

The making of the "Textus Roffensis"

The monastery attached to St Andrew's church in Rochester was founded in the 1080s. For the first twenty years, as far as one can see, it did little more than survive. But then there was a burst of activity. Under the direction of a newly appointed prior, a new generation of monks set about the task of providing themselves with a new collection of books. They did the work themselves, borrowing (often from Christ Church) copies of the books that they needed and making copies of their own. More than a dozen monks participated in the project, though some were much more heavily involved than others. Within ten or twenty years they had provided themselves with a respectable collection of books – a library, if one wishes to use that word (the scribe who catalogued the collection in 1202 did indeed call it the "librarium"), though the books were probably always kept in cupboards, in and around the cloister. We never hear of a designated book-room. Through a sequence of accidental events, unforeseeable until they occurred, many of these books survive. They are not in Rochester, however.

One scribe in particular, working somewhat separately from the others, made an important contribution. This is the man whom Waller (1980) called scribe 3, and that is what I shall call him. These are the books written by him, as they were listed by Ker (1960) and Waller:

Cambridge, Trinity College O 4 7 – Jerome, Opuscula
Cambridge University Library Ff 4 32 – Augustine, Opuscula
Eton College 80 – Jerome against Jovinian
London, British Library, Royal 5 B xii – Augustine, De doctrina
— — 5 C i – Augustine on Genesis
— — 6 A iv – Ambrose, De officiis
— — 6 C iv – Ambrose, De fide
— — 8 D xvi – Cassian, Institutes
— — 12 C i, fos 1–2 – table of contents and prologue
— — 15 A xxii, fos 110–17 – Prophetia Sybillae etc.
London, Lambeth Palace 76 – Cassiodorus, Institutiones etc.
Oxford, Bodleian Library, Bodley 134 – Augustine, De nuptiis
etc.
Strood – see below

I suggested before (Flight 1997:210–11) that scribe 3 might be the prior himself, whose name was Ordwine (occ. ?1108–25). That still seems a reasonable suggestion to me, but the evidence for it is circumstantial and I do not press the point. Nothing that I shall be saying here involves the assumption that scribe 3 and prior Ordwine were one and the same.

One of the books written by this scribe (Strood, Medway Archives, DRc/R1, fos 1–116) was a collection of Anglo-Saxon, Anglo-Danish and Anglo-Norman laws. To find a title which might apply to the whole book, we have to turn to fo 58r, and all we find there is a line and a half of red ink: "Incipiunt quaedam instituta de legibus regum anglorum." In this and some other

respects, the arrangement of the manuscript is puzzling at first sight. Because there is a quire signature "IX" at the foot of fo 47v, it looks as if some quires may be missing from the beginning of the book. (The Palaeographical Society's editors thought that.) Because there is a quire signature "I" just discernible at the foot of fo 65v, it looks as if the book may consist of two books, the second – the one called "Instituta" – beginning with fo 58. (Liebermann thought that.) These difficulties were resolved by Sawyer (1957:11–12). "Instituta" is indeed a single book, but at some stage the quires were reshuffled. It is not clear how or why this happened (see below), but the fact itself is clear enough. If we want to read this book as the scribe intended us to read it, we have to rearrange it as follows: fos 58–87, 1–39, 88–95, 40–57, 96–116.

Though the book starts out in Latin, roughly half of it is in English. This causes the scribe no trouble. There are certainly some mistakes – perhaps because the text was already corrupt, perhaps because the language was archaic, perhaps because the scribe just lost the thread – but on the whole he manages perfectly well. It seems clear that he was, before he started, accustomed to writing English: he understands and reproduces the special letters and letter forms which English scribes had developed over several centuries for writing their own language (Ker 1957:447, Sawyer 1957:13–14). How he had acquired this skill, at a time when writing was almost synonymous with writing in Latin, is not so easy to say.

The book did not come into existence all at once. It has a fairly intricate history, the outlines of which at least are obvious enough. But the story is hard to tell. Because the order in which the quires are bound at present is not the order in which they were meant to be bound, because the order in which they were meant to be bound is not the order in which they were actually written, there is no way of numbering the quires or leaves which does not risk causing confusion. In what follows, when I speak of "quire IV", I mean the quire which was assigned this number by scribe 3, when the finished book was ready to be bound; when I speak of "fos 1–8", I mean the leaves which were given these numbers by a very much later scribe, after the quires had been reshuffled.

quires	leaves	collation
I	58–65	8
II	66–73	8
III	74–87	12 plus one after 11 and one after 12
IIII	1–8	8
V	9–18	12 wants 8 and 9
VI	19–26	8
VII	27–39	12 plus one after 5
VIII	88–95	8
IX	40–7	8
X	48–57	10
XI	96–100	8 wants 6–8
XII	101–8	8 wants 6 (cut out and replaced)
XIII	109–16	8

(i) The book began as two booklets, comprising one and three quires respectively (IV and V-VII). On the assumption that quire V was originally a regular quire of 8, the second booklet (to speak of this first) would have consisted of $8 + 8 + 12 = 28$ leaves in all. Four leaves from the middle of quire V were discarded at a later stage, and one extra leaf was inserted into quire VII (see below): the 24 original leaves are fos 9-10, 17-31, 33-9. These are the contents: an index (beginning on 9r), the laws of king Ælfred (ending on 24v), the laws of king Ine (24v-31v, ending with chapter 120), and some extracts from the laws of king Æthelstan (33r-8r). (Here and later, the reader should assume that the component texts are all in English, unless there is an explicit statement to the contrary.) The last three pages (38v-9v) were left blank.

This whole stretch of text appears to have been copied from one exemplar, a mid tenth-century manuscript written by a West Saxon scribe (or, perhaps, a close copy of such a manuscript). Its oddities were (with what degree of consistency we cannot tell) reproduced by this twelfth-century Rochester scribe: oddities in the language, like "mon" for "man", oddities in the script, like an archaic form of "y". (Liebermann knew all this; so I cut things short. I am trying not to waste everyone's time by repeating facts that are well enough known already. There are, in fact, by my reckoning, four different types of "y", three of which were imitated from the exemplar.)

(ii) The other original booklet (quire IV, fos 1-8), appears to have been copied from the same exemplar: it has the same oddities of language and script as quires V-VII. Whether it was written before or after them I do not know. On the first page, to judge from the "y"s, the scribe was making a special effort to reproduce the appearance of his exemplar; possibly that might be taken to suggest that this was where he started. The contents are the laws of the kings of Kent (1r-6v). The last four pages (7r-8v) were left blank.

(iii) These four quires were put into a finished state. The text was checked; the coloured initials were inserted, alternately red and purple (these were the only colours used); red numerals and headings were added where they were needed. But 36 leaves does not make a book. For the time being, the manuscript was set aside.

(iv) After some delay, the scribe resumed work on these quires. As far as quires V-VII are concerned, it seems clear that he was overhauling the text to bring it into line with another exemplar which he had managed to obtain. The spelling that he used - presumably the spelling that he found in this exemplar - is the restandardized spelling which had become current towards the end of the tenth century.

In one way or another, he made some drastic changes:

(a) He removed four leaves from the middle of quire V (i.e. between fos 10 and 17) and replaced them with eight new leaves. Apparently he found a large block of text in this second exemplar which had been missing from the first one. (As copied here, that missing block appears to end halfway down 13v, after which there is a change in the complexion of the text.) So the scribe decided to recopy the middle of this quire, from a point near the end of the table of contents (where 10v ended) as far as a point in the

middle of chapter 5 (where 17r began). He inserted eight new leaves for the purpose. Halfway through (after starting 14r, before finishing 15v), he decided that he would need only six leaves, not eight; so he cut out two of the inserted leaves (between fos 15 and 16) and continued from 15v onto 16r. (The irregular shape of quire V has now been fully accounted for.) In fact, with six leaves he was cutting things fine; but by lengthening the lines on 16v he was able to tweak the rewritten text into joining up neatly with the original text on 17r.

(b) He went through the rest of the text word by word, making a huge number of corrections – so many that it might have been quicker to throw the whole thing away and start again from scratch. Some of the corrections are large ones – several words written in the side or bottom margin, a symbol inserted in the text to show where they belong. But many of the changes that he made were merely adjustments to the spelling. Over and over again, he altered an "o" into an "a" – turning "mon" into "man", "ond" into "and", "lond" into "land" – by adding a curved stroke on the right. Some other adjustments were not so easily made. If he had to – very often he did – he erased a letter or two before making the desired correction. I take it that the inspiration for these changes came from the second exemplar; but no doubt the scribe soon saw the patterning behind them, and then he could start to make corrections by himself, without stopping to consult the exemplar every time.

(By the way, this is all rather sad. In his view these were changes for the better; otherwise he would not have gone to the trouble of making them. In ours they are changes for the worse. Every time that he made a correction, especially when the correction involved an erasure, the manuscript became that much less useful, that much more difficult to deal with. For example, the word "ealdormon" was usually spelt like that at first. When the scribe decided that "ealderman" was better, he erased the first "o" and replaced it with "e" and altered the second "o" to "a". Because the first "o" has vanished, Liebermann printed the "e"; because the second "o" is still legible despite being altered to "a", he printed the "o" and put the "a" into a footnote; but the spelling which results from those two decisions, "ealdermon", is not a spelling which the scribe ever had in mind.)

By accident, some of these alterations have become very easy to see, because the ink that the scribe used for making them was more waterproof than the ink that he had used at first. Near the top of each page, where the original text has been partially dissolved away (in circumstances of which I speak below), the corrections leap off the page (e.g. 36v1).

The significance of these corrections is hard to understand: much of the evidence might be interpreted in two or more different ways. I mention just a couple of points. First, there are some slight indications tending to show that the text was revised more than once. In two places the scribe inserted the word "mon" and then (with different ink) changed "mon" to "man" (20v5, 33v3). In the top line of 23r (damaged by water) there are four corrections to be seen: two small insertions and two adjustments to the spelling, the latter in visibly blacker ink than the former. By itself this would not prove much. The scribe might have made small changes like this on his own initiative, without consulting

any exemplar at all. He could have decided for himself to insert the word "mon" at 20v5, seeing that the sense required it; he could have decided for himself to change "mon" to "man", after making it his policy to renormalize the spelling. Nevertheless, it does appear that he checked the text twice (possibly more than twice, but anyway more than once). Second, there is a large correction on 26v, where part of the text has been erased and rewritten. The scribe squeezed in as much as he could, but he still had to add another three lines in the bottom margin. To be brief, it is clear that that this correction did not get made till after the original text had received its finishing touches. The rewritten text has two consecutive red initials, both of them oddly placed (lines 14 and 16), where at first there would only have been one (bracketed by the purple initials in lines 7 and 21). The chapter numbers further down the page (lines 20 and 23) plus all the numbers on the next three pages had to be adjusted accordingly. (The corrections were neatly made, but most of them are visible enough. From chapter 87 onwards the original numbers were correct, i.e. they accorded with the numbers in the index.) Add to all this the fact that the inserted text here, like the added text elsewhere, uses the new-style spelling, and I think it has to be the best explanation that the scribe was checking his text against a second exemplar.

(c) He inserted an extra leaf (fo 32) into quire VII, and used it for making the additions which follow the laws of king Ine (31v21-32v24).

(d) He used the blank pages at the end of quire VII for making some additions there (38r20-39v22). At the end he had two lines to spare.

So much for quires V-VII.

(v) Quire IV was also revised, but not to anything like the same extent. The spelling is adjusted here and there, but not with any consistency. There is only one large correction - two lines added at the foot of 6r, repairing an omission of a dozen words. The spelling here diverges from that of the original text ("ceorlisc" rather than "cierlisc" or "ciorlisc", "man" rather than "mon", "weofod" rather than "wiofod"), but changes of this sort are changes which the scribe might have made for himself, if he had chosen to do so. It looks to me as if the scribe was correcting a mistake of his own, discovered by checking with the original exemplar. If he had found a copy of the laws of the kings of Kent in his second exemplar, he would presumably have regularized the spelling much more thoroughly than he did. (For example, the word "wiofod" (meaning "altar") appears three times on this page and is left untouched; only the addition at the foot of the page has "weofod". In quires V-VII the spelling "io" is regularly changed to "eo".) On the other hand, there are two additions at the end of this quire which look as if they might have come from the second exemplar. The second addition (7v-8v) is a list of the kings of Wessex and England which, in this version (there are others), is later but probably not much later than the death of king Æthelred (1016). I think this means that the scribe had now made up his mind that quire IV should come before quires V-VII, so that this list of the West Saxon kings could serve as a preface to this collection of their laws. (In making these additions the scribe miscalculated somewhat. Seeing that he was likely to be

short of space, he made an extra line on the next-to-last page (8r), but that did not help much. On the last page (8v), even with the ends of some sentences turned up, he had to make three extra lines.)

(vi) Apart from the changes which he made to the two preexisting booklets, the scribe produced nine new quires, organized into six booklets. In no particular order, this is the list.

Four of the new booklets resemble the old ones in that they have 24 lines per page:

- quire VIII (8 leaves, fos 88–95) – Æthelstan 88r–93r + odds and ends 93r–5v – ending with 6 blank lines
- quire IX (8 leaves, fos 40–7) – Eadweard 40r–4r + Eadmund 44r–6r + Æthelred 46r–7r + Willelm 47r–v – ending with 2 extra lines
- quire X (10 leaves, fos 48–57) – Æthelred 48r–9v + Latin instructions for ordeals 49v–57r (some passages written in red, some passages written in small script) + Latin note of donations by Cnut to Christ Church 57v (incomplete, no coloured initial) – ending with 12 blank lines
- quires I–III (8 + 8 + 12 plus one after 11 and one after 12, 30 leaves in all, fos 58–87) – all Latin – Cnut 58r–80r + Willelm 80r–1v + excerpts from pseudo-Isidore 81v–7r – ending with a whole page blank

In copying the excerpts from pseudo-Isidore (which indeed have nothing to do with the rest of the book), the scribe becomes visibly bored. Having started, he perseveres; but he abbreviates as much as he possibly can, so that the text is reduced to a sort of shorthand. Having reached the last page, with the end in sight, he reverts to his normal *modus operandi*.

Two booklets, perhaps the last to be written, have 25 lines per page:

- quire XI (8 wants 6–8 = 5 leaves, fos 96–100) – all Latin – Henric 96r–7v + excommunication formulas 98r–100r – ending with a whole page blank
- quires XII–XIII (originally 8 + 8 = 16 leaves, but fo 106 is an early thirteenth-century replacement) – English 101r–v, mostly English 102r–4r, Latin 105r onwards – lists

How many different exemplars were laid under contribution, I cannot begin to guess. The textual relationships will need to be worked out separately for each booklet. Quire VIII, which forms a sequel to quire VII, may perhaps have been copied from the same exemplar that was used for revising quires V–VII. Though I do not propose to say anything about them here, the lists in quires XII–XIII are thought to have been copied from a book belonging to Christ Church. Of the components on which one can put a date, the latest is the obit "xiii. kl' nouembr'" written above the final entry in the list of the archbishops of Canterbury (110vb): archbishop Radulf died in October 1122.

Scribe 3 suggested to his successors that they might like to make additions to the list of archbishops of Canterbury (110v) and the list of bishops of Rochester on the opposite page (111r): he made the suggestion by adding extra numerals to these two lists

alone, four for Canterbury, six or more for Rochester. These numerals, it may be worth saying, are the only indication that scribe 3 had, and expected that his readers would have, a special interest in these two churches. There is nothing in the book – nothing at all – which is uniquely connected with Rochester.

(vii) Eventually he decided that he had done enough. There were blank pages at the ends of three quires (III, X, XIII), but (for the moment) he had nothing that he wanted to add there. (He did later make two irrelevant additions on the final page (see below).) At the end of quire XI there were seven blank pages, but again he had nothing to add; so he reduced the number of blank pages to one by cutting out the last three leaves. Perhaps individually, perhaps all at once, the new booklets (plus the additions in the old booklets) were given their finishing touches. The coloured initials were inserted, alternately red and green (the only anomaly is a purple initial at 15r11: perhaps another scribe, working close by, had a few drops of purple ink left over which he did not want to see wasted); titles were added in red. Having sorted the booklets into the order which seemed best to him, the scribe added a number at the foot of the last page of each quire; and the book was then ready to be bound.

These were the contents of the book in its finished form:

booklets & quires		Hearne 1720	Wilkins 1721	Liebermann 1903
I–III	58r–75r	Instituta Cnuti		279–367
	75r–8r		38–43	613
	78r–80r		44–7	613–16
	80r–81v	Willelm		486–8
	81v–7r	accusatores		*
IV	1r–3v	Æthelbert	1–6	1–7
	3v–5r	Hlothhere	6–9	7–10
	5r–6v	Wihtred	9–11	10–13
	7r–v	Seofanfealde		464–8
	7v–8v	Tha wæs agangen		
V–VII	9r–24v	Ælfred		28–46
	24v–31v	+ Ine		14–26
	31v–2r	be blaserum		26–7
	32r	forfang		27
	32r–v	ordal	12–13	27
	32v	walreaf	13	27
	32v–7r	Æthelstan		56–61
	37r–8r	Æthelstan		62–3
	38r	Æthelstan		63
	38r	king's peace		63
	38v–9v	oath formulas	13–15	63–4
	39v	oath values	15	64
	39v	Ceorles wergyld	15	64
VIII	88r–93r	Æthelstan		65–70
	93r–v	Hit wæs hwilum	48–9	70–1
	93v–4r	Cynges wergild		71–2
	94v–5r	Gif man mædan	49–50	75–6
	95r	Gif feoh	50–1	
	95r–v	Becwæth	51	

IX	40r-1v	Eadweard	51-4	128-34
	41v-2r	Twelfhyndes		392-4
	42r-3r	Eadweard		138-40
	43r-4r	Eadweard		140-4
	44r-5r	Eadmund		184-6
	45r-6r	Eadmund		186-90
	46r-7r	Æthelred		216-20
	47r-v	Willelm	16	483-4
X	48r-9v	Æthelred	17-19	228-32
	49v-57r	exorcismus	19-37	401-9
XI	96r-7v	Henric	51-5	521-3
	98r-9v	excommunicatio	55-8	439-40
	99v-100r	excommunicatio	59	440
XII-XIII	101r-v	Adam wæs	59-60	
	102r-4r	English kings	60-3	
	105r-v	popes		
	107r-v	emperors		
	107v-8v	bishops of Jerusalem		
	109r-v	bishops of Alexandria		
	109v-10r	bishops of Antioch		
	110v-16r	English bishops		

* Edited separately as Liebermann 1901. (My thanks to Mary Richards, who kindly let me have a copy of this article.) One paragraph which Liebermann could not trace to its source was identified soon afterwards by Seckel (Liebermann 1903:xxviii).

We cannot put any dates on this sequence of events except to say that the scribe was still at work on the book after October 1122, i.e. after the death of archbishop Radulf. He did not enter the name of the next archbishop – but we cannot argue much from that. Perhaps the election of the next archbishop had not yet taken place (it took place in February 1123). Perhaps the scribe could not yet bring himself to acknowledge the result. (For monks like him, the election had caused much resentment and alarm.) Besides, the fact that the last few archbishops (not just Radulf) had the dates of their deaths written over their names might be taken as a hint that one should wait for an archbishop to die before adding his name to the list. It is also possible, of course, that the scribe was deliberately copying the list exactly as he found it, not regarding it as part of his job to bring the list up to date. There is no rule which says that copyists always update: one might wish that there were, but there is not. (Some writers, Flight (1997:18) among them, have failed to grasp this point. I see – but am not surprised to see – that Ker (1960:31) was more judicious.)

Not before October 1122, probably not long after, the finished book was handed over to the binder. (I suppose that the binding was done on the premises, one of the monks having learned the basic skills. If anyone thinks of doubting that, I hope they will tell me why.) Once bound, it was added to the library: that is, it was placed in the precentor's custody, and an entry was added to both copies of the inventory of books for which the precentor was responsible (the precentor's copy and the duplicate kept by

the prior). From the copy of this list which occurs in "Privilegia" (see below), we know what the entry said: "Institutiones regum anglorum in uno uolumine" (228r). It is certain, I think, that "uolumen" here means specifically a bound volume; in any case it is clear that "Instituta" was once bound separately. It still has two flyleaves at the back of it (fos 117-18).

2

Some time later, the same scribe started work on another book – a cartulary of his church and monastery (Strood, Medway Archives, DRc/R1, fos 119-230). The presumption is that he compiled it all by himself, from the records available in Rochester. (We happen to know, in fact, that one of the documents he copied was borrowed from Christ Church, presumably for the purpose; but that was an exception.)

When the monastic community was first established, it inherited a batch of documents from the corporation of priests which had previously served the church. The collection included one public record (the regulations for repairing Rochester bridge) entrusted to the church for safekeeping; all the others were connected, more or less directly, with the church and its endowment. Not all were genuine; of those which were, the earliest dated from the eighth century. The latest is a very short document (162v13-19), telling a story of which one would like to have heard a longer version (how an ex-slave from Wouldham, now safely settled in Rochester, has secured the release of his daughter and granddaughter by buying other slaves to replace them). With that exception, documents dating from the last fifty years before the conquest, well-represented at Christ Church and Saint Augustine's, are altogether lacking here. There must be some reason for that, but I cannot say what it was. (Possible reasons are easy to think of: the difficulty lies in trying to decide between them. My guess would be that archbishop Lanfranc had seized all recent documents, and never got round to returning them to Rochester.)

Since the 1080s, the monks had been assembling an archive of their own. Kings, archbishops of Canterbury, bishops of Rochester – all did business with the monks, and all did their business in writing as a matter of course. Also as a matter of course, those documents were preserved. (Mostly so. Whether writs were worth keeping seems still to have been doubtful at first. A writ was essentially a verbal message, even though it happened to have been put into writing; it was effective at the moment, perhaps only at the moment, when it was first opened and read out. From 1100 onwards, however, writs were regularly kept, even if they were addressed to named individuals.) Barons of a certain importance – men like Willelm de Albin (188r), Hugo son of Fulco (191v), Robert son of the king (192r), Henric de Port (198v) – already had clerks of their own capable of drawing up some suitably worded Latin document on their behalf. It is not said that any of these documents were sealed, but presumably that went without saying. Some transactions were recorded as formal agreements (beginning "Haec est conuentio" or "Notum sit"), with wording approved of by both parties, and with a witness list at the end. By around 1120, the citizens of Rochester seem to have expected any important

piece of business to be recorded in this way; in a place like Rochester, I take it, one could find a professional scribe to do the job. It is not said that these documents were written out in duplicate (i.e. as chirographs), but the wording seems to imply that. Nevertheless, formal documents were still the exception, not the rule. Many small donations were recorded only by whatever memorandum the monks themselves might think of making.

After 1122, probably before 1130, it was decided that all documents of any importance should be copied into a cartulary. (The dating is discussed in Flight (1997:31); I have nothing new to say.) Scribe 3 was the man who did the work. It was a new experience for him: though he had copied numerous books, he had never had to start from scratch before.

He put a lot of thought into the design of the first page (119r). In its finished form it begins with a five-line title, all written in red: "Incipiunt priuilegia aecclesiae sancti andreae hrofensis concessa a tempore aethilberhti regis, qui fide christiana a beato augustino suscepta, eandem aecclesiam construi fecit." The first document he plans to copy is (as the title suggests) a charter of king Aedilberct, beginning with the words "Regnante in perpetuum domino nostro iesu christo". The "R" becomes a large painted initial, green, red, purple and yellow; "EGNANTE" is written in coloured capitals, alternately red and green; "IN PERPETVVM DOMINO" is in capitals highlighted with red. From "nostro" onwards he uses his normal script, wrapping the first ten lines around the tail of the "R".

In principle at least, the task ahead of him was not a difficult one. All that he had to do was find the relevant documents, put them into order, and then copy them out. A few of the documents he copied survive in the original; so it is possible to check the accuracy of his transcription. He proves to be a very reliable copyist. (There is one apparent exception: his copy of one of the eighth-century charters (Campbell 1973, no 2) shows numerous differences from the surviving single sheet (BL Cott Ch xvii 1). But that is agreed to be a ninth-century copy, and the differences suggest to me that the scribe was copying from the lost original, not from the surviving single sheet. I suggested this before (Flight 1997:25); looking at the evidence again, I am satisfied that this explanation is to be preferred. The copy that we find in "Privilegia" is actually a better copy than the single sheet.)

The cartulary was organized in four booklets. The first three are divided chronologically: the first for documents earlier than c. 1070, the second for the period c. 1070–1100, the third for documents later than c. 1100. The fourth booklet includes a collection of documents which add up to a report on the church's current status; the very last item is a catalogue of the library (printed by Coates 1866:122–8 and Richards 1988:23–32, also, but very inaccurately, by Sharpe and Watson 1996:471–92), which, because it includes "Instituta", proves that the cartulary is later than 1122. (This is true, strictly speaking, only for the final quire. Some parts of the cartulary could conceivably be earlier than that. But I see no reason why we might feel entitled to take advantage of this loophole.)

The scribe completed the cartulary with the same efficiency that is reflected in his other books. The coloured initials were added at the start of each paragraph (red, green and purple in booklets

1-3, red and green in booklet 4); red headings were inserted into the spaces left for them. (In fact, some headings are missing, but nothing can be argued from that. The same is true of "Instituta".) This book, however, was not bound and placed in the library (a cartulary is not a library book). It remained unbound; and I assume that it was kept with the church's archive, custody of which was handed down from one prior to the next.

Over the next eighty years (up until the time when it was superseded by a new cartulary), the manuscript suffered some very cruel treatment. The first booklet was not much affected. The church's Anglo-Saxon charters had, at most, some emotional value -- they proved that the church was reassuringly ancient, even if the buildings to be seen on the site of it were not. But such charters no longer had any legal force. (The new cartulary compiled in the early thirteenth century omits them altogether: it starts with a (spurious) charter of bishop Gundulf.) If the monks had tried to argue, on the strength of a charter of king Æthelred (Campbell 1973, no 33), that the manor of Fenstanton in Huntingdonshire should properly belong them, they would have been laughed out of court. (In fact that land was granted to the bishop personally, not to the bishopric or church; so the monks would have no case.) Looking at booklet 1, therefore, we still see it more or less as the scribe intended us to see it. Only the last item, the bridgework text, was of any current significance, and both versions of that were cut to pieces and partially rewritten.

The other three booklets were all massively mutilated. I am saddened to see that the original scribe did some of the damage himself: an extra line of text has been added at the foot of 192v, recopied here (so it seems) when the following leaf was cut out, and the hand is certainly his. But most of the mistreatment was inflicted by other scribes, who erased paragraphs, cut out leaves, and reshuffled the dissected quires. (On occasion, a document copied by scribe 3 may have had to be recopied later, when the leaf on which it was originally written was about to be discarded. Perhaps that will explain one otherwise puzzling fact -- that the record of a donation known to scribe 3 (194v11-12) was, as we find it, written by a later scribe (193r1-11).)

Up to a point, the surviving fragments can be put back into their original order. I tried doing this before (Flight 1997:20-3); working through the evidence again, I think that I succeeded, as far as success is achievable. (There is one small correction to be made. The statement that "three of the entries on the recto" of fo 202 were written by the main scribe (Flight 1997:23) is certainly wrong; I do not know how I could have thought that it was right. This leaf was left blank at first: it was part of a sequence of blank pages, towards the end of booklet 3. The scribe was tacitly suggesting that these pages should be used by his successors for keeping the cartulary up to date. From time to time, somebody took the hint.)

I am working on two files which I hope will be completed and made available shortly. The first is a transcription of the whole of "Privilegia", restored (as nearly as possible) to the shape that it was in when it left the hands of the original scribe. That is, I am putting the leaves back into their proper order (Flight 1997, fig 4) and ignoring all additions made by other

hands. The second is a transcription of those additions, which (provided that they are kept separate) have some value in themselves. Numerous hands are represented, but I have not been able to make more progress in distinguishing one from another. One hand which I would recognize if it occurred (see below) is definitely not represented.

3

Sooner or later I hope to produce a similar transcription of "Instituta". As with "Privilegia", the quires will need to be put back into their proper order (which makes better sense than the order existing at present), and some later additions will need to be stripped out.

Despite all the trouble that scribe 3 had taken with it, the main body of the book shows no clear sign of having ever been read (until the 1570s). According to Sawyer (who, I assume, was taking advice from Ker), "many of the interlineations" on fos 58r-80r and "most of the marginalia" on fos 49v-57r "are not in the main hand" (Sawyer 1957:14). For my part I am not convinced that I can see the difference; but that may just prove (what I do not doubt) that Ker's eyes were sharper than mine. Some additions which are certainly by other scribes (57v, 116v, 117r, 118v) have no connection with the contents of this book: they might have been written into any book which happened to have some blank pages. (But there is one thing which puzzles me. The unfinished paragraph on 57v, a copy of the Christ Church obit for king Cnut, is juxtaposed with the only other page on which Cnut's name gets mentioned (58r). As the book was originally bound, however, those two pages were not juxtaposed. Should we see any significance in this?) The last of these additions (118v), probably also the latest, is a copy of an entry in the great roll of the exchequer for 1198 (Pipe Roll 10 Richard I, p 214) certifying that the prior and convent of Rochester were not in debt to any Jewish moneylender.

The additions which actually relate to this book are few; and they all occur in the appendix at the back, i.e. in quires XII-XIII, not in the main body of the book. The original scribe had hinted (see above) that additions should be made to the list of archbishops of Canterbury (110v) and to the list of bishops of Rochester on the opposite page (111r). The hint was taken. Once in a while, somebody remembered to bring these two lists up to date (see below).

The largest additions were made by an early thirteenth-century scribe whose distinctive hand turns up in several places. In speaking of his work before, I called him the Vespasian scribe (Flight 1997:71-3); here I call him scribe V. As well as the occurrences cited there, he was responsible for some of the additions made from time to time to the new library catalogue (BL Royal 5 B xii, fos 2r-3r) first compiled, as the title informs us, in 1202: he is the scribe called gamma by Sharpe and Watson (1996:497). (He wrote 2ra32-3 and b23-4 (Thomson 1969, pl 88), 2vb18-21 (Sharpe and Watson 1996, pl 6).) I have suggested that this scribe too can be identified with a known individual - specifically with prior Willelm (occ. 1218-23) - but again the evidence is circumstantial and I do not press the point. Nothing

that I shall say depends on that identification. How far the activities of scribe V coincide with those which might be expected from a conscientious prior, I leave it to the reader to think about.

It was scribe V who cut out one leaf from "Instituta" and replaced it with a new one (fo 106): this leaf continues the list of popes from the previous page. As rewritten by this scribe, the list ends at 106vb3 with Celestinus III (1191-8); but it would not be safe to draw any definite inference from that, because this second page was left unfinished - perhaps because the scribe realized that he had forgotten to make space for the first 33 names in the list of emperors (which now begins on the next page with entry 34). For whatever reason, he never got round to adding the red initials and numerals on this page.

He also did some work on the lists of English bishops (111v-16r), adding one word to identify the see, where this was not already clear, and appending batches of names to three of the lists (114va, 114vb, 115rb). But none of the lists are brought fully up to date - not even the Canterbury and Rochester lists, which scribe V did not touch. At first sight this is rather odd; but the reason for his lack of interest is easy to find, because scribe V was the man who copied out the lists of English bishops which occur in a new register (now BL Cott Vesp A xxii) which was being compiled at the time. The contents of this register, too miscellaneous for any brief description, are itemized by Flight (1997:81-3); scribe V was one of the principal contributors. The lists of bishops which he entered into this register, partly but only partly derived from the lists in "Instituta", are later but not much later than 1221 (Flight 1997:73): the Canterbury and Rochester lists now end, as they should, with "Stephanus" and "Benedictus" respectively (Vesp 120v). As far as scribe V was concerned, therefore, the old lists had been superseded by these new ones.

(But he was overruled, soon afterwards, when someone decided to revive the "Instituta" lists, for Canterbury and Rochester alone. By this time, c. 1235, there was a backlog of three names to be added to the former list ("Stephanus, Ricardus, Edmundus"), two to be added to the latter ("Benedictus, Henricus"). This scribe was the one who broke the tradition of using coloured initials. His was the example which was followed by later scribes from time to time, until c. 1320 (see below). Nobody touched the lists in the new register.)

As far as scribe V was concerned, "Privilegia" was also obsolete. A new cartulary had recently been compiled (now BL Cott Dom x, fos 92-211). Scribe V was not involved in its production, but eventually the manuscript came into his hands and he did some extensive work on it, correcting and completing the existing text, and making large additions at the end of it (Flight 1997:88).

In "Privilegia", by contrast, he did not write one word. Scribe V was a compulsive annotator, and that negative fact would be significant by itself. But there is more to it than that. Some passages from "Privilegia" were copied into the new register (Vesp, fos 116r-19r). Most of the copying was done by some other scribe (whose hand I do not recognize); but scribe V was the man who completed the copying and added the final touches throughout. He wrote 118v23-19r12 (copied from Priv 174r-v) and 119r13-24

(from Priv 220r), adding a comment of his own (119r24-9); he also supplied the titles at the top of 116r (copied from Priv 168r), at 117v1-2 (from Priv 171r), and at 118r19-23 (from Priv 173r). It is certain, therefore, that scribe V did have the old cartulary in his hands. By making no additions to it, he was saying that he saw no point in doing so. Once the new cartulary and the new register had been brought into existence, "Privilegia" was no longer needed.

Another piece of work done by scribe V is a long list of the church's benefactors included in the miscellaneous register (Vesp 81v-91r). One paragraph here (86r-v) is a record of the good deeds done for the monks by bishop Ernulf. He built ("fecit") the dormitory, chapter-house and refectory; he also caused to be made ("fecit etiam fieri") some richly ornamented vestments; he also caused to be made (the same verbal phrase still applies) a number of books for the church: "et textum cum ewangeliis et lectionibus in principalibus diebus, et missale, et benedictionale, et capitulare" (Thorpe 1769:120, Rye 1860:63).

The first of these items is the interesting one. (It was noticed by Liebermann (1898:102), who noticed just about everything.) Around 1220, there existed a "textus" belonging to the church of Rochester which was believed (no doubt correctly) to have been donated by bishop Ernulf - a book, that is, which might be elliptically described as a "textus de ecclesia Roffensi per Ernulfum episcopum". (This is latinized French: "de" means "of" or "from" and "per" means "by".) It was (so I gather) an "evangeliarium" - a book containing the passages from one or other gospel prescribed for particular days or particular feasts, together with the extra lessons ("lectiones", "readings") required on some special occasions. It was not written on the premises. The vestments presented by Ernulf were, I imagine, commissioned from a workshop (located in some city much larger than Rochester) which specialized in the production of such articles; needlework like this was not done by the monks themselves, or by the servants employed in the chamberer's department. Similarly for this "textus": the bishop commissioned it ("fecit fieri") from a workshop which specialized in the production of de luxe manuscripts with suitably decorated covers. And then he donated the finished product to the monks. It was, no doubt, placed somewhere in the church (a "textus" is not a library book), where the sacrist would be responsible for its safety.

With the help of the information provided by scribe V, we can thus be sure of certain facts. Around 1220, if the monks had seen some reason to go looking for them, they could have found three separate items: (i) in the sacrist's custody, an expensive "textus" commissioned and donated by bishop Ernulf; (ii) perhaps in the precentor's custody, a bound volume containing a collection of antiquated laws, "Quaedam instituta de legibus regum Anglorum"; and (iii) perhaps in the prior's custody, a defaced and mutilated cartulary, "Privilegia aecclesiae sancti Andreae hrofensis concessa", recently rendered obsolete.

The monks did see some reason. They took bishop Ernulf's "textus", removed the contents, and kept the covers. They took

"Instituta", removed the covers, and kept the contents. They took "Privilegia" as it was. From these three components they created a new book, putting "Instituta" and "Privilegia", in that order, inside the covers of the "textus". Perhaps they needed the help of a professional bookbinder to get the job done properly; anyway the job got done. (Whether they put the contents removed from the "textus" into the covers removed from "Instituta", I neither know nor wish to know. Together or separately, those items drop out of the story.)

In order to make them fit, both "Instituta" and "Privilegia" had to be trimmed around the edges. Some notes and additions in the outer margins got truncated as a result; some of the quire signatures in the bottom margins were also cut – either cut through or cut away completely. Though both components suffered to some extent, the amount of trimming required was greater for "Instituta" than for "Privilegia". (Truncated marginal additions occur at 8v, 14v, 25r, 33r, 41v, 53v, 54r, 55r, 56r in "Instituta", only once at 216r in "Privilegia". The quire signatures have mostly been lost from "Instituta" but mostly survive in "Privilegia".) The presumption is that all of the trimming was done on this occasion. Later on, whenever the book was rebound, the binder would have adjusted the size of the covers to the size of the contents; this was the one occasion when the size of the contents had to be adjusted to the size of the covers.

Why this was done, how the monks got themselves into a situation where it looked like a good idea for this to be done – that is another question. I doubt whether we can hope to know the answer; but I do have a few suggestions.

In the 1120s, when the old cartulary was compiled, the monks of Rochester were still approximately honest. The documents copied into "Privilegia" by the original scribe all seem to be perfectly genuine. (This does not apply to the contents of booklet 1; but the monks are not answerable for them.) Over time they learnt that honesty did not pay. Perhaps reluctantly at first, perhaps only on a small scale at first, they began to manipulate the written record. The various alterations made in "Privilegia" – the paragraphs erased, the leaves cut out and either replaced or discarded – are all proof of some chicanery. Among the additions there are some genuine documents; but there are also some outright forgeries – the three charters relating to Northfleet church (fos 179r–80r), apparently fabricated in or after the 1170s (Flight 1997:34–6).

By the time that they started compiling their new cartulary, soon after 1215 (Flight 1997:85–7), the monks were hardened criminals, ready to resort to forgery on any provocation. As I suggested before (1997:234), the new cartulary seems to have been compiled for the purpose of camouflaging the documents which they had forged, by interspersing them with genuine documents. In fact, there is reason to think that new forgeries were being produced during the length of time that it took for the cartulary to be compiled (1997:90–5), and during the next few years (1997:87). (It is, no doubt, unfair to speak as if the monks were all equally guilty. I take it that forgery was a confidential business, to which only the prior and an accomplice or two were privy. As I said before (1997:88), scribe V appears to have been an honest man: if he was prior, for as long as he was prior,

forgery would have ceased.)

In some instances at least, the forged document took the place of some genuine document which failed to say what the monks required to be said, but provided the forger with a basis from which to work. What happened to such genuine documents – whether they were destroyed at once or transferred to some secret archive – we have no hope of ever knowing. The monks made sure of that.

Similarly, once the new cartulary had been completed, it became a question what to do with the old one. In some obvious ways, its existence was an embarrassment. The original scribe had included at least one document which the monks had now chosen to suppress; he had conspicuously failed to include a large number of documents which he certainly would not have omitted, if they had existed at the time (for example, the forged charter of bishop Gundulf, placed first in the new cartulary). One option would have been to destroy the old cartulary: if the monks had done that, it would indeed have been much harder for us to detect their crimes. Instead they chose to keep it – but if it was going to be kept, it had to be concealed. And that is why "Privilegia" came to be hidden inside the covers of bishop Ernulf's "textus".

The next step is more of a stretch. Because "Privilegia" was not thick enough to fill the covers by itself, the monks looked for another book – an unwanted book of roughly the right size, at least vaguely suitable as a companion for "Privilegia" – and they found what they were after. "Instituta" fitted that description in all respects. (Certainly no one was ever going to think of reading it.) They cut it out of its covers, rearranged the constituent booklets, and placed it on top of "Privilegia". Then they got the "textus" rebound and returned it to its place in the church, with all their other "textuses". If any unauthorized person should ever open the book, the first thing that he would see (because the quires had been reshuffled) would be the laws of king Æthelberht, written in a particularly strange-looking script (see above), in a form of English which had long since ceased to be comprehensible. It was a safe bet – at least it must have seemed so the monks – that this person would promptly lose interest and close the book. (Someone who could read Anglo-Saxon did eventually arrive; but that happened in the 1570s, and the monks were gone by then.)

When exactly it was that the covers of bishop Ernulf's "textus" became transformed into a receptacle for two other books, I see no way to decide. There are three facts which may (or may not) be relevant. The fact (1) that some extracts from "Privilegia" were copied into the new register might be taken as a hint that "Privilegia" was about to be disappeared. On the other hand, (2) scribe V's description of bishop Ernulf's "textus" would seem to imply that it was still intact at the time. Then again, perhaps it may be significant (3) that the "Instituta" lists of archbishops and bishops of Rochester were resuscitated in the 1230s and kept up to date after that. If I were asked to make a guess, my guess would be that bishop Ernulf's "textus" underwent its transformation in about 1230.

Once the metamorphosis was complete, it seems to have been a rare event for anyone to open the book. From time to time somebody remembered to update the lists of archbishops and bishops. This happened for the last time in about 1320, when

somebody added one name to each list, "Walterus" and "Hamo" respectively. After that, nobody bothered again.

At some uncertain date, a conscientious librarian decided that he would write an "ex libris" inscription into every book belonging to the Rochester monks: "Liber de claustro Roffensi", "Book from the cloister of Rochester". Sometimes he added the donor's name (or the name of some person whom he believed to have been somehow connected with the book in question). Sometimes he added an anathema, a curse aimed at anyone who stole the book, or who failed to return it if it came into his hands, or who destroyed this proof of its ownership. (For example, "quem qui inde alienauerit, alienatum celauerit uel hunc titulum fraudulentem deleuerit anathema sit", Warner and Gilson 1921 1:9-10.) Books from the Rochester library, many of which survive, can generally be identified at a glance, because they have an inscription of this sort (a "titulus", as the scribe called it) added at the bottom of the first page. Whether all of the inscriptions were written by a single hand I am not in any position to say; but I am inclined to assume so, until I see proof to the contrary.

Similar inscriptions were written into the "textuses" in the church, but only two of these survive. One is a copy of the gospels, seemingly one of a number of "textuses" which, with other treasures, were donated by countess Goda to Lambeth church and subsequently carried off to Rochester. (Scribe V gives a list of these treasures: it includes (in the plural) "textus ewangeliorum argento et lapidibus preciosis ornatos", "textuses of the gospels ornamented with silver and precious stones" (Vesp 85r). He also refers in passing to "the golden textus of countess Goda", "textum aureum Gode comitisse", redeemed by prior Elias after it had been pawned (89r); but I wonder whether the book that he had in mind may not rather have been the golden textus, "textum ewangeliorum aureum", donated by bishop Walter (86v).) This Lambeth book has lost its covers but retains its "ex libris" inscription: "Textus de ecclesia Roffensi per Godam comitissam" (BL Royal 1 D iii, Warner and Gilson 1921 1:16). The other surviving "textus" is the one supposedly donated by bishop Ernulf, and this has a matching inscription: "Textus de ecclesia Roffensi per Ernulfum episcopum" (Strood, DRC/R1). As I understand it, that inscription was true for the covers, not at all true for the contents.

Strictly speaking, this inscription is the earliest proof that the quires of "Instituta" had been reshuffled (and the absence of a similar inscription from the first page of "Privilegia" is the earliest indication that the two books had been bound in tandem). It was dated to the end of the thirteenth century by Liebermann (1898:102), to the early fourteenth century by Sawyer (1957:11). Some samples of the work of Rochester scribes, over the period c. 1230-1320, can conveniently be found in "Instituta" (fos 110v-11r), and it is (I think) the latest hand there which bears most resemblance to the hand which wrote the inscription.

Almost at the back of the book, four leaves which hardly seem to belong to it have got themselves included (fos 231-4). (What they chiefly contain is a copy of an ephemeral government record - the arrangements made in 1337 for guarding different stretches of the Kent coast (232v-4r).) At first, I suspect, these leaves were just tucked in here to keep them safe: they only became integrated

into the book when the book was next rebound (whenever that may have been).

The last thing that happened was that somebody went through the whole book, numbering every leaf (including fos 231-4 though not fo 235). (Apparently he did nothing else: there are no notes or signs in the margins which look as if they were made by the same hand.) He used Arabic numerals, placed at the top right corner of the page. The job that he was doing is not as easy as it sounds: it does not go without saying that he made no mistakes. Thanks to him, the leaves have been unambiguously identifiable ever since (which for many medieval manuscripts is not at all the case). Strictly speaking, as Liebermann (1898:101) pointed out, these numbers are the earliest definite proof that "Instituta" and "Privilegia" had been bound together (also that the quires of each had been put into their present order). Perhaps someone who knows about the evolution of Arabic numerals might like to take a look at them. Provisionally I stick with Liebermann's dating, c. 1400. But - more important - why would this man go to so much trouble? If somebody numbers the leaves of a book, that normally means that they are planning to compile some sort of index or table of contents. (That is true for the man who later renumbered the leaves of "Privilegia" (see below).) So possibly the question to ask is why it seemed worth making an index. What the answer to that question might be, I frankly have no idea.

On the dissolution of the monastery in 1540, most of its books were dispersed. A large number of them (including one of countess Goda's "textuses") were appropriated for the royal library; others wandered off in other directions. Bishop Ernulf's "textus" was one of the very few books which remained in Rochester. Long since, I suspect, it had lost its ornamented covers, but the contents survived intact. In 1541, under the new dispensation, the book became the property of the dean and chapter. The first dean of Rochester, Walter Phillips, had been the last prior of Rochester; for as long as he survived, so did some memory of the former monastery. He died in November 1570.

The outsider who knew how to read Anglo-Saxon arrived on the scene in 1573. When he opened bishop Ernulf's "textus", William Lambard was not deterred by the language, nor by the quaint-looking script. On the contrary, as soon as he saw the first words - "Dis syndon þa domas þe æ ðelbirht cyning asette on agustinus dæge" - he knew that he had made a discovery of capital importance. In the margin of this page he wrote a note expressing his own excitement, and alerting any subsequent reader to the significance of what they saw here: "Beda lib. Eccles. Historiae 2. cap. 9. has ipsas leges sua memoria viguisse refert: harum autem exemplar haud scio an aliud usquam extet, ac propterea hunc librum magni facito quisquis es, qui eum nactus fueris. W. L. 1573. in gratiam Antiquitatis" (1r, printed by Hickes 1703:79). "These are the very laws which Beda reports were still in force in his time; but I am not aware that any other copy of them is anywhere in existence. So place a high value on this book, whoever you may be who come upon it. William Lambard, 1573, for antiquity's sake." To this day, "Instituta" is the only known copy of the laws of Æthelberht and subsequent kings of Kent.

The disjointed remarks which follow should be read as comments on a paper by Samuel Pegge (1784), a transcript of the relevant parts of which can be found on the Topographical Tradition page, at <http://www.kentarchaeology.ac/TopographicalTradition/1784-pegge.pdf>. Originally read to the Society of Antiquaries in 1767, this paper of Pegge's is an interesting piece of work, but in places it is very inaccurate. Here I try to set the story straight, or at least a little straighter.

Laurence Nowell, Lambard's friend, never saw bishop Ernulf's "textus". (Like everyone else, Pegge was confusing this man with a cousin of the same name. Lambard's friend disappeared while travelling on the continent in 1569; his cousin died as dean of Lichfield in 1576.) When Lambard — making use of the transcripts which Nowell had put into his hands before departing from England — compiled the collection of ancient laws which was published as "Archaionomia" in 1568, he was unaware of the existence of this Rochester manuscript; in 1570–1, when he wrote the initial draft of his book about Kent (Maidstone, CKS-U47-48), he still knew nothing about it.

Two years later, Lambard saw the manuscript for the first time. He reported his discovery to archbishop Parker, and a sidenote appearing in some copies of Parker's big book (those which have the replacement sheet M2) is, I believe, the earliest published reference to this manuscript: "Vide placitum apud Pynendenam inter Lanfrancum & Odonem ex textu de Eccle. Roffen per Ernulphum Episcopum" (Parker 1572–4:97). (By the way, the chronicle referred to in this book as "Roffen. Histor." is not the "textus", as Pegge supposed it might be; it is a fourteenth-century manuscript from Rochester which ended up in the Cottonian library (Nero D ii, fos 2–214, 242–51, 297–305).) It seems that Parker and Lambard examined the book together in 1573: a paragraph added on a blank page (167v), which (if I decipher it correctly) was dictated by Parker and written by Lambard, is dated to that year.

(Some excerpts made by Lambard from this manuscript survive (BL Cott Vesp A v, fos 41, 57). Sooner or later I hope to have a look at them.)

Within the next year or two, the book was probably sent up to Lambeth, so that Parker could examine it more closely. As was noted by Ker (1957:447), here and there a word or phrase has been underlined with red crayon, in Parker's habitual manner. Among them are passages which prove that priests could be married men (191r, 201r) and passages which mention Lambeth (197v, 203v–4r, 205r).

Lambard's book about Kent, extensively revised and augmented from the initial draft, was published in 1576. Among the additions were some excerpts from the newly discovered manuscript: the bridgework memorandum in Saxon and Latin (1576:307–12), Byrhtic's will (357–62), and one piece from the collection of laws (364–6, evidently from the "textus", though not actually said to be so). Some other items are mentioned briefly (296, 297, 317–18, 343) but not transcribed in full.

It was Lambard who made the mistake of describing the "ex libris" inscription as a title. That was obtuse of him. He had seen the manuscript: he knew that this was not a title in the obvious sense of the word — in the sense in which his readers

would be sure to take it. Yet "intituled" was the word which he insisted on using: "This Volume was Collected by Ernulfus a Bishop of Rochester, and by him intituled Textus de Ecclesia Roffensi" (fo i, printed by Wanley 1705:273); "an auncient booke conteining the donations to the See of Rochester, collected by Ernulphus the Bishop there, and intituled Textus de Ecclesia Roffensi" (1576:317).

Lambard is to be blamed for that; but apparently he is not to be blamed for inventing the bogus title "Textus Roffensis". This particular monstrosity does not appear in his book (except that he does once speak of "the text of Rochester" (1576:343)). As far as I know, it occurs for the first time in print in 1587, in one of the pieces written by Francis Thin for the new edition of Holinshed's "Chronicles": "Ernulphus bishop of Rochester liued in the time of king Henrie the second, and compiled Textus Roffensis, conteining the grants of the lands to the same house, & the copies of sundrie ancient lawes in the Saxon toong" (Holinshed 1587:1590a). From 1600 onwards, that title seems to have been used by almost everyone, whether they had seen the original or not, whether they were writing in Latin – like William Camden (1600:291, 1607:235) – or in English. In the following paragraphs, under protest, I shall do the same.

Extensive extracts from the "Textus" were made by Francis Tate (BL Cott Jul C ii, the English contents of which are listed by Wanley 1705:185–6). After this manuscript had passed into the Cottonian library, it seems to have sometimes been treated, by London-based scholars, as a proxy for the original.

A second edition of Lambard's "Perambulation" came out in 1596; it was much enlarged, but there is nothing new in it as far as the "Textus" is concerned.

All that Francis Godwin had to say on the subject is this: "I find it reported, that he [Earnulph] writ an history of the church of Rochester, which (if it be not perished) I wish it might be my hap to see" (Godwin 1601:397, unchanged in subsequent editions). In other words: he had heard of the existence of some such book but knew nothing whatever about it.

One of the extracts printed by Lambard (1576:364–6) was printed again by Thomas Milles (1619:519–20), from a copy of a copy lent to him by Lambard.

Richard Tillesley, archdeacon of Rochester from 1614 till 1624 (when he died), had easy access to the "Textus Roffensis". He refers to it several times in his critique of Selden's book about tithes (Tillesley 1619:174, 184, 197–9), and several times more in the expanded second edition (1621:2–3, 5–6, 7, 13, 16). Among other things, he quotes part of a charter of Æthelwulf (Campbell 1973, no 23), most of the witness list from a charter of Offa (no 13), a couple of sentences from a charter of Sigereð (no 8).

(There is some annotation in the original which may possibly be Tillesley's work. Whoever he was, this annotator supplied an alternative numbering for the leaves of "Privilegia". (The first number that I can see is "4" on 122r; the last is "115" on 233r; all the way through, the new number can be got by subtracting 118 from the old number.) Then he went on to make a partial list of the contents, so far as they interested him, using two blank pages towards the back of the book (226v, 231r): the entries here cite the new foliation. Much of the list is difficult to read because

the ink has faded, but some items are clear enough (cf. Coates 1866:125). For example, near the bottom of 226v, "Piscaria de Gillingham data monachis, 61", refers to 61 + 118 = 179r, a charter of archbishop Anselm. A few lines further up, "Archiepiscopus Cant' dat Jura episcopalia in maneriis suis Joanni episcopo roffensi, 85", refers to 85 + 118 = 203r, a charter of archbishop Willelm. Unlike Lambard, unlike Dering (see below), this annotator was not interested in Anglo-Saxon law. He was interested in the affairs of the church of Rochester; and I cannot think of anyone other than Tillesley of whom that might be true.)

John Selden did not have access to the "Textus". (After his altercation with archdeacon Tillesley, he may have felt that he would not be welcome in Rochester.) The version of the Penenden memorandum printed by him, in the appendix to his edition of Edmer's "Historia novorum" (Selden 1623:197-200), did not come from the "Textus": it came - though he caused much confusion by failing to make this clear - from the second-hand copy in the early thirteenth-century register, which, by that time, was in the Cottonian library (Vesp A xxii).

The "Textus" was in London in 1631, probably because it was on loan to Sir Henry Spelman (see below). One of the prebendaries, John Lorkin, who was staying in town at the time, agreed to take charge of the book and carry it back to Rochester. When it was delivered to his lodgings, he was out of the house; by the time that he returned, the book had disappeared. Two years later, after much trouble and expense, the dean and chapter succeeded in getting it back. The story is recounted more fully by Arnold (1914). The man who had stolen the "Textus" was "one Thomas Leonard of the Cittie of Canterburie, Doctor in Phisicke", who had been staying at the same lodging-house as Lorkin.

In 1632, while the book was in Leonard's possession, Sir Edward Dering got access to it (presumably in Canterbury) and made the transcript which was eventually published by Hearne (see below). In preparing to make this copy, Dering added a fair amount of annotation to the original manuscript. It was Dering, I take it, who added an arabic numeral at the start of each new document. (The paragraph dictated by Parker (see above) was given a number, 83 (167v), but (so it seems) on second thoughts omitted from the transcript: that is why, in Hearne's edition, the numbering jumps from 82 to 84 (Hearne 1720:140, with a footnote saying "Sic").) Throughout "Instituta", Dering added notes identifying the pieces which had already been printed (from other manuscripts) by Lambard (1568); these notes match up with those which appear in the transcript, and hence also in Hearne's edition. Some of them are signed "E. D.", or "E. D. M. B. 1632" (where "M. B." stands for "miles et baronettus"). The transcript is far from complete. Dering skipped numerous pieces - not just the ones which had been printed by Lambard, but also some others, apparently because he did not think them of much interest. (According to Hearne (1720:vi), he also skipped some pieces which other people were known to be intending to publish, "quae ... alii certe edere in animo habuerunt". I do not understand this remark.)

No later than 1639, probably no later than 1631 (see above), Sir Henry Spelman transcribed some parts of the "Textus". In the first volume of his "Concilia" he printed a few excerpts from the laws of king Æthelberht (1639:127-8), the entire text of the laws

of king Wihtred (194-7), and the dateless document ("Seofanfealde gyfa syndan haliges gastes") which follows them in the manuscript (206-7). The printed text is far from accurate, as Spelman feared it might be: he apologized for his lack of proficiency in Saxon.

One person who acquired a copy of Spelman's book was William Somner. Probably in 1640 (see below), he checked these extracts from the "Textus" against the original (presumably in Rochester), noting the corrections that were needed. This annotated copy of the "Concilia" was bought by the dean and chapter, with other books and papers, after Somner's death. It was used by John Johnson, when he was preparing his translation of king Wihtred's laws (see below): unhappy with Spelman's text, unable to get access to the manuscript, he made what corrections he could with the help of Somner's notes. The book is still in the Cathedral Library now, with shelfmark W/R-8-24, as Stephanie Roe has kindly confirmed for me.

A new edition of Lambard's "Archaionomia" was published at Cambridge in 1644, but the editor, Abraham Wheloc, made no use of the "Textus Roffensis".

Sir Simonds D'Ewes saw the "Textus" in 1646 (presumably he visited Rochester for the purpose) and made some fairly extensive extracts from it (BL Harl 294 art 86, 298 art 37, 311 art 3, 312 art 2).

There is nothing to suggest that William Dugdale (still less Roger Dodsworth) ever saw the "Textus". The first volume of the "Monasticon", published in 1655, does include some excerpts from this manuscript (Dugdale 1655:27-31, 352-3), but the presumption is that these excerpts were provided by Somner. A marginal note identifies the source: "Ex Textu Roffensi ad Ecclesiam Roffensem spectante A.D. 1640" (27a); I take this to mean that Somner saw the "Textus" then (prompted into looking at it by the publication of Spelman's book the year before). By 1655, as Dugdale and Somner were painfully aware, the church of Rochester, like every other cathedral church, had ceased to exist. The bishop had been evicted in 1646, the dean and chapter in 1649; though the building itself was still there, it was put to profane use, and lapsing into disrepair. Where the "Textus" was to be found at the time of the book's publication, we are not told.

Dugdale refers to the "Textus" in another book, "Origines Juridiciales" (1666). Misled by a remark of Nicolson's, Pegge misrepresents this evidence. What Nicolson said was this: "I suppose this Book was wisely committed to the care of Sir Roger Twisden, during the confusions of our late Civil Wars: For in his Custody I find it often referr'd to by Sir William Dugdale, in a Work which he Compos'd during those Troubles" (1696:148, 1714:134); a footnote attached to this sentence says "Orig. juridic. passim". It does not appear to be true that this book of Dugdale's was written during the interregnum and published without alteration some years later. It is certainly not true that Dugdale refers to the "Textus" "often" or "passim": he mentions it just twice, and only in the introduction. (The body of the book hardly touches on anything earlier than c. 1200.)

What Dugdale actually had to say was this. (1) Speaking of the kings of Kent, he says that their laws "are extant in an ancient Manuscript, called Textus Roffensis, and therein recorded by Ernulph the Venerable Bishop of that place, about the year of

Christ DCC Lx" (1666:5a); a note in the margin says "Penes virum cl. Rog. Twysden Bar." (2) He quotes the remark about bishop Agelric from the Penenden memorandum, "Brought thither in a Chariot, to discuss, and instruct them in the antient Laws and Customes of the land, as the most skilfull person in the knowledg of them" (21a); a note in the margin says "Ex Textu Roff." In addition, (3) he prints (a shortened version of) the Penenden memorandum (30a-b); but he took it, as he says, from a manuscript in the Cottonian library - "Ex vet. cod. MS. in bibl. Cotton. sub effigie Vespasiani, A. 22. fol. 120. a." - not directly from the "Textus". Presumably the same applies to quote (2): it is true in a sense that these words came "from the Textus Roffensis", even if they actually came from Vesp A xxii. Quote (1) is frankly odd. When Dugdale wrote this sentence, his mind was somewhere else. Apparently he was confusing Ernulf with the eighth-century bishop whose name was Eardwulf; apparently he was under the impression that the "Textus" contained nothing more than the laws of the kings of Kent; apparently he thought that the book was Twysden's property. (However we read this remark, we should allow some weight to the disclaimer in Dugdale's preface. The introduction, he says, consists of "some short observations, which I never deemed fit for, or worthy of being made publique to the world; much less intended them for that purpose" (1666:vi).)

It is certainly true that Sir Roger Twysden (of Roydon Hall, East Peckham) did have the "Textus" in his custody for some length of time. We know this because we know exactly when he returned it to Rochester: 2 November 1663. (One of his notebooks contains a "certificate" acknowledging its receipt. The catalogue entry says this: "Certificate of the return to Rochester Cathedral of the 'Textus Roffensis' borrowed by Sir R. Twysden, 2 Nov. 1663" (BL Add 34163, fo 140v).) But we do not know when he first borrowed it. My guess would be that he had the book in his hands for a matter of months, a year or two at most -- in other words that he did not borrow it till after the dean and chapter had been reconstituted. If Twysden had kept the book safe for many years and then (a little late in the day) restored it to its rightful owners, "borrowed" would not be the word for it.

As far as I can see, there is no reason not to think that the "Textus" shared the same fate as the other records of the dean and chapter -- the same fate as the records of every other dean and chapter (Owen 1968:2-4). That is, it would have been seized and sent up to London in 1649, kept there throughout the interregnum, and sent back to Rochester shortly after 1660. It must certainly have been in Rochester, or back in Rochester, before 1667, because Edward Brown, who was born and brought up in the city, recalled having seen the book first in the house of one of the prebendaries, John Lorkin, who died in that year. "Textum hunc diu cognovi, in ea urbe natus, eique in aedibus D. Johannis Lorkini, Ecclesiae Roffensis Canonici ... jam olim familiaris factus sum" (Brown 1690:xxxii). (This is the younger John Lorkin (d 1667), appointed in 1660 to the same prebend from which his father John Lorkin (d 1655) had been expelled in 1649.)

The dean and chapter were, it seems, always willing to let the

book be seen and read by any suitably accredited researcher. From time to time – despite their predecessors' bad experience in 1631–3, a reminder of which was written on the front cover – they allowed the book out on loan. Sometimes it only went as far as one of the prebendaries' houses; sometimes it travelled further (but never further than London, so it seems).

Some time before 1691, the "Textus" was sent up to Lambeth Palace, for the use of Henry Wharton, who printed some excerpts from the cartulary in his "Anglia Sacra" (1691). "Codicem in Archivo Ecclesiae Roffensis asservatum Decanus & Capitulum Roffense benignitate summa mihi transmiserunt" (Wharton 1691:xxx).

In the summer of 1701 the "Textus" was in London again, this time in the hands of George Hickes. While Hickes was writing his long letter to Sir Bartholomew Shower, he had the "Textus" in front of him: "quem jam scribens inspicio" (Hickes 1703:30). (The letter is dated London, 13 August 1701; but it was not written in a day.) Presumably while it was in Hickes's hands the "Textus" was seen by Humfrey Wanley, who drew up a careful list of its contents, so far as they were written in Saxon (Wanley 1705:273–6)

Early in 1712 the "Textus" was sent up to London yet again, for the use of William Elstob, who, at Hickes's suggestion, was assembling the raw materials for a new edition of the Saxon laws. (Elstob had the help of his sister, Elizabeth Elstob, a Saxonist in her own right.) "Proposals" were published (Pegge 1784:18–19), but the project lapsed with William Elstob's death in March 1715. It was revived and carried through to completion by David Wilkins, archbishop Wake's librarian, who made use of the "Textus" (or says he did) in preparing his edition (1721).

The dean and chapter's minute books for the period 1706–21 (DRC/Ac 5/13–15) are reported to contain several references to the "Textus", and to the thirteenth-century "Custumale Roffense" (DRC/R2), which tended to be treated as the "Textus"'s partner. (Perhaps even as its senior partner: according to Hasted (4:130), the "Custumale" was, inexplicably, "thought by some to be more antient" than the "Textus".) The borrowers whose names occur here are William Elstob, John Harris (one of the prebendaries, at work on his "History of Kent"), Francis Atterbury (the bishop), and Edmund Barrell (also one of the prebendaries). Apparently Wilkins's name does not get mentioned; I can only suggest that perhaps the book was lent to him by bishop Atterbury. (In this paragraph I am relying on the summaries provided by the online catalogue; sooner or later I hope to have a chance to look at the original records.)

There were other people too who would have liked to consult the "Textus" if they could have. John Johnson, rector of Cranbrook, who was planning to publish a translation of the laws of king Wihtred, kept asking to see the "Textus", so that he could check the Saxon text (printed inaccurately by Spelman), only to be told that the book was out on loan. (It had been borrowed by Edmund Barrell and carried off to the vicarage at Sutton-at-Hone: that is where John Thorpe saw it in May 1720 (Walker 1813 2:59).) Johnson did finally succeed in seeing the original, but not till after the translation had been printed off (Johnson 1720:iii).

It is not clear whether Thomas Hearne ever tried to get hold of the "Textus"; but it is hard to see why he would have chosen to edit an incomplete transcript of it – the transcript made by Sir

Edward Dering in 1632 (see above), borrowed for the purpose from Surrenden by John Anstis — unless he had despaired of getting access to the original. He had a friend on the spot: John Thorpe — "*amicus pereruditissimus, Joannes Thorpius, de Roffa, M. D. idem scilicet quem olim in Lelando nostro commemoravi*" (Hearne 1720:xxxix, alluding to Hearne 1711:101) — had settled in Rochester in 1715 and would no doubt have been willing to help. But Hearne never saw the original. I suppose that he must have tried and failed, applied and been rebuffed. So he printed Dering's transcript *faute de mieux*, adding at the end (Hearne 1720:379–83 from Lambard 1596:385–9) one of the passages long since printed by Lambard (which Dering, for that reason, had skipped). Though Hearne tells us that bishop Atterbury, at Anstis's request, had approved the publication of this edition (Hearne 1720:iv–v), he does not mention the dean and chapter. Though the bishop subscribed for a copy of Hearne's book, the dean did not, nor did any of the prebendaries. (The only subscriber from Rochester was John Thorpe.)

(Some letters from Thorpe to Hearne survive; perhaps they might be worth looking at in this regard. One of them, dated 17 May 1720, was put into print by Walker (1813 2:59–60). It seems that the dean, Dr Prat, was opposed to the whole idea of letting the "Textus" be published, for fear that this might somehow reduce the value of the original.)

As Pegge (1784:30) was aware, the transcript borrowed from Surrenden was never returned. Possibly Anstis kept it. After passing through the hands of at least two other owners, it was acquired by Richard Gough. In 1809 it was bequeathed by him, with the rest of his collection of manuscripts, to the Bodleian library, and accessioned in due course as MS Gough Kent 1. The printed catalogue describes it explicitly as the transcript "made in 1632 by the first sir Edward Dering, ... the book from which Hearne's edition was printed" (Madan 1897:225). There is no doubt about the identification. As Eva Oledzka has kindly confirmed for me, this manuscript has (on fo 1r) the title quoted by Hearne (1720:vi): "*Textus Roffensis. Liber antiquissimus & dignissimus, qui dudum ecclesiae Roffensi pertinuit, sed hodie in manu Leonard Medicinæ Doctoris. 1632.*"

It seems that Gough never had a chance to put right a false statement made many years before, to the effect that the transcript used by Hearne was "now among the Harleian MSS. 6523" (Gough 1768:218). That statement was repeated, not just by Gough (1780:460), but also on his authority by others (and thus eventually by Liebermann 1898:110). Though Harl 6523 does indeed contain some excerpts from the "Textus", it is certainly not the manuscript used by Hearne. The mistake did not originate with Gough: he picked it up, no doubt, from the printed catalogue of the Harleian manuscripts (British Museum 1759), where the entry for MS 6523 says flatly that "this is the Copy from whence the Book published by Mr. Hearne was printed". (The revised catalogue published in 1808 says the same.) Some people in the British Museum knew that this was wrong (Rye 1860:64, J. P. Gilson cited by Liebermann 1903:xxix, xlix); but apparently they were at the time no more than vaguely aware of the existence of Gough Kent 1. Liebermann remained uncertain where the Dering transcript was.

During one of the "Textus"'s excursions, a horrible accident occurred. The affair was hushed up; except for one contemporary allusion (Johnson 1720:iv), only hearsay accounts survive, written long after the event. Somehow or other, on its way to or from London, the "Textus" was immersed in the river Thames, and suffered some serious damage before it was retrieved. The book itself bears witness to this disaster. Every leaf is more or less stained around the edges; some of the writing has been dissolved away, to the point of becoming almost illegible in places. (The black ink turned brown, sometimes a pale shade of brown. Of the coloured inks used for the initials, the red and purple survived, but the green vanished, leaving just a faint brown shadow behind (e.g. 105v).) In places some ink got transferred to the opposite page, to the extent that on occasion the offset text is more legible than the original (e.g. the red "Æ" at the beginning of 103va1, offset between the ends of 104rb1-2). Evidently there were clasps which held the covers together; without them, the book might have been damaged beyond repair.

It has sometimes been said – I think Hasted (4:103) said it first – that the accident occurred while the book was on loan to John Harris. I am not sure that this is true. The "Textus" was rebound, presumably because of this accident, in the first half of 1718: the binder's bill was paid on 15 July (DRC/FTV 54/10). After that, the first person to borrow the book was Edmund Barrell; before Barrell, the last person to borrow the book was Francis Atterbury (who was dean of Westminster as well as bishop of Rochester). On the face of, though Harris did indeed spend much of his time in London, he is not to be blamed for letting the "Textus" get damaged. It looks rather as if the accident occurred while the book was in bishop Atterbury's custody.

The "Textus" remained in Rochester, in the custody of the dean and chapter, till 1959. Since then it has changed its address more than once. The references given in books and articles are often behind the times: the following list shows what they ought to say.

- 1959 Rochester Cathedral Library
- 1959-91 Maidstone, Kent Archives Office
- 1991-92 Maidstone, Centre for Kentish Studies
- 1992-98 Strood, Rochester upon Medway Studies Centre
- 1998- Strood, Medway Archives and Local Studies Centre

The catalogue number DRC/R1 was assigned to the "Textus" after its arrival in Maidstone; it retained that number when it moved to Strood. (My thanks to Michael Carter in Maidstone and Alison Cable in Strood for their help in making sure of the facts.)

A monochrome facsimile edited by Sawyer was published in the series Early English Manuscripts in Facsimile. The facsimile appeared in two parts – "Instituta" in 1957, "Privilegia" in 1962. The reproduction is excellent; but differences between the colour schemes used for the initials are, of course, invisible.

The entire "Textus" was photographed in colour in 2004, and the images were made available online shortly afterwards, through the Medway Archives website. At the time of writing (I am told that things may change), the easiest way to find them is to go to this address, "<http://cityark.medway.gov.uk>", enter the search string "drc_r1", and then click on the "View Images" button.

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