined by *walenses* (literally 'Welsh') and *galwalenses* / *galwethienses* ('Gallovidians'), this last obviously referring to territory not to speech.

The linguistic understanding should not be overtaken by the territorial, when we are dealing with documents of a national character addressed by the king to all his realm.

intimate messages in French on gold brooches from the later middle ages (where the commoner inscriptions on silver and pewter favour the formula IESUS NAZARENUS). Those in the National Museum are catalogued by V. Glenn, *Romanesque and Gothic Decorative Metalwork and Ivory Carvings in the Museum of Scotland* (Edinburgh, 2003), 55–81 (note especially the Doune brooch, s. xiv/xv (E15), and the Kindrochit brooch, s. xv (E22)). Particularly interesting is the gold anular brooch found near Carriden in 2006 and now in the National Museum; dated to the early fourteenth century, the inscriptions read, OR ME NE UBLIE NI DEU ('Forget not me nor God'), JE SUI ICI EN LU DE AMI ('I am here in place of a lover'). The brooch appears to have been a courtly gift, probably from a man to a woman: it was surely meant to be understood. My thanks to Stuart Campbell for this information.

<sup>214</sup>S. Taylor, 'Babbet and bridin pudding or polyglot Fife in the middle ages', *Nomina* 17 (1994), 99–118, and more generally in the fifth volume of his *Place-Names of Fife* (forthcoming). D. Broun, 'Anglo-French acculturation and the Irish element in Scottish identity', in *Britain and Ireland 900–1300. Insular responses to medieval European change*, ed. B. Smith (Cambridge, 1999), 135–53, documents the resilience of aspects of Gaelic culture.

<sup>215</sup>Barrow, 'Witnesses and the attestation of formal documents in Scotland' (n. 182), 6.

It is striking, and not a little perplexing, that we find ‘Welsh’ in the north. There are two acts of King Malcolm IV of Scotland that include *walenses* in the address. Neither is without its difficulties. I take first a charter for the canons of St Andrews:<sup>216</sup>

**1163 × 1164** *Malcolmus rex Scottorum episcopis abbatibus comitibus baronibus iusticiis uicecomitibus prepositis ministris et omnibus aliis probis hominibus clericis et laicis francis et anglis scottis et walensibus tocius terre sue* (‘Malcolm king of Scots to bishops abbots earls barons justices sheriffs provosts officials and all his other worthy men clerk and lay French and English Gaelic and Welsh of all his land’).

Here we have a four-part longer general address, in which we might expect ‘Galwegian’. Another act for the same beneficiary on the same occasion has ‘gawelensibus’ instead of ‘walensibus’, making it appear likely that in this case ‘walensibus’ is a copying error, which might have occurred only at the last point of copying.<sup>217</sup> This is not good evidence for ‘Welsh’ in Scotland.

There is a distinct possibility that the two words were thought of as equivalent or were at least easily confused. This becomes clear from the French verse of Jordan Fantosme: he writes *gavelens* ‘Galwegians’ in line 1689, but where his editor prints *gavelens* in line 685 the only manuscript reading is *gualeis*, which is the later form of French *walens* < Latin *walenses*.<sup>218</sup> Jordan or a subsequent copyist appears to have thought this word denoted Galwegians.

<sup>216</sup>Malcolm IV confirms to the prior and canons of St Andrews cathedral priory the gift by Bishop Richard of the chapel of Inchtyre (Perthshire), datable 1163 × September 1164; printed by Barrow, *Acts of Malcolm IV*, 261 (no. 240).

<sup>217</sup>Malcolm IV confirms to the prior and canons of St Andrews cathedral priory the gift by Bishop Richard of the church of Holy Trinity, St Andrews; printed by Barrow, *Acts of Malcolm IV*, 260 (no. 239). Both were sealed on the same occasion at St Andrews. The documents were sourced from a transcript of c. 1840 (ib. 118), and the resulting printed edition of 1842, but the thirteenth-century St Andrews cartulary was rediscovered in time to control the printed text (ib. viii). The address of 240 is quoted above; the address of 239 reads, ‘episcopis abbatibus prioribus comitibus baronibus iusticiis uicecomitibus prepositis ministris uniuersisque aliis probis hominibus tocius terre sue francis et anglicis scottis et gawelensibus’. Bishop Richard’s act is cited below (n. 264).

<sup>218</sup>The untitled poem is edited from two copies by R. C. Johnston, *Jordan Fantosme’s Chronicle* (Oxford, 1981). At line 685 the later witness *L* reads ‘Les gualeis ki daveir unt envie / E li escot qui sunt en Albanie’ (‘the Welsh who desire to have and the

Now, our second act includes both ‘Welsh’ and Galwegian in a five-part formula. The beneficiary in this case is the bishop of Glasgow:<sup>219</sup>

**1153 × 1165** Malcolon(us) rex Scotorum iustic<iis> baronibus uicecomitibus ministris francis et anglicis scottis walensibus, gaelensibus et omnibus ecclesie sancti Kentegerni de Glasgu et eiusdem episcopi parrochianis (‘Malcolm king of Scots to justices barons sheriffs officials French and English Gaelic Welsh Galwegian and all under the jurisdiction of the church of St Kentigern of Glasgow and its bishop’).

Quite apart from the five-part formula, this is a rather odd address, though it is not for that reason untrustworthy.<sup>220</sup> It was most likely drafted by a member of the cathedral community. The difficult question here is whether the draftsman intended to embrace a fifth language-group who spoke the Cumbric dialect of Welsh. The last British of the north with a kingdom based on the Clyde valley in the tenth century identified themselves as Britons.<sup>221</sup> They feature in contemporary Irish sources as Britons (*bretain*, *bretnaig*), in Old English sources as Strathclyde Welsh (*strætlādwealas*) and their

Scots who are in Alba’); the older witness *D* has an erasure where *L* has *gualis*, which may have been the erased reading; the editor imports *gaelens* from line 1689. At line 1689 he reports no divergence in the two witnesses, but an earlier editor, Richard Howlett, reports *L* as reading *galuens*.

<sup>219</sup>Malcolm IV for the bishop of Glasgow, datable only to King Malcolm’s reign, 1153 × 1165; printed from the late-thirteenth-century *Registrum Vetus* of Glasgow by Barrow, *Acts of Malcolm IV*, 272–3 (no. 258). It is tempting to read ‘ga<l>uelensibus’ but the French form *gaelens* warns against emendation. I have corrected the copy’s anachronistic expansion ‘iusticiarii’.

<sup>220</sup>The act orders those under the ecclesiastical jurisdiction of the bishop of Glasgow to pay their teinds to him, who has recourse to the king’s sheriff or, if he default, the king’s justice, to enforce his rights. The address naturally has no bishop and is quite distinct from a general address. It addresses the king’s officers and officials in the diocese and the *parrochiani* of the church of Glasgow rather than the king’s *probi homines*. The address, including the antiquated precedence of justices over barons, and indeed the whole tenor are repeated verbatim in renewals of the act by William I (Barrow, *Acts of William I*, 239, 458–9 (nos. 179, 507).

<sup>221</sup>Internal evidence from the kingdom of Strathclyde or Cumbria is not available. A later-twelfth-century source from Scotland benorth Forth gives the name of the river Forth in three languages, including *britannice* (Anderson, *Kings and Kingship*, 242; see above, n. 152).

country as Cumberland (*Cumbra land*).<sup>222</sup> Simeon of Durham refers to the people as *cumbri*, and so too at a later date does Fordun, who also calls them *cumbrenses* and their territory Cumbria.<sup>223</sup> A charter of King Malcolm IV allows the monks of Kelso to receive chrism and oil ‘a quocumque episcopo uoluerint in Scotia uel in Cumbria’ (‘from any bishop they will in *Scottia* or in Cumbria’), which may be taken to mean from the bishop of St Andrews or the bishop of Glasgow.<sup>224</sup> Some historians prefer to say Cumbria, others Strathclyde.<sup>225</sup> An identification by the church of Glasgow with the ‘Welsh’ of Strathclyde is plausible: the diocese embraced most of the former kingdom, and its patron saint, Kentigern, came from Wales.<sup>226</sup> We do not know whether there were still speakers of ‘Welsh’ in Scotland in the mid-twelfth century.<sup>227</sup> This example stands alone, and we

<sup>222</sup>Annals of Ulster, s.a. 975, ‘rí bretan’ (‘king of the Britons’), s.a. 997, ‘rí bretan tuaiscert’ (‘king of the northern Britons’), ed. S. Mac Airt & G. Mac Niocaill (Dublin, 1983); Anglo-Saxon Chronicle (E), s.a. 875, ‘on pehtas 7 on strætælædwealas’, s.a. 945, ‘eall Cumbra land’, s.a. 1000, ‘into Cumerlande’, ed. S. Irvine (Cambridge, 2004), 50, 55, 63. Prof. Broun notes mention of someone who witnessed a deed of Ranulf fitz Dúngal, giving land in Nithsdale to the hospital of St Peter in York, not later than the 1160s, whose name, Gille Cuithbeirt Bretnach, is Gaelic in form, embodies the notion that the person is a Briton, and signifies devotion to an Anglian saint.

<sup>223</sup>Simeon of Durham, *Libellus de exordio Dunelmensis ecclesie* II 18, s.a. 934, ed. D. W. Rollason (Oxford, 1998), 136; John of Fordun, *Chronica gentis Scotorum* IV 21, &c., ed. W. F. Skene (Edinburgh, 1871), 163–4.

<sup>224</sup>King Malcolm IV confirms the possessions of the monks of Kelso, founded at Selkirk by his grandfather and moved by Bishop John of Glasgow to Kelso, dated at Roxburgh, 1159; printed from the original by Barrow, *Acts of Malcolm IV*, 192–5 (no. 131). The original location was in the diocese of Glasgow, but the new location was in the diocese of St Andrews, and the charter recalls that Bishop Robert of St Andrews freed the abbey from his ordinary jurisdiction.

<sup>225</sup>G. W. S. Barrow, *King David I and the church of Glasgow* (Glasgow, 1996), 2, favours Cumbria, but Broun (see next note) Strathclyde. On the background issues, P. A. Wilson, ‘On the use of the terms Strathclyde and Cumbria’, *Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society* new ser. 66 (1966), 57–92.

<sup>226</sup>D. Broun, ‘The Welsh identity of the kingdom of Strathclyde, c. 900–c. 1200’, *Innes Review* 55 (2004), 111–80 (at pp. 122–4, 142–3).

<sup>227</sup>K. H. Jackson long ago expressed an expert view that the language of the Cumbrians ‘can scarcely have outlasted the eleventh century or the early twelfth at

cannot be certain how a draftsman in Glasgow or a contemporary hearer understood the word *walenses*, a Latin word derived from the Anglo-Saxon *wealas* 'foreign, Welsh'. Perhaps this was intended as a backward look at the former kingdom. If so, the choice of word, 'walensibus' rather than 'britonibus', is unexpectedly English in character as well as uncomfortably close to some spellings used for Galwegian.

It is with the inclusion of Galwegians in the four-part longer general address that our chief difficulty arises. As we define languages today, there never was a Galwegian language, nor do we readily classify the people of Galloway as an ethnically distinct group. Yet the Galwegians, in a range of spellings, appear in this formula in five of King David's acts, one of Earl Henry's, nine of King Malcolm's, and eleven of King William's. To a twelfth-century neighbour the perspective may have been different from ours. To Jordan Fantosme the Galwegians were a people, 'la pute gent, ke damneudeu maldie, / les gavelens' ('the miserable race, on whom be God's curse, the Galwegians'), as barbarous as the Gaels of *Scottia*.<sup>228</sup> Among Northumbrian writers a conceit grew up equating them with the Picts, a people known from Bede but lost from the twelfth-century scene.<sup>229</sup> Kings of Scots are unlikely to have shared such views. If Galwegians were not included in the formula for ethnic

the latest' ('Angles and Britons in Northumbria and Cumbria', in *Angles and Britons. O'Donnell Lectures* (Cardiff, 1963), 60–84, at p. 61).

<sup>228</sup>Jordan Fantosme (n. 218), ll. 684–5. J. B. Gillingham, 'Conquering the barbarians: war and chivalry in twelfth-century Britain', *Haskins Society Journal* 4 (1992), 67–84, and reprinted in *The English in the Twelfth Century* (see n. 284), 41–58, gathers passages from English observers on the perceived barbarism of both Gaelic and Galwegian fighters.

<sup>229</sup>A contemporary in Northumberland, Richard of Hexham, turned them into a distinct people. In describing King David's forces, which headed south in 1138, he writes, 'de pictis qui uulgo galleweiensens dicuntur' (Richard of Hexham, *De gestis regis Stephani*, fol. 40v, ed. R. Howlett, Rolls Series 82 (1884–9), iii. 152), and he refers to them as Picts thereafter (ib. 154, 157, 159). He was surely aware of the men of Galloway in his own time. He appears simply to have equated Galwegians, who had no known past, with Picts, known from Bede, who had no visible present and of whom he knew nothing beyond what he read in Bede. The conceit spread to other Northumbrian writers, such as John of Hexham and Aelred of Rievaulx, and the non-existent Picts of Galloway continued to haunt the literature of early medieval Scotland until the 1950s.

reasons, it still does not fit the linguistic understanding that we have adopted in other contexts. But the formula is not a substitute for a territorial adjunct, as if to say ‘of Galloway’; Galwegians appear in the four-part formula in acts generally addressed, and in the one clear instance of a local address to Galloway, our formula does not figure at all.<sup>230</sup>

The name Galloway derives from the Gaelic phrase *gall-ghàidhbil* ‘foreign-Gael’, and the settlement of Scandinavians—*gail* ‘foreigners’—from Ireland has often been assumed. It has become clear, however, that the latter supposition is ill-founded.<sup>231</sup> Settlers indeed came from Ireland, but place-name and other evidence shows that their language was close to Gaelic.<sup>232</sup> While the derivation of the name is not in doubt, its transmission remains obscure, in part because *gall-ghàidhbil* was formerly used with reference to territory further north than what came to be known as Galloway.<sup>233</sup> The name Galloway only emerges in Latin in the twelfth century, when it refers to a wide area of land in the south-west of modern Scotland, including much of Ayrshire and Dumfriesshire as well as all of Wigtownshire and Kirkcudbrightshire.<sup>234</sup> Here one would have found a majority of Irish-speakers, though there may perhaps still have been some speakers of other, retreating, languages, whether Norse or Cumbric or English. In the twelfth century the form of the

<sup>230</sup>Malcolm IV confirms the gift by Fergus of Galloway to the monks of Holyrood of the estate of Dunrod (Kirkcudbrightshire), where the monks may lodge and dwell in the king’s firm peace, 1161 × 1164, addressed, ‘Uhr(edo) filio Fergus et Gileberto fratri eius et Rad(ulfo) filio Dunegal et Duuenaldo fratri eius uniuersisque aliis probis hominibus totius Galweie et Cludesdalie’; printed from the original by Barrow, *Acts of Malcolm IV*, 253–4 (no. 230).

<sup>231</sup>D. Brooke, ‘Gall-Gaidhil and Galloway’, in *Galloway: Land and Lordship*, ed. R. D. Oram & G. P. Stell (Edinburgh, 1991), 97–116, questioned both inherited suppositions, but her alternative views are unconvincing.

<sup>232</sup>T. O. Clancy, ‘Gaelic in medieval Scotland: advent and expansion’, Sir John Rhys Memorial Lecture to the British Academy, London, 4 March 2009 (not yet published).

<sup>233</sup>T. O. Clancy, ‘The Gall-Ghàidheil and Galloway’, *Journal of Scottish Name Studies* 2 (2008), 19–50, surveys the use of the Irish expression and what it might have referred to in the tenth and eleventh centuries.

<sup>234</sup>In its widest sense Galloway denoted the whole of Scotland south and west of Clydesdale and Teviotdale’ (Barrow, *Acts of Malcolm IV*, 38).

words used for Galloway and Galwegians is unstable, and in Latin this may very well reflect the French speech of the draftsmen.<sup>235</sup> One particular form of the word, when written *galwalenses*, carries phonetic hints of both *gaidhil* and *wealas*, which may perhaps be intentional re-interpretation rather than mere chance. If a different interpreter assisted in communication between French-speakers on the one hand and Gaels or Galwegians on the other, then Galwegian could at least have the status of a Gaelic dialect, not our Gaelic, perhaps, but foreign Gaelic. It is, however, extremely unusual for medieval perceptions to emphasise differences of dialect, and I do not wish to indulge in special pleading here.

The appearance of Galwegians in our formula is most likely to connote territory, ‘people of Galloway’. If it did not not recognize a linguistic group, its use is a marked divergence from what we have seen elsewhere and up to now in Scotland. I incline to treat it as an extension of the formula, not strictly in sympathy with the underlying logic, intended to embrace the people of Galloway as they were increasingly absorbed into the kingdom of the Scots.

The very first occurrence of the Galwegians in any royal address-clause may reveal something of how this started. The beneficiary was the church of Glasgow, the date appears to have been 1136 or very soon afterwards, and it is the only example of the formula from David’s time that does not include French:<sup>236</sup>

<sup>235</sup>Brooke, 113–14, provides an incomplete list of the early recorded forms, omitting (among others) *Galwedtia* and *galwedtienses* from the Chronicle of Man, which Clancy, 35–6, privileges, apparently for the sake of their preserving intervocalic *d*. There is also considerable variety in the French forms and spellings as illustrated in the online *Anglo-Norman Dictionary*: under three lemmata, *galwaleis*, *galweien*, and *galewarz*, manuscript variants *galawais*, *galwaleis*, *galwais*, *galweien*, *galwein*, *gawaleis*, *gawelais* are recorded for quotations from Gaimar and Langtoft; the older form *gavelens* from Jordan (above, n. 218), which would become *gaweleis*, is not entered.

<sup>236</sup>King David gives to Glasgow cathedral a share in the *cain* (‘food render’) of Galloway, dated at Cadzow (Lanarkshire), thirteen miles south-east of Glasgow, and datable to 1131 × 1141, but from the witness of Walter fitz Alan probably not before *c.* 1136 and from its association with the next act probably in or soon after 1136; printed from the cartulary by Barrow, *David I*, 81 (no. 57). This act names four districts, which may be identified with the ‘iiii kadrez de illa Galweia quam uiuente rege Alexandro auus meus habuit’ (‘four districts of that Galloway which my grandfather had in the time of King Alexander’), referred to without name in a

**1136 × 1138** D(auid) dei gratia rex Scottorum baronibus ministris et omnibus fidelibus suis totius regni sui tam gawensibus quam anglicis et scottis ('David by God's grace king of Scots to barons officials and all his sworn men of all his realm, as well Galwegian as English and Gaelic').

The prominence accorded to *gawenses* is surely significant. The act was dated at the royal estate of Cadzow. On the same occasion King David gave to the church of Glasgow a share in the profits of justice from Cumberland; the act in that case does not employ the formula.<sup>237</sup> Earlier David had been the ruler of Scottish Cumbria, and he is styled 'cumbrensis regionis princeps' ('ruler of the land of Cumbria') in a narrative from the church of Glasgow.<sup>238</sup> He took the opportunity presented by Henry I's death to occupy Carlisle, English Cumberland, and Northumberland, and in a single act place-dated at Carlisle the Cumbrians are introduced to his address clause:<sup>239</sup>

charter of Malcolm IV for Kelso abbey (Barrow, *Acts of Malcolm IV*, 38–9, 194, no. 131, dated 1159).

<sup>237</sup>King David gives one eighth of the profits of justice from Cumberland, in money or livestock ('aut in denariis aut in pecunia'), to the church of Glasgow, datable to 1131 × 1141, but probably in or soon after 1136; printed from the cartulary by Barrow, *David I*, 81–2 (no. 58). The address reads: 'iusticie sue uic(ecomiti) baronibus et omnibus ministris suis totius Cumberlandie'; Barrow repeats from Lawrie the mistaken expansion 'uic(ecomitibus)'.

<sup>238</sup>Record of inquest by Earl David to determine the possessions of the church of Glasgow, which forms part of a narrative in the Glasgow cartulary; the lists of properties and witnesses encouraged Barrow to treat this as a document datable 1114 × 1124, in the presence of Countess Matilda (Barrow, *David I*, 60–61, no. 15), though it is singularly lacking in charter form. The inclusion of the comment 'non enim toti Cumbrensi regioni dominabatur' ('for he did not have power over all Cumbria') shows that the text was not drafted as a charter, and its wording cannot be treated as if it were.

<sup>239</sup>The example was cited by Madox (see n. 88) from Dugdale, i. 399a; King David gives to the monks of Wetheral a pension of one mark yearly from the revenue of his mill at Scotby (Cumberland), dated at Carlisle, datable 1136 × 1138; reprinted in *Monasticon*, iii. 584 (no. xi), and by Barrow, *David I*, 89–90 (no. 76). Dugdale unwittingly expanded to read carls, justices, and sheriffs, as if the county of Cumberland had several of each; Barrow, with no textual evidence to the contrary, followed him. Dr Hugh Doherty has found Dugdale's immediate source among Roger Dodsworth's collections, Bodl. MS Dodsworth 7, fol. 11v, a fair copy of his transcript from the lost original in St Mary's Tower at York, which begins, 'D(auid) regis Scot(torum) comitib(us) iustic(ie) baronibus uic(ecomiti) ministris omnibus probis hominibus suis tocius Cumb(er)land Francis et Anglicis et Cumbrensis(us)

**1136 × 1138** David rex Scot(torum) comit(i) iustic(ie) baronibus uic(ecomiti) ministris omnibus probis hominibus suis totius Cumberlandie francis et anglis et cumbrensibus ('David king of Scots to the earl and the justice and his barons and sheriff and officials and all his worthy men of all Cumberland, French and English and Cumbrian').

The beneficiary in this case is Wetheral priory in the new county of Cumberland, recently occupied by King David, and with its public institutions in some sense preserved: this is the equivalent of a shire address.<sup>240</sup> While the shire expressly comprised French and English and Cumbrian, the latter is more likely to mean the people native to the county than the last remaining speakers of Cumbric. The Cumbric language was no longer prevalent in Carlisle, though in the district, as in Galloway, there is place- and personal name evidence of Irish and Norse as well as English. This use of *cumbrenses* at Carlisle should probably be read in territorial terms, 'people of Cumbria'.<sup>241</sup>

The two acts dated at Cadzow were witnessed by 'Fergus de Galweia', Fergus of Galloway, who appears to have styled himself *rex Galwitensium* 'king of the Galwegians'; he is named with this title next to King David in a record of gifts to the knights hospitallers at

salutem'; the plural 'comitib(us)' must be an erroneous expansion by Dodsworth, and Dugdale followed his lead in expanding *justic'* and *uic'*. The absence of a bishop in Carlisle is significant: Bishop Athelwold had remained in England when King David occupied Cumberland, and he only returned to his diocese, and to David's court, after a reconciliation effected by the papal legate Alberic of Ostia at Hexham in the summer of 1138 (John of Hexham, *Historia XXV annorum*, ed. T. Arnold, Rolls Series 75 (1882–5), ii. 284–332, at pp. 297–9); D. Whitelock, M. Brett, & C. N. L. Brooke, *Councils and Synods with other documents relating to the English Church 871–1204* (Oxford 1981), ii. 766–8, no. 138). Meanwhile, it is unlikely that David was at Cadzow during the whole of his campaigning year, 1138.

<sup>240</sup>R. Sharpe, *Norman Rule in Cumbria 1092–1136*, Cumberland and Westmorland Archaeological and Antiquarian Society, Tract Series 21 (2006), 23–6.

<sup>241</sup>So too in William of Malmesbury, *Gesta pontificum Anglorum* III § 99, ed. M. Winterbottom (Oxford, 2007), 324: 'Cumbreland uocatur regio et cumbri uocantur homines' ('the region is called Cumberland and the men Cumbrians'. Aelfred of Rievaulx applies a limited territorial definition, differentiating Galwegians, Cumbrians, and *teuidalenses* 'men of Teviotdale' (*Relatio de standardo*, fol. 198v, ed. R. Howlett, Rolls Series 82 (1884–9), iii. 190).

Temple Hirst in Yorkshire.<sup>242</sup> Fergus and his son had been present at the dedication of the cathedral in Glasgow, most likely in 1136, and these two acts probably date from very soon after it. In them for the first time David can be seen to engage with Fergus's Galloway and with English Cumbria, and this may surely be seen as the mover for the augmented formula in these cases. Indeed, it is attractive to conjecture that between the acts dated at Glasgow and Cadzow, itself a unique place-date among twelfth-century royal charters, negotiations had taken place that created the circumstances in which Galwegians and Cumbrians were to be embraced in this manner.<sup>243</sup> The company that witnessed the gift of Partick at the dedication included men with Gaelic, English, and Norman names, and David Murison put the question, 'What language or languages did this mixed company speak?' His answer was that they spoke French.<sup>244</sup> Perhaps they did, but the published acts were drafted in Latin and translated *uina uoce* into the several vernaculars.

<sup>242</sup>King David gave Torphichen (East Lothian) and Fergus gave land in Galtway (Kirkcudbrightshire) to the Knights Templar, an order founded in 1128. The foundation of Temple Hirst is dated to 1152, and the circumstances in which these two men should make gifts to Templars in Yorkshire are surely limited. These lost acts are noted, in David's case, by Barrow, *David I*, 164 (no. 233), and, in Fergus's, by K. J. Stringer, 'Acts of lordship: the records of the lords of Galloway to 1234', in *Freedom and Authority: Scotland c. 1050–c. 1650. Historical and historiographical essays presented to Grant G. Simpson* (East Linton, 2000), 203–234, at p. 212 (no. 1). The mentions appear in a lengthy list of donations to the Templars, down to the reign of King Henry V, printed from the book of John Stillingfleet at the College of Arms by W. Dugdale, *Monasticon Anglicanum*, ii. 551, repr. *Monasticon*, vii. 838. The lost acts are dated by Barrow 'late in the reign' and by Stringer *c.* 1140 × *c.* 1160.

<sup>243</sup>Fergus of Galloway and Uhtred his son witness the gift to the church of Glasgow of royal land in Partick, which the archdeacon had held of the king, dated at Glasgow and datable from the witness of William the chancellor to 1136 × 1141; printed from the *Registrum Vetus* by Barrow, *David I*, 80–81 (no. 56). A later episcopal act associates this gift with the dedication of the cathedral, which chronicles date to 1136. The presence not only of Fergus and his son but also of Máel Iosa, earl of Strathearn, Donnchad, earl of Fife, and the two sons of Dúngal of Nithsdale confirms a significant occasion. It would be a fair question to ask why this act does not include the formula, if it is close in date to nos. 57 and 58, the only other royal acts witnessed by Fergus, which do have it. Their relative date is by no means certain, but this consideration supports Barrow's sequence.

<sup>244</sup>D. D. Murison, 'Linguistic relationships in medieval Scotland', in *The Scottish Tradition. Essays in honour of Ronald Gordon Cant* (Edinburgh, 1974), 71–83 (at p. 72).

What holds good for King David's acts holds good for those of King Malcolm IV and King William.<sup>245</sup> When Malcolm's acts concerning the honour of Huntingdon are taken out of the picture, it is clear that the formula 'francis et angl(ic)is et scottis' is the regular form and that it is used with the longer general address. Examples with the shorter general address become commoner under King William.<sup>246</sup> One striking example is found in a writ of protection, with the short general address, provided by King William to the monks of Furness during his invasion of English territory, 'omnibus probis hominibus totius terre sue francis et anglis scottis et galwahensibus' ('to all his worthy men of all his land, French and English, Gaelic and Galwegian'). As a writ of protection in time of hostilities this was presumably to be shown—and translated?—to anyone whom the monks thought a threat to their safety.<sup>247</sup> The inclusion of Galwegians in the formula is not confined to Galloway, occurring in acts for Scone, Cambuskenneth, St Andrews, all concerning lands north of Forth.<sup>248</sup> In a general address its effect is to emphasise that the king's *terra* includes Galloway. The occasional omission of 'scottis', four times in Malcolm's acts, once in William's, is not satisfactorily explained. The word is not usually included in acts for Dryburgh but it is in acts for Melrose, a few miles upstream on the Tweed.<sup>249</sup> The curious pair of confirmations by Malcolm of

<sup>245</sup>Nishioka, 'Scots and Galwegians', 226–31, presents a synopsis.

<sup>246</sup>One example from Malcolm's reign does not concern land: Malcolm IV gives to the monks of Dunfermline the heads (except tongue) of *craspeis* ['fat fish', i.e. whales, dolphins] beached on the king's lands on the north side of the Forth ('qui in meo dominio ex illa parte Scotwater applicuerint'), 1153 × 1159; printed from the cartulary by Barrow, *Acts of Malcolm IV*, 182 (no. 117). (King Malcolm later gave the monks half the blubber from such creatures for their lamps, *ib.* 242, no. 214, locally addressed.) The other examples are two that do concern land, *ib.* 216–17 (no. 172), 245–6 (no. 218), noted below, n. 249.

<sup>247</sup>William I grants protection to the monks of Furness abbey, datable to August or September 1173, when the king was at Carlisle; printed from the original, PRO DL 25/79, by Barrow, *Acts of King William I*, 217, no. 144.

<sup>248</sup>Barrow, *Acts of Malcolm IV*, 260–61, 263–5, 274 (nos. 239–40, 243, 260).

<sup>249</sup>Acts for Dryburgh with 'francis et angl(ic)is', Barrow, *David I*, 147–8 (nos. 192–3); *Acts of Malcolm IV*, 216–17 (no. 172), 245–6 (no. 218). King William's acts for Dryburgh lack the formula. Before inferring a beneficiary peculiarity, however, note other acts for Dryburgh, *David I*, 153 (no. 204), long general address without the

gifts made by Gospatric, earl of Dunbar, to the monks of Melrose comprises one with ‘francis et anglicis’, one with ‘francis et anglicis et scottis’: the only explanation offered is inattention by a scribe of the king’s chapel.<sup>250</sup>

The search for territorial correlation, divorced from attention to the form of address to which the formula is added, has obscured the primary role of the formula in emphasising the generality of ‘totius terre sue’. Barrow has always correctly associated its use with the long general address and long ago drew attention to the possibility of a linguistic dimension. The territorial question could have only a subsidiary relevance to the choice between a three-part, four-part, or two-part formula. The examples show that this approach offers no meaningful rationale for the use of the formula.<sup>251</sup> The slow inclusion of Galwegians might, however, provide an index to the growing power of the monarch in the south-west.

None the less, it is apparent that the ethnic and linguistic complexity of the kingdom of the Scots encouraged varied use of such formulae between the accession of David I and about 1180.

formula, and ib. 153–4 (no. 205), long general address with ‘francis anglicis et scotis et galwith(iensibus)’.

<sup>250</sup>Nishioka, ‘Scots and Galwegians’, 213. The acts in question survive as originals. Earl Gospatric’s deed, apparently datable to 1153 × 1159, SRO GD 55/6, is reproduced in *Liber S. Marie de Melros*, facing p. 8; the deed includes a warrandice clause, which is hardly compatible with the date and makes one suspect forgery. One of the confirmations, SRO GD 55/8, in a chancery hand, is printed from the original by Barrow, *Acts of Malcolm IV*, 195–6 (no. 132); the other, now in the archive of the Yorkshire Archaeological Society, was written by the same scribe who wrote the deed in Earl Gospatric’s name, which it follows more exactly; printed by Barrow, ib. 196 (no. 133). Both have the relatively unusual short address, ‘omnibus hominibus totius terre sue clericis et laicis francis et anglicis’ (no. 132), ‘omnibus hominibus terre sue clericis et laicis francis et anglicis et scottis’ (no. 133). King William’s confirmation, SRO GD 55/53, follows no. 133 but brings it more into line with the short general address, ‘omnibus probis hominibus terre sue clericis et laicis francis et angl(is) et scottis’ (Barrow, *Acts of William I*, 181, no. 83). It looks as if no. 132 might be authentic and the others not. There is some explanation for this in the detail. One particular estate, Spott (East Lothian, NT 675755) is omitted from no. 132 but included in the others.

<sup>251</sup>A territorial reading cannot serve as an intermediary to our learning something about ‘the interesting question of the distribution of languages and peoples in the twelfth-century Scottish kingdom’ (Barrow, ‘The *capella regis*’, 9).

Barrow has identified as the latest surviving Scottish royal example a confirmation for the monks of Paisley in 1179, ‘francis et angliis, scotis, galwidiensibus’ (‘French and English, Gaelic, Galwegian’).<sup>252</sup> Where King Henry II’s chancery allowed use of the formula to dwindle but not to cease, its absence from any later act from King William’s long reign argues that the Scottish chancery deliberately abandoned it.

It is a curious reflection of the attractiveness of the formula that when a forger from Northumberland in the fifteenth century fabricated an act in the name of Máel Coluim III, he addressed it in the manner of letters patent, modified to include the formula, ‘omnibus christianis ad quos presentes littere peruenerint salutem, tam danis et anglis quam scotis’ (‘to all Christians to whom the present letters come, as well Danish and English as Gaelic, greeting’).<sup>253</sup> He had no Scottish model for this form of words, but he knew the old formula as a template and adapted it as seemed right to him in the light of his understanding of eleventh-century Scotland.

During the second half of the twelfth century, one finds that the great men of the king of Scots occasionally took up the formula and used it. We have already seen that acts of King David’s son and heir, Earl Henry, provide early examples, but these are so close to his father’s style that they do not actually represent non-royal use.<sup>254</sup> His widow, Countess Ada, however, supplies a plain local example:<sup>255</sup>

<sup>252</sup>William I confirms the gift by his steward Walter fitz Alan of lands and churches to Paisley abbey, datable 1179 × 1190; printed by Barrow, *Acts of King William I*, 265–6 (no. 218). It is dated to 1179 by D. Broun, ‘The absence of regnal years from the dating clause of charters of kings of Scots, 1195–1222’, *Anglo-Norman Studies* 25 (2003), 47–62 (at p. 52), who suggests that the lapse of the formula imitated its near disappearance from Anglo-Norman royal usage.

<sup>253</sup>Lawrie, *Early Scottish Charters*, 238–9. The forger is John Hardyng (*ODNB*), who sought to obtain rewards from King Henry VI at a time when James II was king of Scots.

<sup>254</sup>Barrow, *David I*, 86–7, 97–8 (nos. 70, 91); above, 82 n. 204, 84 n. 209.

<sup>255</sup>Ada, wife of Earl Henry of Northumberland, gives to the monks of Dunfermline a toft in her burgh of Haddington (East Lothian), dated at Perth, datable after Earl Henry’s death in 1152 and before the death of King Malcolm in 1165; printed from the cartulary by C. N. Innes, *Registrum de Dunfermlyn* (Edinburgh, 1842), 88 (no. 152). King Malcolm, Countess Ada, and Herbert the chamberlain all contributed to the

**1152 × 1165** Ada Northumbrie comitissa preposito suo et burgensibus suis et omnibus probis hominibus suis de Hadigtunes scyra francis et anglis clericis et laicis ('Ada, countess of Northumberland to her provost and burgesses and all her worthy men of Haddingtonshire French and English clerk and lay').

Other Scottish lords adopted it, acting like their compeers in England, Wales, and Ireland:

**1166 × 1179** Comes Waldeus omnibus fidelibus et amicis francis et anglis salutem. Sciant tam futuri quam presentes me dedisse . . . ('Earl Waltheof to all his sworn men and friends French and English greeting. Know as well future as present that I have given . . .').<sup>256</sup>

**1165 × 1172** Dunecanus comes de Fif omnibus probis hominibus suis scotis anglicis francis salutem. Sciant tam posterum quam moderni me dedisse . . . ('Donnchad earl of Fife to all his worthy men Gaelic English and French greeting. Know as well hereafter as now that I have given . . .').<sup>257</sup>

**1163 × 1183** Henricus Lupellus omnibus probis hominibus suis francis et anglis tam presentibus quam futuris ('Henry Lovel to all his worthy men French and English as well present as future').<sup>258</sup>

These few examples include acts in the names of an Anglian, a Gael, and an Anglo-Norman. It is particularly interesting to see that Earl

estate created for Hugh Giffard as confirmed by King William (Barrow, *Acts of William I*, 154–5, no. 48).

<sup>256</sup>Earl Waltheof gives to the monks of Melrose his common pasture on Lammermuir, datable after Waltheof succeeded his father and before the death of his wife; printed from the original by C. N. Innes, *Liber Sancte Marie de Melros* (Edinburgh, 1837), i. 67.

<sup>257</sup>The same wording is found in two acts: Earl Donnchad II of Fife gives the church of Cupar to the canons of St Andrews, datable to 1165 × 1172; printed from the cartulary of the priory by T. Thomson, *Liber cartarum prioratus Sancti Andree in Scotia* (Edinburgh, 1841), 241–2. Also Earl Donnchad II of Fife gives the church of Markinch to the canons of St Andrews, datable from the mention of Malcolm *index* to c. 1165 × 1172; ib. 242–3. The address is also the same in another, Earl Donnchad consents to the canons' fixing the mill-dam for their mill of *Nidin* (Nydie Mill, NO 430169) on the earl's land at the north side of the river Eden, datable from the same royal confirmation, 1165 × 1172; ib. 243–4. For the last dating here I have followed Taylor & Márkus, *Place-Names of Fife*, iii. 506.

<sup>258</sup>Henry Lovel, lord of Hawick (Roxb) and of Castle Cary (Som), gives two *bouini* of land to the canons of St Andrews, datable from papal confirmations, not in that of Alexander III (1163) but in that of Lucius III (1183); ib. 261.

Donnchad, who made an Anglo-Norman marriage, inverts the sequence of the formula to give precedence to the majority language of his territory.<sup>259</sup> None the less, it is my impression that the formula was not widely taken up in Scotland outside a royal context. The greatest concentration is found in the acts of Earl David of Huntingdon, son of Earl Henry and brother to King Malcolm IV and King William I. Out of some fifty-three surviving acts, six include ‘francis et anglis’ in honorial addresses, all of them concerning lands in England. Two others, however, have more elaborate examples of the formula:

**1173 × 1185** Daud comes Huntend’ frater regis Scott(orum) omnibus hominibus et amicis suis francis et anglis scotis et galwensibus clericis et laicis (‘David earl of Huntingdon brother of the king of Scots to all his men and friends French and English Gaelic and Galwegian clerk and lay’).<sup>260</sup>

**1172 × 1185** Daud frater regis Scott(orum) omnibus probis hominibus totius terre sue clericis et laicis francis et anglis flaminggis et scottis tam presentibus quam futuris (‘David brother of the king of Scots to all his worthy men of all his land clerk and lay French and English Flemish and Gaelic as well present as future’).<sup>261</sup>

We should no doubt interpret both acts as addressed to his men wherever their lands in Scotland or England. The Flemings mentioned in the second example may have been local tenants on David’s lands in Garioch, for one Simon the Fleming took part in a perambulation there.<sup>262</sup> The Galwegians, however, have no place in his lands: their appearance here is likely to echo the four-part

<sup>259</sup>Both of Earl Donnchad’s acts are witnessed by ‘Hela comitissa’, identified as daughter of Reginald de Warenne by Barrow, *Anglo-Norman Era*, 87–8.

<sup>260</sup>Earl David gives Fintry (Angus) to Hugh Giffard to augment the feu he had already given him, probably datable from the witnesses to 1173 × 1174, but possibly 1185; printed from the original, SRO GD 28/4, by K. J. Stringer, *Earl David of Huntingdon, 1152–1219* (Edinburgh, 1985), 234–5 (no. 27).

<sup>261</sup>David, as lord of Garioch, gives land in Leslie and elsewhere in Aberdeenshire to Malcolm fitz Bertolf, datable 1171 × 1199, probably × 1185; printed from the original, SRO GD 204/23/1, by Stringer, *Earl David*, 254–5 (no. 55).

<sup>262</sup>Earl David gives land in Kennethmont to the monks of Arbroath, datable 1190 × 1200; printed by Stringer, *Earl David*, 222–3 (no. 5).

formula of a royal act, perhaps one in front of the draftsman at the time, as Keith Stringer has suggested.<sup>263</sup>

A passage similar in content to the ethnic-linguistic formula is found in the tenor of an act of Richard, bishop of St Andrews. He gave the parish church of the Holy Trinity in St Andrews to the canons regular of the cathedral priory together with a toft in the burgh and the houses on the site, as it had belonged to Matthew the archdeacon, together with the teinds, offerings, and all other rights belonging to the parish church, within and without the burgh, ‘tam de scotis quam de francis et anglicis et flandrensibus’ (‘as well from Gaelic as from French and English and Flemish’).<sup>264</sup> In the predominantly Gaelic land of Fife, the burgh was clearly home to people recognizably belonging to different communities; word-order might be taken as emphasising the inclusion of Gaels as well as people more obviously associated with the burgh; their teinds too were to go to Holy Trinity.<sup>265</sup> The appearance of Flemings in documents from Garioch and Fife is a sign that here such formulae might still be adapted to the local circumstances. Royal acts from Scotland do not recognize a Flemish community in spite of the fact that King David settled Flemish knights in southern Scotland, particularly in Lanarkshire; these settlers were presumably not differentiated from his French subjects, perhaps because they understood and most likely spoke French.<sup>266</sup>

<sup>263</sup>K. J. Stringer, ‘The charters of David, earl of Huntingdon and lord of Garioch: a study in Anglo-Scottish diplomatic’, in *Essays on the Nobility of Medieval Scotland*, ed. K. J. Stringer (Edinburgh, 1985), 72–101 (at p. 81), suggests that the draftsman has repeated the formula from King William’s act confirming earlier gifts to the same beneficiary, Hugh Giffard (Barrow, *Acts of William I*, 154–5, no. 48, probably from 1166).

<sup>264</sup>Printed from the cartulary by T. Thomson, *Liber cartarum prioratus S. Andree in Scotia* (Edinburgh, 1841), 132–3; datable 1165 × 1169. The same words are included in the general confirmation by King William, *ib.* 213–16, and in Barrow, *Acts of William I*, 136–9 (no. 28).

<sup>265</sup>The presence of Flemings for commercial reasons is discussed by L. Toorians, ‘Twelfth-century Flemish settlement in Scotland’, in *Scotland and the Low Countries 1124–1994*, ed. G. G. Simpson (East Linton, 1996), 1–14.

<sup>266</sup>These Flemish colonists are discussed by Barrow, *Anglo-Norman Era*, 43–3, and maps 5–6. See above, n. 261, for an act of Earl David of Huntingdon.

## FROM LINGUISTIC PLURALISM TO MULTILINGUALISM

In the course of this tour of the evidence for the formula ‘francis et anglis’ and its many variations, I have sought to present a plausible hypothesis that language more often than not provides the best way to understand the words. No fewer than eleven distinct groups are addressed in different parts of Britain and Ireland. The formula is first attested in Old English in the eleventh century and it remained in continual use to the 1170s and occasional use thereafter. I maintain that, though optional, its use long remained flexible and therefore active rather than merely formulaic. It was used to fit the circumstances, which were linguistically very varied. English is always mentioned, though never in first place.<sup>267</sup> After 1066 French is almost always included. If we ignore forgeries, the few exceptions are explained by their circumstances of time and place.<sup>268</sup> We have seen ‘Welsh’ appear not only in Wales but also in Cornwall, Ireland, and even in Scotland.<sup>269</sup> Flemish is found occasionally in Wales, Ireland, Scotland, and, exceptionally, in England.<sup>270</sup> Breton, Cornish, Danish, Gaelic, and Irish have appeared in particular areas where speakers of these languages were present.<sup>271</sup> In addition, we have seen two groups for which language is less plausible than a simple territorial meaning, Galwegians and Cumbrians, both in documents from Scotland.<sup>272</sup>

Fundamental to the argument is the expectation that an adaptable expression has a meaning in the documentary context. The evidence

<sup>267</sup>The one exception I have noted is not in the address clause. See Bishop Peter de Leia’s act cited above, n. 66.

<sup>268</sup>The post-Conquest exceptions are the early instances of ‘scottis et anglis’, above, 65–70, and an act concerning the *cain* of Galloway, n. 236. The acts I have in mind that appear likely to be forgeries are three in the name of Earl William of Gloucester for Tewkesbury abbey, transmitted in late enrolments from where they were printed by Patterson, *Earldom of Gloucester Charters*, 178–80 (nos. 285–7). These are addressed ‘omnibus hominibus suis anglis et wallensibus’ and refer to land held ‘a militibus et aliis liberis hominibus de me tenentibus in Anglia et Waliis’ (nos. 285, 287).

<sup>269</sup>Above, 28–34, 39, 41–3, 47, 51–4, 57–8, 88–9.

<sup>270</sup>Above, 9, 29–30, 53, 101–2.

<sup>271</sup>Above, 47–8 (Breton); 33, 45–7 (Cornish); 7–8, and in a late forgery, 99 (Danish); 25–7, 65–101 (Gaelic); 50–8 (Irish).

<sup>272</sup>Above, 91–6.

discussed in this paper comes from legal documents, whether royal charters or honorial deeds. In either case they were drafted by experienced draftsmen on the basis of conventions widely understood by those who practised this craft. As I have phrased it above, there is nothing self-evident about what these expressions signified to the draftsmen of the charters or to those who heard them, but the words can hardly have more than two possible referents, language and ethnicity.

There is a good deal to be said in favour of the linguistic understanding. First, the retention of *franci* long after its origin in the Old English *frencisc* is a sign that it was meant to convey something different from Norman though certainly not French in any national sense. The occasional use of *francigene* may stand as an objection. Second, the precedence accorded to French everywhere, even in Scotland, is more likely to go with language than with ethnicity. Third, the use of 'Welsh' in Cornwall suggests a linguistic distinction rather than an ethnic one. None of these arguments amounts to proof, but they tip the balance of probabilities. Moreover, there has been an underlying perception of a linguistic dimension even where it was not the primary interpretation offered. I have cited comments to this effect from E. A. Freeman and Ian Short with reference to England, Oliver Padel with reference to Cornwall, Edmund Curtis with reference to Ireland, and with reference to Scotland Graeme Ritchie, Geoffrey Barrow, and Kenji Nishioka.<sup>273</sup> The linguistic understanding is present, it seems, even when the commentator has not been really conscious of it.

Language is very often the symptom of ethnicity that most affects official relations within a mixed society. Indeed, *lingua* in Latin, *langue* in French, can serve as a semantic proxy for the community of speakers.<sup>274</sup> The difficulty for my argument lies in proving that words

<sup>273</sup>Freeman, nn. 17, 27; Short, nn. 27, 33; Padel, n. 74; Curtis, n. 131; Ritchie, n. 173; Barrow, n. 215; Nishioka, 208, defines ethnicity by reference to language, 'English-speakers in southern Scotland seem to have generally been regarded as the English'.

<sup>274</sup>Above, 55–6 and n. 129, for Latin, and note the comment on the passage from Adam de Faipon by Rees Davies (above, n. 130). A more clear-cut example is found in a letter of King Edward I to Gilbert de Clare, earl of Gloucester and Hereford, dated 28 June 1283, 'quot fraudum et machinationum generibus lingua wallensium ad instar uulpium progenitores nostros et nos et regnum ipsum inuaserit' ('The

that constantly denote both language and ethnicity are used in charters with one sense uppermost in the mind of the writers—even without assuming that all hearers always understood the same sense. Indeed I can point to passages to suggest that the linguistic formula might have been sometimes understood in terms of *natio*.<sup>275</sup> One of them is a ham-fisted imitation of an address-clause.<sup>276</sup> A decisive question, therefore, is why the framers of these charters saw a need to make explicit the presence of different groups. The elementary difficulty for a purely ethnic reading of the formula is that in the twelfth century ethnicity made no difference, legal, practical, or otherwise, in the documentary context. What mattered to our draftsmen were the business of the charters and the settings in which

Welsh-speaking nation has attacked our ancestors and us and the realm itself foxily with so many kinds of deceptions and contrivances’); printed from the register of Richard Swinfield, bishop of Hereford, by W. W. Capes, *Canterbury and York Series 6* (1909), 79. For French, L. W. Stone & others, *Anglo-Norman Dictionary* (London, 1977–92), s.v. *langue*, has a clear fourteenth-century example, ‘a grant honur du roi et . . . de tout nostre lange’.

<sup>275</sup>The earlier is an indulgence by Archbishop Ralph of Canterbury for those who gave towards the building of the new cathedral at Llandaff, datable from Ralph’s archiepiscopate to 1114 × 1122 but from the accompanying narrative probably not long before work commenced in April 1120; printed from the twelfth-century *Liber Landauensis* by J. G. Evans, *The Text of the Book of Llan Dâw* (Oxford, 1893), 87, and by Brett & Gribbin, *Canterbury 1070–1136*, 52 (no. 50): ‘Radulfus dei gratia Cantuariensis archiepiscopus omnibus ecclesie filiis francis et anglis atque walensibus et cuiusque sint nationis hominibus’ (‘Ralph by God’s grace archbishop of Canterbury to all sons of the church, French and English and Welsh, and to men of any nation’).

<sup>276</sup>This is found in a false letter in Henry II’s name, Vincent 1468, ostensibly dating from 1170, urging his men to assist King Diarmait; it must have been composed no later than 1188, since it is known only from Gerald of Wales, *Expugnatio hibernica* I 1 (ed. A. B. Scott & F. X. Martin (Dublin, 1978), 26): ‘Henricus rex Anglie dux Normannie et Aquitannie comes Andegauiie uniuersis fidelibus suis anglis normannis gualensibus et scottis cunctisque nationibus sue ditioni subditis’ (‘Henry king of England duke of Normandy and Aquitaine count of Anjou to all his sworn men English Norman Welsh and Scots and to all nations subject to his command’). It is surely more likely that Gerald composed the letter for his book than that false letters of this kind were in circulation. Whether he fell into the error of writing ‘Anglie’ rather than ‘Angl(orum)’, and so on, is uncertain; editors have nowhere indicated whether abbreviated readings may be found in any of the manuscripts. We may wonder too how far twelfth-century readers better acquainted with the formula of the king’s charters would fault this for its inclusion of ‘normannis’ and ‘scottis’.

they were read. Expectation of translation does make a difference. Yet an ethnic reading has been adopted as if it were simply self-evident.

It is of course beyond commonplace to recognize that there were people of different descent and different language in Britain at this time. Bede's ancient remark on the five languages of the island was still well known, though we should take note that he recognized that there were more *nationes* than languages.<sup>277</sup> Geoffrey of Monmouth adds *normanni* in prime position.<sup>278</sup> Henry of Huntingdon explains the disappearance of the Picts.<sup>279</sup> Their contemporary Alfred of Beverley, who used Henry's work, brought the point up to date, first by referring to Normans and English all mixed together throughout the island, and second, by adding a sixth group, Flemish knights who crossed the Channel to bear arms for the Norman king and intermarried.<sup>280</sup> Two centuries later Ranulf Higden quotes Alfred's

<sup>277</sup>Bede, *Historia ecclesiastica gentis Anglorum* I 1 (ed. C. Plummer, *Venerabilis Baedae opera historica* (Oxford, 1896), i. 11), referred to the languages of the Britons, the English, the Irish, the Picts, and the Latins; in another comment, ib. III 6 (ed. Plummer, 138), he omits Latin. Discussed by E. G. Stanley, 'Linguistic self-awareness at various times in the history of English from Old English onwards', in *Lexis and Texts in Early England. Studies presented to Jane Roberts* (Amsterdam, 2001), 237–53 (at pp. 245–6).

<sup>278</sup>Geoffrey of Monmouth, *De gestis Britonum, Descriptio insulae*, ed. M. D. Reeve & N. Wright (Woodbridge, 2007), 6.

<sup>279</sup>Henry of Huntingdon, *Historia Anglorum* I 7, ed. D. E. Greenway (Oxford, 1998), 24, repeated Bede's remark but added that the Pictish language and people had vanished.

<sup>280</sup>Alfred of Beverley, *Historia de gestis regalibus regum Britanniae* I, ed. T. Hearne, *Alfredi Beverlacensis Annales* (Oxford 1716), 10, located the Britons in Wales, the Picts in northern parts, the Scots in *Albania*, 'principaliter uero per totam insulam normannis mixtim et anglis' ('but especially Normans and English mixed up throughout the island'). He goes on: 'Additur his et nostro tempore sexta natio, id est flandrensis, qui de patria sua uenientes, in regione Mailros in confinio Gualiarum iubente rege Henrico habitationem acceperunt. Qui hoc usque in insulam cateruatim confluentes, nec minus quam indigene armis et militia potentes, magnam sibi iam in ea partem sub normannis militantes adquisiuerunt. Quorum crebra in insulam confluentia et inter normannos cohabitatio quousque procedat sequens etas uidebit' ('In our time a sixth people is added to these, namely the Flemish, who, coming from their own land at the behest of King Henry, received a place to dwell in the district of Rhos in the territory of Wales. No less mighty in arms and warfare than the natives, they have come into the island in great numbers so far and have

words about Flemings, but, since he now includes Danes in his treatment, for him Flemings become the seventh people of Britain.<sup>281</sup> Such writers were obviously interested in the fact of ethnic variety, and modern historians have become interested too.

'Peoples are back on the historian's agenda', said Rees Davies at the opening of his first presidential address to the Royal Historical Society.<sup>282</sup> He invoked our formula to witness that contemporaries recognized the multiple peoples of Britain.<sup>283</sup> It is, I suppose, possible that, like Alfred of Beverley or Rees Davies, charter-draftsmen were concerned with the plain fact of ethnicity and for that reason continued to use the formula and to expand its scope. I cannot myself see that in this context aspects of ethnicity other than law and language mattered one jot to the draftsmen, nor is there any trace of the condescension between civilized and uncivilized, which John Gillingham has highlighted in other types of source.<sup>284</sup> Davies observed that in Wales ethnic groups might keep themselves apart in a public assembly:<sup>285</sup> so at the settling of a dispute between the bishop of Llandaff and the earl of Gloucester in 1126, the Welshmen

obtained a large portion there. Their numerous migration to the island and their living among the Normans—only the future will see where it may lead'). The place-name *Mairros*, Bede's spelling of Melrose in Tweeddale, appears to have been transferred to the cantref of Rhos in Dyfed, where Henry I settled Flemish knights (e.g. 'Flandrenses ad Ros uenerunt', *Annales Cambriae*, s.a. 1107; 'apud Ros, prouinciam Walliarum', William of Malmesbury, *Gesta regum Anglorum* V 400).

<sup>281</sup>Ranulf Higden, *Polychronicon* (n. 155), I 58 (ed. Babington, ii. 152), where Alfred is named as his source. Higden devotes a chapter to the languages of the peoples who inhabited Britain, *Polychronicon* I 59 (ed. Babington, ii. 156–63, with Middle English versions facing; translated by J. Taylor, *The Universal Chronicle of Ranulf Higden* (Oxford, 1966), 168–9).

<sup>282</sup>R. R. Davies, 'The peoples of Britain and Ireland, 1100–1400: 1 Identities', *Transactions of the Royal Historical Society* 6th ser. 4 (1994), 1–20; '2 Names, boundaries, and regnal solidarities', *ib.* 5 (1995), 1–20; '3 Laws and customs', *ib.* 6 (1996), 1–23; '4 Language and historical mythology', *ib.* 7 (1997), 1–24.

<sup>283</sup>In Wales and Ireland greeting clauses addressed to between three and five peoples—French, Flemish, English, Irish, Welsh—were commonplace' (Davies, 'Peoples of Britain and Ireland 1 Identities', 15).

<sup>284</sup>Essays from a ten-year period now collected, J. B. Gillingham, *The English in the Twelfth Century. Imperialism, National Identity, and Political Values* (Woodbridge, 2000).

<sup>285</sup>These two examples are cited by Davies, 'Peoples of Britain and Ireland 1 Identities', 15.

of the bishop and the earl form one group, the Normans and Englishmen of the bishop and the earl form another, divided by nation more than by allegiance to their lords.<sup>286</sup> And again at Llandaff in 1188, when Archbishop Baldwin preached the crusade, Gerald of Wales mentions that the Welsh stood on one side, the English on the other, but many from either people took the cross.<sup>287</sup> From these two examples we can see that Normans and English stood together in 1126 and that by 1188 they were merged under the one word, *angli*. But is it not possible that the explanation—too obvious to need saying at the time—is that people stood in groups so that they could best hear the interpreter translating into their language? Davies associates the decay of the formula in England and Scotland with the emergence of unified regnal communities in the two realms. He noted that in Wales and Ireland ‘multiple forms of address survived, significantly, longer than in England or Scotland; but in both countries as the thirteenth century progressed the multiple was replaced by the dual: English and Welsh or English and Irish’.<sup>288</sup> This attaches too much significance to the limited evidence for the late use of the formula in Wales.<sup>289</sup> Nor does one often find dual addresses, ‘English and Welsh’, ‘English and Irish’.<sup>290</sup> There is no fit between the use of the formula and assimilation or separation along ethnic lines. The opposed dualities in thirteenth- and

<sup>286</sup>*Liber Landauensis*, ed. Evans, *The Text of the Book of Llan Dâu*, 27–9; calendared as *Regesta* 1466; Patterson, *Earldom of Gloucester Charters*, 106–8 (no. 109): ‘Walenses episcopi cum walensibus consulis et normanni et angli episcopi cum normannis et anglis consulis’.

<sup>287</sup>Gerald of Wales, *Itinerarium Kambrie*, I 7, ed. J. F. Dimock, *Rolls Series* 21 (1861–91), vi. 67, ‘astantibus hinc Anglis inde Gualensibus, ex utroque populo plurimis ad crucem allectis’.

<sup>288</sup>Davies, ‘Peoples of Britain and Ireland 1 Identities’, 16. But notice three relatively late forgeries addressed ‘omnibus hominibus suis anglicis et wallensibus’ (above, n. 268).

<sup>289</sup>Above, 57–9. Davies cites only the act of Walter Marshal from 1223. The others were brought to my attention by Prof. David Crouch.

<sup>290</sup>I note an example from 1306, in William de Braose’s long charter for the monks of Margam, ‘ac eorum hominibus tam anglicis quam wallensibus infra procinctum nostri comitatus anglicani Goherie’ (‘and their men, as well English as Welsh, within the boundary of our English county of Gower’); printed in Clark, *Cartae de Glamorgancia*, iii. 990–1000 (no. 851), but the text goes on to draw distinctions between the two nations on many points.

fourteenth-century Wales and Ireland, on which Davies had so much to say, were entirely out of keeping with the address formula, which was in its nature inclusive. It embraces all those, and only those, holding political rights in the community, regardless of their ethnicity.<sup>291</sup> In one act from Pembrokeshire in the thirteenth century Geoffrey de Rupe promised to warrant his gift ‘contra omnes homines iusticiabiles francigenas flandrenses anglicos et wallenses’ (‘against all justiciable men, French, Flemish, English, and Welsh’).<sup>292</sup> Although precedence is implicit, there is no sense of imperial power and subject peoples. On the contrary, all are addressed equally on the basis of their participation, and if my hypothesis is correct, the shire courts and analogous assemblies needed interpreters, so that, to borrow a phrase from St Luke, ‘every man heard them speak in his own language’.<sup>293</sup>

Proof that documents were read and translated, *nina uoce*, into multiple languages is beyond our reach. We can, however, be certain that the shire courts in England heard and discussed evidence both written and oral. In the early twelfth century there were certainly

<sup>291</sup>So Hebrew, though established in urban Jewish communities, is nowhere represented in address clauses.

<sup>292</sup>Geoffrey de Rupe gives land at ‘Penvey’ (Penfai, par. Llandygwydd, SN 252425) to the monks of Whitland, undatable; reported as ‘one clause of warrantie I thought worth noting for the rarenes thereof’ by George Owen (1552–1613), of Henllys, *The Description of Pembrokeshire*, ed. H. Owen, Cymmrodorion Record Series (1892–1936), i. 177–8; cited by Davies, ‘People of Britain and Ireland 1 Identities’, 15. Penfai is named among the lands given to Whitland abbey by Rhys ap Gruffudd and confirmed by King John in 1215 (T. D. Hardy, *Rotuli chartarum* (London, 1837), 206a; *Monasticon*, v. 591). The only Geoffrey de Rupe whom I have traced was a knight, one of the tenants of the county of Pembroke in a joint letter to John of Monmouth, justiciar of West Wales, in September 1233 (W. W. Shirley, *Royal Letters of Henry III*, Rolls Series 27 (1862–6), i. 426), who attested an act of Bishop Richard of St Davids, 1256 × 1260 (J. S. Barrow, *St Davids*, no. 151), and who appeared as the first knight *in pleno comitatu* at Pembroke on 1 August 1260 (*A Descriptive Catalogue of Ancient Deeds* (London, 1890–1915), iii. 416, D. 112). He and John de Rupe both held land of the earl of Pembroke until 1245 (*Calendar of Patent Rolls 1364–1367* (London, 1913), 264), taking their surname from Roch (Pemb, SM 881211). If this is the man whose deed Owen saw, then it is a very late example of the specification of four language communities. It is possible that the Whitland gift was made by an earlier member of the family, whom I have not been able to trace.

<sup>293</sup>Acts 2:4.

speakers of French and of English involved, for which the law made particular allowances, and there were certainly interpreters to insure that the court understood what was spoken. The Latin of documents was very likely more widely understood by lay landholders than we are in the habit of assuming, but it was not the spoken language of the courts.<sup>294</sup> The king's court of justice based at Westminster is now thought to have used French from the start, no doubt following the practice of the court of the Exchequer, from which it had grown.<sup>295</sup> The much older local courts of shire and hundred perhaps switched gradually from English to French—a change in the language of procedural oaths would have been the major step. For several decades after the Conquest there were interpreters who held land of the king by this serjeanty. As time passed, they were not needed, because more and more English-speakers learnt to get by in French. By the later twelfth century the meetings of shires had become smaller and more frequent, and most of their business was conducted in French. Ignorance of French was not a bar to participation but it marked someone as outside the governing

<sup>294</sup>H. G. Richardson & G. O. Sayles, *The Governance of Medieval England from the Conquest to Magna Carta* (Edinburgh, 1963), 269–83, persuaded Clanchy, *From Memory to Written Record*, 234–6, that many laymen could read and understand Latin charters.

<sup>295</sup>Although G. E. Woodbine, 'The language of English law', *Speculum* 18 (1943), 395–436, argued that the central courts continued to use English until the middle of the thirteenth century, P. A. Brand makes a strong case that French is evidenced as the primary language no later than 1210 (above, n. 36). He conjectures: 'It seems much more likely that French had been the language of the royal courts from the very beginning of the system of central royal courts established by Henry II and that French was their language because in that period it was the first language of the men appointed as royal justices and of many of the litigants' ('The languages of the law in later medieval England', in *Multilingualism in Later Medieval Britain*, ed. D. A. Trotter (Woodbridge, 2000), 63–76, at p. 66). Dating the separation of a central court of civil litigation from the court of the Exchequer is difficult. In another paper, 'Henry II and the creation of the English common law', *Haskins Society Journal* 2 (1990), 197–222, Brand argues that civil litigation was continually heard by a central court at Westminster from the 1170s. At p. 207 n. 52, he suggests an earlier date for its inception, 1165 × 1167–8, but what he refers to as evidence in the pipe rolls for the removal of suits *from* the court of Exchequer *into* the king's court between 1167–8 and 1170–71 does not seem to me to support that case.

class.<sup>296</sup> French had widened from being the language of the invader to become the language of public activity, keeping English for the most part below the documentary horizon for more than two hundred years.<sup>297</sup> At the same time the Latin word *anglus* and the French word *engleis* are as likely to denote a French-speaker as an English-speaker. In this context the basic formula, 'francis et anglis', lost meaning, for the participants in public business were all *angli* and yet all could speak French, whether as first or second language. The use of the basic formula declined in royal use from the 1160s onwards and apparently disappeared entirely in or near 1200.

There is a circumstantial argument, therefore, that the use and disuse of the formula tracks the linguistic situation in public assemblies. In the late eleventh century in England French and English were necessarily in use but there were few who spoke or understood both languages. From the 1120s, however, we no longer find evidence for interpreters in the shires, perhaps because a large proportion of the participants at least understood both languages. In the period when the formula was most current linguistic pluralism with some element of bilingualism made the formula resonate at least as much as in the first years after the Conquest. Through this period ethnic identification, national identification, and linguistic habit were all evolving. Although there was no significant further feoffment of men from France, Anglo-Norman contact with non-Norman French no doubt increased at the highest social levels when Stephen of Blois reigned in England and even more so under the Norman-Angevin Henry II with his Occitan queen and their vast territories in France. It made those French-speakers who were landed and rooted in England feel more *anglus* than *francus*, perhaps,

<sup>296</sup>Set in King Richard's reign, a story told by the later Crowland history decries the fact that men not of knightly rank, one of whom could not even speak French, were sent by the court to witness the abbot's essoin for non-appearance (quoted at length by D. M. Stenton, *English Justice from the Conquest to Magna Carta 1066-1215* (Philadelphia, PA, 1964), 170-2). The objection on grounds of language was worth making for reasons of class, it seems, but an English-speaking witness was no more disqualified from appearing before the court than an English-speaking defendant.

<sup>297</sup>Henry III's proclamation of his adhesion to the Provisions of Oxford, dated 18 October 1258, was issued in English as well as in French (W. Stubbs, *Select Charters*, 9th edn (Oxford, 1913), 387-8).

even as their spoken French gained ever wider currency in England and became more distinctively an insular dialect. The peasant English may have changed little more than their names. In these circumstances the antithesis of *franci* and *angli* became meaningless. In a public context prelates, barons, and knights spoke French, even if they might call themselves *engleis*. Many of them spoke English too, but monoglot English was a mark of social inferiority. Those men who spoke only English were rarely *probi et legales homines*, eligible to sit on a county jury. With the introduction of central courts, the character and business of shires began to change, and the body of active participants changed to comprise principally men of knightly rank who formed a local county community from the later twelfth century. The *angli* who played their part were able to speak French, often as a second language that had to be learnt; the *angli* or *anglici* who did not learn French were not members of the county elite. The class-base of French speech had widened in the course of the twelfth century, but in the shires, as distinct from towns, its use remained a matter of status.<sup>298</sup> The lapse of the formula reflects not ethnic fusion nor even ethnic triumph but the success of French, albeit second-language French, as the spoken language in the governance of England.

A similar explanation works in Wales and in Ireland or at least in those parts that were affected by colonial administration. The *walenses* still stood apart from the French-speaking *angli* to hear the archbishop's preaching translated at Llandaff in 1188, but the likelihood is that for the needs of courts and law and government, those involved from either side spoke French. There had been interpreters in Wales since at least the early twelfth century. We have already met Bledfri *latimer*, the king's interpreter, in Carmarthen in the last years of Henry I's reign.<sup>299</sup> Richard *latimer*, who witnessed an act among the household of Bishop Roger of Salisbury is inferred to

<sup>298</sup>A fundamental point was overlooked by W. Rothwell, 'Language and government in medieval England', *Zeitschrift für französische Sprache und Literatur* 93 (1983), 258–70. He focused on evidence from boroughs and on that basis made a case that use of French was largely restricted to southern and eastern England. There is no reason to think that shire courts in Newcastle and Exeter did not use French.

<sup>299</sup>Above, n. 64.

have been his lord's interpreter in Kidwelly.<sup>300</sup> He subsequently held land of William de Londres in Ogmores. A century later, a particularly rich source from 1212 reveals two Welshmen who held land of the king in Shropshire by the serjeanty of acting as interpreter between English and Welsh.<sup>301</sup> In one case his position dated back to the reign of King Henry II, who is known to have had interpreters drawn from the Welsh aristocracy.<sup>302</sup> Indeed, it has been suggested that members of one family served in this capacity from the time of William I until the reign of Henry III.<sup>303</sup> For how long interpretation continued to be necessary, or to be provided, is not apparent. Already in the 1170s, we find that Owain Cyfeiliog, prince of Powys, could speak cleverly to the king in French when dining with him at Shrewsbury; the same Owain composed poetry in Welsh and

<sup>300</sup>Bishop Roger of Salisbury, as lord of Kidwelly, gives to the monks of Sherborne abbey a carucate of land in Kidwelly (Carmarthenshire), which Roger had received from the king, dated at Kidwelly, 9 July 1114; printed by E. J. Kealey, *Roger of Salisbury, Viceroy of England* (Berkeley, CA, 1972), 231–2 (no. 4); B. R. Kemp, *English Episcopal Acts xviii Salisbury 1078–1217* (Oxford, 1999), 14–15 (no. 18); calendared owing to the king's consent as *Regesta* 1042. Discussed by C. Bullock-Davies, *Professional Interpreters and the Matter of Britain* (Cardiff, 1966), 13–14.

<sup>301</sup>The survey of tenants in chief and their lands and services, ordered by King John in June 1212, brought detailed returns from every shire court, eighteen of which survive as originals—that for Shropshire is PRO E 198/2/4—and rather more as copied c. 1300 into the book known as *Testa de Nevill*; printed by H. C. Maxwell Lyte, G. C. Crump, & A. S. Maskelyne, *Liber feodorum. The Book of Fees, commonly called Testa de Nevill* (London, 1920–31), i. 147: 'Wyrenocus filius Meuric' tenet viij libratas terre de baillua domini regis Iohannis . . . et debet esse de seruicio latimarius inter Angliam et Walliam. . . . Griffinus de Sutton . . . tenet Ruelton' Ellewurthin' Sutton' Brocton' de dono Henrici regis, patris domini Iohannis regis per seruicium de esse latinarius inter Angliam et Walliam' ('Wyrenoc ap Meurig holds land yielding £8 of the lord King John's jurisdiction . . . and owes service as interpreter between England and Wales. . . . Gruffudd of Sutton . . . holds Rowton, Ellerdine, Sutton Maddock, Brockton' (all Salop) 'by gift of King Henry, father of the lord King John by service as interpreter between England and Wales').

<sup>302</sup>Bullock-Davies, *Professional Interpreters*, 15–18.

<sup>303</sup>F. C. Suppe, 'Who was Rhys Sais? Some comments on Anglo-Welsh relations before 1066', *Haskins Society Journal* 7 (1995) [1997], 63–73; more on the family in F. C. Suppe, 'Interpreter families and Anglo-Welsh relations in the Shropshire–Powys marches in the twelfth century', *Anglo-Norman Studies* 30 (2007), 196–212.

received the praise of Welsh poets.<sup>304</sup> Wider evidence for the acquisition of functional French is hard to find. The influence of French on the Welsh word-hoard and on Welsh literature is not easily correlated with the context in which French was used as a business language alongside everyday Welsh.<sup>305</sup> The use of French in petitions from Wales to the king or to parliament is not evidence.<sup>306</sup> None the less, it appears likely that by the thirteenth century the Welsh-speaking gentry were attuned to the use of French. There was of course a majority of monoglot Welsh-speakers, for whom translation was necessary if they came into direct contact with the wider world.<sup>307</sup> Like the monoglot English, however, they belonged

<sup>304</sup>Owain Cyfeiliog ap Gruffudd remained on good terms with Henry II through the 1170s and 1180s. The story of his using his ready tongue ('lingue dicacis') with the king is told by Gerald of Wales, *Itinerarium Cambrie* II 12 (ed. Dimock, 144–5). This may probably be dated to the occasion when Henry II was at Shrewsbury and sealed four charters for the monks of Haughmond (Vincent 1247–50, datable with some probability to October 1175 × July 1177). In the thirteenth-century romance *Fouke le fitz Waryn* (Dean 156) he is characterized as 'un chevalier hardy e fer'.

<sup>305</sup>The starting-point is now D. A. Trotter, 'L'anglo-français au Pays de Galles: une enquête préliminaire', in *Revue de linguistique romane* 58 (1994), 461–87, and the older references there.

<sup>306</sup>The petitions published by W. Rees, *Calendar of Ancient Petitions relating to Wales* (Cardiff, 1975), have been used as a quarry by Trotter (see previous note) and by I. Beverley Smith, 'The Welsh and English languages in late medieval Wales', in *Multilingualism in Later Medieval Britain*, ed. D. A. Trotter (Woodbridge, 2000), 7–24 (at p. 10). Both make the assumption that petitions were drafted in Wales and taken to Westminster. Constance Fraser, however, has advanced several reasons, from the physical interconnexion between now separate petitions, that the complainants spoke to a draftsman at Westminster, who then composed the petition in French, often using the same piece of parchment for separate petitions, which were then cut up and given to the petitioners (C. M. Fraser, *Ancient Petitions relating to Northumberland*, Surtees Society 176 (1966), xi).

<sup>307</sup>An example from 1307 is provided by the records of the case for the canonization of Thomas de Cantilupe (d. 1282), bishop of Hereford. Some two hundred witnesses to miracles in the cause, mostly from the diocese of Hereford, were interviewed in Latin, French, or English. This material was used by M. Richter, *Sprache und Gesellschaft im Mittelalter. Untersuchungen zur mündlichen Kommunikation in England von der Mitte des elften bis zum Beginn des vierzehnten Jahrhunderts* (Stuttgart, 1979), 173–201, 205–17. Concerning the thirteenth miracle, one of two cases from Wales, five witnesses made a deposition in French, three in English, and one central witness 'in ydiomate Walensi', since he could not speak Latin or English or French: this was a Welsh rebel, Gwilym ap Rhys, of Llanrhidian, known as William Cragh

to a lower class than the regular participants in public affairs. A similar situation is attested in the west of Cornwall.<sup>308</sup>

In colonial Ireland likewise men of law-worthy status, Irish and Welsh and Flemish, came to understand and speak French as a second language.<sup>309</sup> Here too in the late twelfth century there was a need for interpreters. A charter of King John confirms succession to Richard *latimer* and his heirs in the lands that his father David had held, to hold ‘per seruitium latimerie faciend(um) in comit(atu) Dublin(ii)’ (‘by the service of acting as interpreter in the shire court

(MW *crach* ‘scabby’ is one of the commoner Welsh nicknames in the Merioneth lay subsidy roll of 1292–3), who was hanged on the orders of William de Braose at Swansea in 1290 and miraculously restored to life; he related his own experience through Franciscan interpreters. His case has been much discussed. The relevant statements are printed by M. Richter, ‘William ap Rhys, William de Braose, and the lordship of Gower, 1289 and 1307’, *Studia Celtica* 32 (1998), 189–209. For a wider view of the case, R. J. Bartlett, *The Hanged Man. A story of miracle, memory, and colonialism in the middle ages* (Princeton, NJ, 2004). The other case from Wales is the tenth miracle, at the garrison borough of Conway; the eight witnesses here gave evidence in French (6), Latin (1), and English (1) (J. Griffiths, ‘Documents relating to the early history of Conway’, *Caernarvonshire Historical Society Transactions* 8 (1947), 5–19). The commissioners preferred Latin or French, accepting English only in default of either, and Welsh when no other was possible; first-language Welsh in Herefordshire may therefore be hidden behind second-language French or English.

<sup>308</sup>During a visitation of Cornwall in 1336, John Grandisson, bishop of Exeter, demanded future obedience from the parishioners of St Buryan near Penzance; ‘ista promiserunt dicti parochiani, maiores in lingua anglica et gallica, alii uero qui linguam cornubicam tantummodo nouerunt in cornubico (*sic*), sicut dictus interpres ibidem tunc retulit dicto patri’ (‘the said parishioners made their promises, those of higher status in English and French, the rest who knew only the Cornish language in Cornish, as the said interpreter there and then relayed to the said Father’) (Register of Bishop Grandisson, vol. 2, fol. 202; ed. F. C. Hingeston-Randolph (London, 1894–9), ii. 820). The interpreter was Mr Henry Marsely, rector of St Just. My thanks to Dr Oliver Padel for this reference.

<sup>309</sup>J.-M. Picard, ‘The French language in Ireland’, in *The Languages of Ireland*, ed. M. Cronin & C. Ó Cuileanáin (Dublin, 2003), 57–77, provides a more modern view than E. Curtis, ‘The spoken languages of medieval Ireland’, *Studies* 8 (1919), 234–54. On the literary side, E. Mulally, ‘Hiberno-Norman Literature and its public’, in *Settlement and Society in Medieval Ireland. Studies Presented to F. X. Martin* (Kilkenny, 1988), 327–43; loanwords from French into Irish are discussed by R. Hickey, ‘Assessing the relative status of languages in Ireland’, in *Studies in Middle English Linguistics*, ed. J. Fisiak (Berlin, 1997), 181–205.

of Dublin’).<sup>310</sup> Diarmait mac Murchada’s *latimer* is named twice, in French, ‘Morice Regan’, in the first lines of the so-called Song of Dermot and the Earl; an Irishman, of course, Muirchertach ua Riacaín has been credited with translating between four languages.<sup>311</sup> This seems implausible. Among the colonists were men who could translate into and out of French, as necessary, for the benefit of those fighters who needed to hear announcements in English or Flemish or Welsh. An Irish interpreter surely translated between Irish and French until such time as those Irish who needed it had acquired second-language French. Where we encounter five-part examples of the formula, two-tier translation is more probable than separate translation for each language.

What the formula reflected in Scotland at any particular time is not so straightforward. In King Edgar’s time Gaelic and English were both formally recognized in his charters, and in some circumstances translation may have been necessary in the king’s court. Edgar and his brother Alexander may have spoken both languages and French too. Their sisters in England, Queen Matilda and Countess Mary of Boulogne, spoke French.<sup>312</sup> But it was their

<sup>310</sup>King John for Richard *latimer*, dated 8 November 1207; printed from the charter roll of 9 John by Hardy, *Rotuli chartarum*, 172a. Bullock-Davies, *Professional Interpreters*, 18–19, cites evidence that the lands were in the king’s hands in 1201 as succession was negotiated. Richard was in turn succeeded by his son John in 1231.

<sup>311</sup>The poem was so titled by its editor, G. H. Orpen, *The Song of Dermot and the Earl* (Oxford, 1892); now re-edited by E. Mullaly, *The Deeds of the Normans in Ireland. La geste des anglais en Yrland. A new edition of the chronicle formerly known as the Song of Dermot and the Earl* (Dublin, 2002). J. Long, ‘Dermot and the earl: who wrote the song?’, *Proceedings of the Royal Irish Academy* 75C (1975), 263–72, discusses the passage. It is Bullock-Davies, *Professional Interpreters*, 23–5, who supposes that as well as Irish and French Muirchertach also spoke Danish and understood Latin.

<sup>312</sup>The possibility that Matilda was patron of the Anglo-Norman *Voyage de saint Brendan* by Benedeit has been taken up by R. L. G. Ritchie, ‘The date of the Voyage of St Brendan’, *Medium Ævum* 19 (1950), 64–6, and L. L. Huneycutt, *Matilda of Scotland. A study in queenship* (Woodbridge, 2003), 141. In five copies the poem is addressed to Henry I’s second wife, Adeliza of Louvain, ‘Donna Aaliz la reine’, while one copy (C) reads ‘Donna Mahalt la reine’. Editors have never followed that copy (I. Short & B. Merrilees, *Benedeit. The Anglo-Norman Voyage of St Brendan* (Manchester, 1979), 4–5), but the textual evidence was investigated by E. G. R. Waters, *The Anglo-Norman Voyage of St Brendan by Benedeit* (Oxford, 1928), lxxviii–lxxx. He thought C was independent of the others, which gives life to the possibility

youngest brother King David who enabled French to become the primary language of the royal circle. His grandson King William is famously reported always to have preferred French-speakers.<sup>313</sup> His court-circle may have been the setting in which Guillaume li clers composed his *Roman de Fergus*.<sup>314</sup> When the writer of *De situ Albanie* spoke with the Gaelic Bishop Andrew of Caithness, *uerus relator*, we may guess that they conversed in French rather than Latin.

When the king's *iusticiae* came to hold their courts and hear suits in different parts of the country, there may have been translation between languages, but evidence for interpreters in the kingdom of the Scots has not yet come to light. It is far from certain, however, whether these courts could have provided the venue at which the king's subjects were addressed when his charters were read aloud. The linguistic situation beyond the inner circle of king, high officers, and magnates may have been very different from that in England or

that it goes back to a copy from 1106 or soon after, while the other witnesses go back to a hyparchetype modified after the king's second marriage in 1121.

<sup>313</sup>The early thirteenth-century Barnwell chronicler contrasts Scottish kings in his time—it was written early in the reign of Alexander II and obviously refers to William I—with the rebel Cuthred mac Domnaill meic William, 'Moderniores enim Scottorum reges magis se Francos fatentur, sicut genere ita moribus, lingua, cultu, Scotisque ad extremam servitutem redactis solos Francos in familiaritatem et obsequium adhibent' ('Kings of Scots in our time see themselves more as French, not just in descent but in way of life, language, refinement, and they receive only French into their household and service, reducing the Gaels to the lowest level of servitude'). The best witness to this work is London, College of Arms, MS Arundel 10 (c. 1225–30), but it has been published only as copied in a later compilation, Cambridge, Corpus Christi College, MS 175 (s. xiii/xiv), by W. Stubbs, *The Historical Collections of Walter of Coventry*, RS 53 (1872–3); here, ii. 206, the side-notes refer to an intermediary copy, Oxford, Magdalen College, MS lat. 36, fol. 178r. The passage has long been known to Scottish historians through A. C. Lawrie, *Annals of the reigns of Malcolm and William, kings of Scotland* (Glasgow, 1910), 387 (in Latin), and A. O. Anderson, *Scottish Annals from English Chroniclers AD 500–1286* (London, 1908), 330n (in English, though his translation of *franci* as 'Frenchmen' is surely misleading).

<sup>314</sup>This view is taken by D. D. R. Owen, *The Reign of William the Lion. Kingship and Culture, 1143–1214* (East Linton, 1997), 114–53, though the case rests essentially on the local colour of the Scottish setting; this Scottish connexion, in the eyes of A. B. Hunt, 'need not mean that the work was actually composed in Scotland or composed by a writer resident there' ('The *Roman de Fergus*: parody or pastiche?', in *The Scots and Medieval Arthurian Legend*, *Arthurian Studies* 61 (2005), 55–69 (at p. 56). The poem is not securely dated, but around 1200 is certainly possible.

colonial Wales and Ireland. French-speakers were not so much in a majority among land-holders, and local justice may have been conducted in the vernacular of the district, be that Gaelic or English.

In time, however, there is justification enough for us to be assured that French became the principal language of central governance, even if it was a second language for most of its users.<sup>315</sup> But King David adapted the formula in a different way from that of his Anglo-Norman contemporaries. In England, Wales, and Ireland it was rare to address language-groups who were not present to hear. In Scotland King David, his son, and his grandsons could address Galwegians in Fife, Gaels in Berwickshire, and French everywhere. Our ignorance of the local settings in which royal charters might be read is a serious obstacle. If we suppose, for the sake of argument, that royal acts were not read out at local assemblies in the sheriffdoms concerned, we may wonder how they were published at all. We may have to conjecture that, even if briefs were delivered to officials, charters may have been read out only at the occasion of their sealing in the presence of the king and witnesses. In this setting French may have been uppermost in spoken use. This hypothesis may explain how a formula borrowed from a context in which translation between language-groups was normal could develop to include Galwegians and even Cumbrians without any linguistic distinction. Yet there was no sense that David ruled a French people, nor was the number of settlers from Normandy or France so great that ethnicity would justify their inclusion. It was their language that gave them precedence in the formula, and it was very probably the success of French as a second language in the central context that led to the disuse of the formula by an active decision around 1180. In Wales and Ireland French reached wherever it was needed, but in the north and west of Scotland we may wonder whether this was really

<sup>315</sup>The so-called *Leges inter brettos et scottos* from the twelfth century survive in French in a manuscript of the later thirteenth century (SRO MS PA/5, datable to 1267 × 1272, fol. 61v); Latin and English texts are later; printed by C. N. Innes, *Acts of the Parliament of Scotland i* (1844), 663–5, and now edited by A. Taylor, ‘*Leges Scocie* and the lawcodes of David I, William the Lion, and Alexander II’, *SHR* 88 (2009), 207–88, at pp. 278–9, 286–8.

so. Whatever conditions of linguistic pluralism prevailed, the formula was no longer employed to bear witness.

Some historians may have been tempted to read across between ethnic dualism in late eleventh-century England and thirteenth-century Wales or Ireland, but in the twelfth century there is no official dualism. There was ethnic pluralism and linguistic pluralism, indicated indirectly but, inasmuch as the meaning of the words is rightly understood, explicitly in a significant proportion of royal and honorial acts. These supply testimony to linguistic circumstances that are not illuminated by directly linguistic evidence. The twelfth century in Britain experienced an important transition from a strong connexion between language and ethnicity to an equally firm connexion between language and status, and in particular between second language and status, regardless of ethnic identity. Ethnicities did not disappear towards the end of the twelfth century; nor did linguistic diversity; but the need to provide for multiple languages in public settings fell away, in England certainly, but to a sufficient degree in Wales and Ireland, and evidently also in Scotland, for the linguistic formula to fall out of use after more than a century of lively adaptation. What made it redundant was the concentration on just two languages, Latin and French, for public business.