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Hu se man sceal swerie ('How the person must swear an oath'), *Textus Roffensis*, ff. 38v–39v

Translated from Old English and edited

Dr Chris Monk

Abstract:
'In the Lord, whose holiness is foremost: to [name of lord] I wish to be loyal and true, and to love all that he loves, and to shun all that he shuns according to God's law and secular customs, and neither willingly nor intentionally to carry out either a word or deed which to him is hateful; I wish to live up to the regard with which he may hold me; and everything agreed between us I will carry out when I submit to him; and his will I have chosen…'

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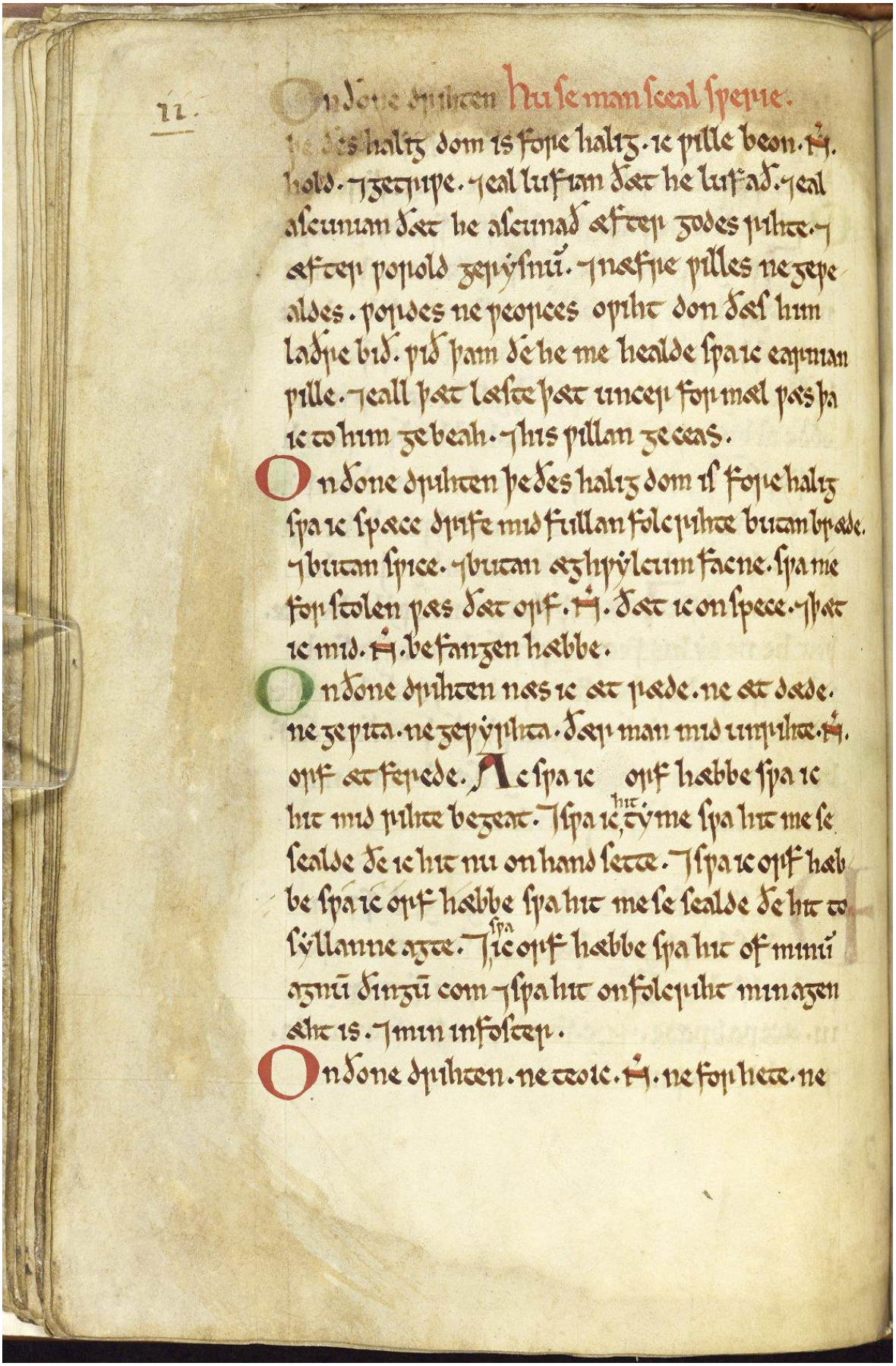
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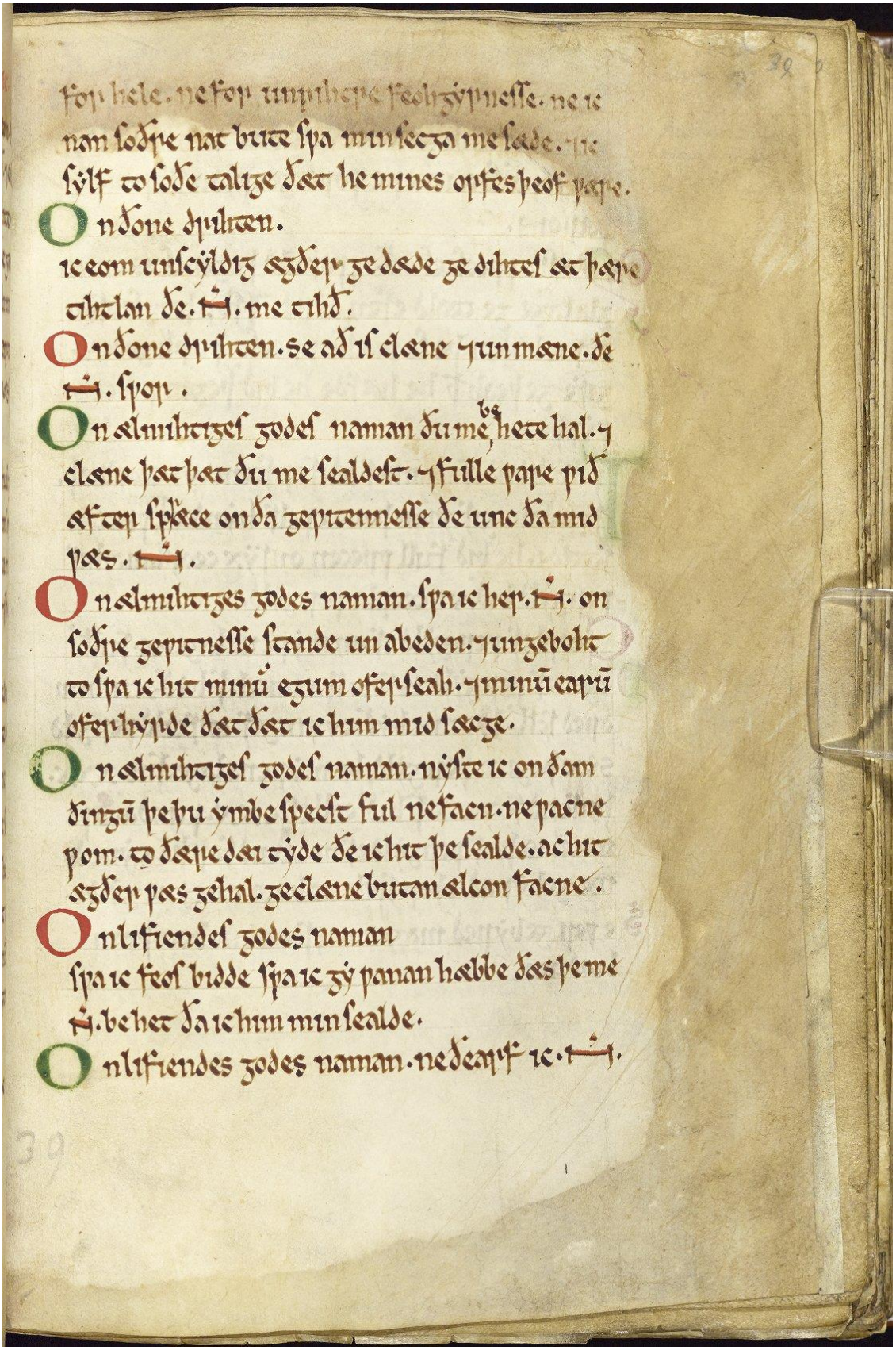
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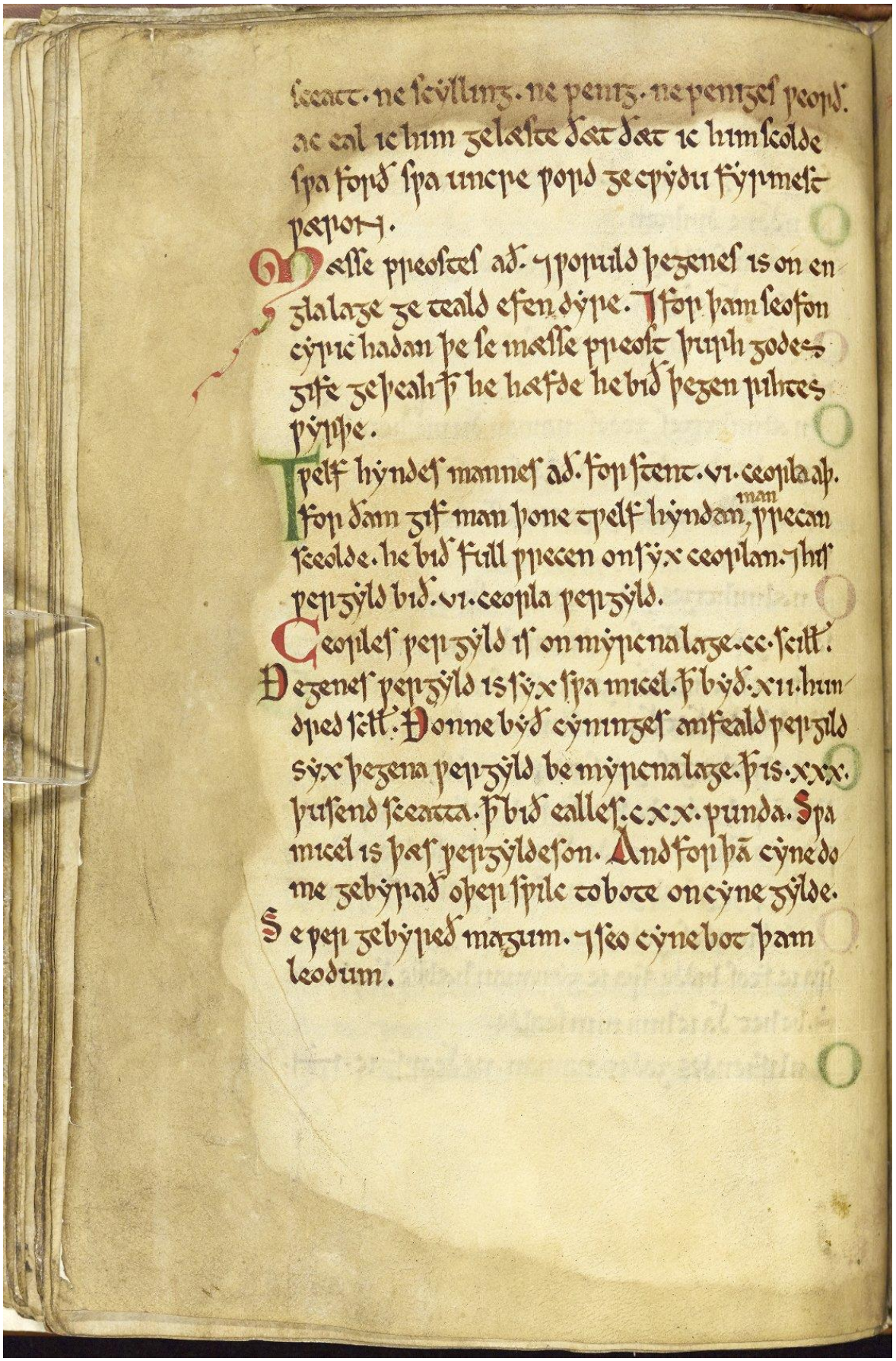


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***Textus Roffensis,* Rochester, Cathedral Library, MS A. 3. 5, f. 39r**



***Textus Roffensis,* Rochester, Cathedral Library, MS A. 3. 5, f. 39v**



sceatt. ne scillinz. ne penz. ne penzes peorð.
ac eal se him zelæste þæt þæt se him sceolde
sylf forð swa unscyldig forð zecyðu fyllmeste
peorðe.

Gif þeosteð aðe. 7 forswerð hezenes is on en
zla lazze ze teald efen dyre. Forðam seofon
cyne hadan þe se mæsse preost þurh zode-
zifte zesceah þ he hæfde he bið hezen wihtes
wyrðe.

Twelf hyndes mannes að. forð stent. vi. ceorla aþ.
Forð þam zif man þone twelf hyndan, man þrecan
sceolde. he bið full þrecen on syx ceorlan. þæs
pezyld bið. vi. ceorla pezyld.

Ceorles pezyld is on myrcna lazze. cc. scill.
Hezenes pezyld is syx swa micel. þ byð. xii. hun
dred scill. Donne byð cyninzes anfeald pezyld
syx hezena pezyld be myrcna lazze. þ is. xxx.
þusend sceatta. þ bið ealles. cxx. punda. Swa
micel is þæs pezyldes on. And forð þā cyne do
me zebyrað oþer swile to bote on cyne zylde.
Se pezi zebyrieð mazum. 7 seo cyne bot þam
leodum.

Hu se man sceal swerie ('How the person must swear an oath'),[1] *Textus Roffensis*, ff. 38v–39v

Translated from Old English and edited by Dr Christopher Monk © 2018

Date: c. 900[2]

HOW THE PERSON MUST SWEAR AN OATH.

In the Lord,[3] whose holiness is foremost: to [*name of lord*][4] I wish to be loyal and true, and to love all that he loves, and to shun all that he shuns according to God's law and secular customs, and neither willingly nor intentionally to carry out either a word or deed which to him is hateful; I wish to live up to the regard with which he may hold me; and everything agreed between us I will carry out when I submit to him;[5] and his will I have chosen.

In the Lord, whose holiness is foremost: thus I prosecute my suit, with full folk-right, without fraud and without guile, and without anything false; and thus from me was stolen the livestock by [*name of defendant*]; that [livestock] I lay claim to, and that [livestock] with [*name of helper*] I have seized.[6]

In the Lord: I was neither, in counsel or in deed, a witness or an accomplice at the place where a person unlawfully took away livestock from [*name of plaintiff*]. Moreover, therefore, I have livestock which I rightfully obtained, and thus I guarantee that he sold it to me, which I now confirm by swearing;[7] and so I have livestock just as he sold it to me, which he delivered up as seller; and so by my own means I have livestock as it came; and it, according to folk-right, is my own property, mine to rear.

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[1] Also referred to by scholars as *Swerian* ('to swear an oath'). We should note carefully that *se man* should not automatically be assumed to specifically mean 'the man', as *man* (a variant of *mann*), though grammatically masculine, is used in Old English to mean 'person', either male or female. That women did swear oaths, were 'oath-worthy', in Anglo-Saxon England, particularly in the contexts of disputes and defence against false accusation, is well attested. See Carole Hough, 'Women', in *The Blackwell Encyclopaedia of Anglo-Saxon England*, ed. Michael Lapidge *et al* (Blackwell, 1999), pp. 485–87, esp. p. 486.

[2] Patrick Wormald observes: 'An assortment of oath formulae is likely to have a whole variety of dates. Some may indeed go back a long way. […] Most of the transactions covered by *Swerian* formulae were at least as old as seventh-century laws. But the date of the collection *as a whole* cannot of course be earlier than the latest formula it contains.' He proceeds to make a reasonable argument for a date from 900 onwards. See *The Making of English Law: King Alfred to the Twelfth Century*, vol. 1 (Blackwell, 1999), p. 384. *Swerian* was copied by the principal scribe of *Textus Roffensis*, who completed his work around 1123.

[3] 'In the Lord' appears to be an invocation of God/Christ as Lord to witness the oath, similar to modern day 'I swear by Almighty God that…'.

[4] At this point in the manuscript the abbreviation '.Ñ.' is used, borrowed from Latin scribal practice, where it stands for *nomine* (i.e. 'name', in either the dative or ablative case). In Old English scribal practice, a form of the Old English word *nama* ('name') should be understood. The oath-taker supplies the relevant name of a person, in this first instance the name of the lord to whom loyalty is being sworn.

[5] Grammatically, the oath-maker could be swearing to submit either to 'it', i.e. the aforementioned agreement ('þæt formæl'), or 'him', i.e. his lord.

[6] Alternatively, referring to the defendant, 'whom I accuse, and whom … I have seized', though grammatically such a translation is problematic.

[7] Literally, 'which I now set down in hand'.

In the Lord: I accuse [*name of defendant*], not from malice, nor as a pretext, nor for unrighteous gain, nor, in truth, do I know anything besides that which my informant told me, and I myself truthfully do state that he was a thief of my livestock.

In the Lord: I am innocent, both in deed and intent, of the charge of which [*name of plaintiff*] accuses me.

In the Lord: the oath which [*name of defendant or plaintiff*] swore is pure and without falsehood.

In the name of Almighty God: you promised me that you sold it to me whole and clean, and in full awareness against an after-claim, for which [*name of witness of transaction*] was the witness for us both.

In the name of Almighty God: as I here stand for [*names of parties to transaction*] in true witness, unbidden and unbought, that I saw with my own eyes and heard with my own ears that which I declare on their behalf.

In the name of Almighty God: I did not know of the things of which you speak, neither filth nor fault, blight nor blot,[8] at the time which I sold it to you; rather it was both whole and clean, without any blemish.

In the name of the Living God: thus I make request for [my] goods as I do not have those which [*name of defendant*] promised me when I paid him.

In the name of the Living God: I did not steal from [*name of plaintiff*], neither a sceat nor a shilling,[9] a penny nor a penny's worth; rather I furnished him everything I was obliged thenceforth [to give], just as we had firmly agreed verbally.

[8] I have tried to preserve the performative effect of the alliteration of the original language, though the second alliterative pair in Old English actually plays on the sound of 'w': *woc* ('weakness') and *wom* ('stain/blot'). The alliteration is intentional, underscoring the power of words in the context of oath-making.
[9] *Sceat* (roughly pronounced *shat*), plural *sceattas*: a small silver coin.

The Old English text, directly from *Textus Roffensis*

N.B. The digital facsimile of this text can be found by going to:
http://luna.manchester.ac.uk/luna/servlet/detail/Man4MedievalVC~4~4~990378~142729?page=0.
Then type 'n85' into the page search box; the text begins at the top of the left-hand folio and continues for a further two pages, finishing at line 4.

Editorial notes:
The layout approximates that of the manuscript: display and other coloured letters have been represented; and single words which are split over two lines are hyphenated. Punctuation has been modernised. Word-division and capital letters have been normalised. Scribal insertions are indicated by > <; scribal erasures by ( ). Scribal abbreviations have been expanded and are indicated by italics, except I have preserved both the Tironian nota for the Old English word *and* ('and'), which is represented by '⁊', and the borrowed Latin abbreviation '.Ñ.', represented simply as 'N' (and for which see note 4 above). The Old English letters *ash* 'æ', *eth* 'ð', and *thorn* 'þ' have been preserved, though the letter 'w' has been substituted for the Old English letter *wynn* 'ƿ', thus avoiding confusion with the letters 'p' and 'þ'.

[f. 38v]

On ðone Drihten Hu se man sceal swerie.[10]
þe ðes haligdom is forehalig, ic wille beon **N**[11]
hold, ⁊ getriwe, ⁊ eal lufian ðæt he lufað, ⁊ eal
ascunian ðæt he ascunað æfter Godes rihte, ⁊
æfter woroldgerysnu*m*, ⁊ næfre willes ne gewe-
aldes, wordes ne weorces owiht don ðæs him
laðre bið, wið þam ðe he me healde swa ic earnian
wille, ⁊ eall þæt læste þæt uncer formæl wæs þa
ic to him gebeah, ⁊ his willan geceas.
On ðone Drihten þe ðes haligdom is forehalig
swa ic spæce drife mid fullan folcrihte butan bræde,
⁊ butan swice, ⁊ butan æghwylcum facne, swa me
forstolen wæs ðæt orf **N** ðæt ic onspece, ⁊ þæt
ic mid **N** befangen hæbbe.
On ðone Drihten næs ic æt ræde, ne æt dæde,
ne gewita, ne gewyrhta, ðær man mid unrihte **N**
orf ætferede. **A**c swa ic ( ) orf hæbbe swa ic
hit mid rihte begeat, ⁊ swa ic >hit< tyme swa hit me se
sealde ðe ic hit nu on hand sette, ⁊ swa ic orf hæb-
be swa ic orf hæbbe[12] swa hit me se sealde ðe hit to
syllanne agte, ⁊ >swa< ic orf hæbbe swa hit of minu*m*
agnu*m* ðingu*m* com ⁊ swa hit on folcriht min agen
æht is, ⁊ min infoster.
On ðone Drihten, ne teo ic **N**, ne for hete, ne

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[10] The rubric heading (red ink) has been set on the same line as the text proper.
[11] The abbreviation 'N' (which in the manuscript resembles a stretched 'H' with a small symbol above it, and a full-stop both before and after the letter) is borrowed from Latin scribal practice: see note 4 above.
[12] 'swa ic orf hæbbe' is accidentally repeated by the scribe.

[f. 39r]
for hele, ne for unrihtre feohgyrnesse, ne ic
nan soðre nat bute swa min secga me sæde, 7 ic
sylf to soðe talige ðæt he mines orfes þeof wære.
On ðone Drihten,
ic eom unscyldig ægðer ge dæde ge dihtes æt þære
tihtlan ðe **N** me tihð.
On ðone Drihten, se að is clæne 7 unmæne, ðe
N swor.
On ælmihtiges Godes naman ðu me >be<hete hal 7
clæne þæt þæt ðu me sealdest, 7 fulle ware wið
æftersp>r<æce on ða gewitennesse ðe unc ða mid
wæs **N**.
On ælmihtiges Godes naman, swa ic her **N**, on
soðre gewitnesse stande unabeden, 7 ungeboht
to swa ic hit minu*m* egum oferseah, 7 minu*m* earu*m*
oferhyrde ðæt ðæt ic him mid sægce.
On ælmihtiges Godes naman, nyste ic on ðam
ðingu*m* þe þu ymbe specst ful ne facn, ne wac ne
wom, to ðære dæityde ðe ic hit þe sealde, ac hit
ægðer wæs ge hal, ge clæne butan ælcon facne.
On lifiendes Godes naman
swa ic feos bidde swa ic gywanan hæbbe ðæs þe me
N behet ða ic him min sealde.
On lifiendes Godes naman, ne ðearf ic **N**

[f. 39v]
sceatt, ne scylling, ne penig, ne peniges weorð,
ac eal ic him gelæste ðæt ðæt ic him scolde
swa forð swa uncre wordgecwydu fyrmest
wæroN.