T I E S Ī B Z I N Ā T N E

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THE TRUST-RELATED TERMS IN THE SALIAN FRANKS' LAW

The trust is one of the most versatile institutes of the Anglo-American law. Many researches have been dedicated to the study of its unique character and evolution. Despite this fact, the issue of the origin of the trust as a legal institute as well as a lexical unit has raised controversy among the legal historians and linguists. Some researchers believe that the trust, i.e. entrusting relationships, has Germanic roots. Others share the theories of its Roman or Islamic origin. The article deals with the theory of the Germanic origin of the trust proposed by the influential scholars – Frankel (2011), Helmholz and Zimmermann (1998) as well as the Justice Holmes (1908) and others. The author makes an attempt to consult the selected Franconian manuscripts of the 6th and the 9th centuries in order to trace possible Franconian influence upon English with regard to the trust-related vocabulary. The research focuses on Title XLVI of *Lex Salica / Pactus Legis Salicae* that presents Franconian trust-like legal mechanism entitled *De acfatmire / affatomie.* Simultaneously, it singles out the Franconian-Latin lexical units with the inherent notion of trust / confidence (*in truste dominica, in truste regia, antrustio, antrustion,* etc.) that are presented in the Franconian monuments of law – *Lex Salica* and *Lex Ripuaria / Lex Ribuaria.* These lexical units are defined in accordance to the data of several dictionaries of the English and Dutch languages (Shorter Oxford English Dictionary on Historical Principles, A Comprehensive Etymological Dictionary of the English Language, *Oudnederlands Woordenboek, Etymologisch Woordenboek van het Nederlands,* etc.). The additional study considers the word-entries of Lewis's Middle English Dictionary and the parallel drawn between Old Dutch / Old Franconian and Middle English terminological units that reveal the existence of the evident Franconian-English similarities. The article makes an attempt to show whether the correspondences between the trust-related terms are motivated or accidental. The final results of the carried-out research reveal that the Franconian *Lex Salica* and its trust-related vocabulary might influence the formation of the concept of entrusting relationships within the Anglo-American law and terminological units related to them. Thus, the detected Franconian-English similarities can be defined as motivated.

Keywords: English, Germanic languages, *Lex Salica,* manuscript, Old Franconian, Salian Franks' law.

Ar trastu saistītie termini saliešu franku tiesībās

Trasts ir viens no universālākajiem angloamerikāņu tiesību institūtiem. Daudzi pētnieciskie darbi ir veltīti tā unikālās būtības un evolūcijas izpētei. Tomēr jautājums par trasta kā tiesību institūta un leksiskās vienības izcelsmi ir raisījis diskusijas tiesību vēsturnieku un valodnieku

vidū. Daži pētnieki ir pārliecināti, ka trastam (t.i., uzticības attiecībām) ir ģermāņu saknes. Citi atbalsta teorijas par tā romiešu vai islāmisko izcelsmi. Šajā rakstā tiek izskatīta trasta ģermāņu izcelsmes teorija, kuru piedāvāja daži pētnieki – T. Frankele (2011), R. Helmholcs un R. Cimmermans (1998), kā arī tiesnesis O. Holmss (1908) u.c. Raksta autore analizē 6. un 9. gadsimta Frankonijas manuskriptu izlasi, lai noteiktu iespējamo franku valodas ietekmi uz angļu valodu attiecībā uz terminoloģiju, kas saistīta ar trastu. Pētījums ir orientēts uz *Lex Salica / Pactus Legis Salicae* XLVI sadaļu, kurā, savukārt, tiek aprakstīts franku trastam līdzīgs tiesiskais mehānisms ar nosaukumu *De acfatmire / affatomie*. Vienlaikus tajā ir izskatītas franku-latīņu leksiskās vienības ar uzticēšanās nozīmi (*in truste dominica, in truste regia, antrustio, antrustion*, utt.), kuras ir minētas franku tiesību rakstu pieminekļos – *Lex Salica* un *Lex Ripuaria / Lex Ribuaria*. Šīs leksiskās vienības ir definētas saskaņā ar vairāku angļu un holandiešu valodu vārdnīcu datiem (*Shorter Oxford English Dictionary on Historical Principals, A Comprehensive Etymological Dictionary of the English Language, Oudnederlands Woordenboek, Etymologisch Woordenboek van het Nederlands*, utt.). Papildus tam pētījumā tiek analizēti R. Ļjuisa *Middle English Dictionary* vārdnīcas ieraksti, velkot paralēli ar senholandiešu / senfranku un vidusangļu terminoloģiskajām vienībām, kas liecina par acīmredzamajām analoģijām franku un angļu valodās. Autore mēģina noskaidrot, vai atbilstības starp trasta terminiem ir motivētas vai nejaušas. Veiktā pētījuma gala rezultāti liecina, ka *Lex Salica* un tajā minētā ar trastu saistītā terminoloģija var ietekmēt angloamerikāņu uzticības attiecību un ar tām saistītās terminoloģijas veidošanos. Tātad, konstatētās atbilstības ar trastu saistītajā franku un angļu terminoloģijā var atzīt par motivētām.

Atslēgvārdi: angļu valoda, ģermāņu valodas, *Lex Salica*, manuskripts, senfranku valoda.

Связанные с трастом термины в праве салианских франков

Траст – это один из самых универсальных институтов англо-американского права. Изучению его уникального характера и эволюции посвящено множество исследований. Несмотря на это, вопрос о происхождении траста как правового института, а также как лексической единицы вызывает споры среди лингвистов и историков права. Некоторые исследователи убеждены в том, что траст (то есть доверительные отношения) имеет германские корни. Другие разделяют теории о его римском или исламском происхождении. В статье рассматривается теория германского происхождения траста, предложенная авторитетными учёными – Т. Франкель (2011), Р. Гельмгольц и Р. Циммерман (1998), а также судья О. Холмс (1908) и др. Автором предпринята попытка обратиться к избранным франконским рукописям VI и IX веков с целью выявления предположительного франконского влияния на английский язык в отношении связанной с трастом терминологии. Данное исследование сосредоточено на Разделе XLVI *Lex Salica / Pactus Legis Salicae*, который является трастовым правовым механизмом под названием *De acfatmire / affatomie*. Вместе с тем в статье рассматриваются франконско-латинские лексические единицы, основанные на понятии доверия/доверительности (*in truste dominica, in truste regia, antrustio, antrustion* и т.д.), которые представлены в памятниках права – *Lex Salica* и *Lex Ripuaria / Lex Ribuaria*. Эти лексические единицы определены в соответствии с данными нескольких словарей английского и голландского языков (*Shorter Oxford English Dictionary on Historical Principals, A Comprehensive Etymological Dictionary of the English Language, Oudnederlands Woordenboek, Etymologisch Woordenboek van het Nederlands* и др.). В дополнение к этому рассматриваются словарные статьи *Middle English Dictionary* Р. Льюиса и параллель, проведённая между староголландскими / старофранконскими и среднеанглийскими терминологическими единицами, которые показывают наличие очевидного франконско-английского сходства. В статье предпринята попытка показать, являются ли соответствия между терминами траста мотивированными или случайными. Конечные результаты прове-

дённого исследования показывают, что франконский *Lex Salica* и его связанные с трастом термины могут влиять на формирование концепта доверительных отношений в рамках англо-американского права. Таким образом, обнаруженные соответствия между связанными с трастом франконскими и английскими терминами можно признать мотивированными.

Ключевые слова: английский язык, германские языки, *Lex Salica*, рукопись, старофранконский язык.

Introduction

The legal concept 'trust' occurred in the Middle Ages in response to the need to find solutions and to protect promises, which "had no binding affect, but which should have been compiled according to the equity principles: a good-faith and respecting one's word" (Tuleasca 2011). It is believed that the forerunner of the legal concept 'trust' – the institute of use/use of land – was connected with a land ownership during the times of the Crusades. When a landowner (knight) left England to fight in the Crusades, he needed an 'acting administrator' for his estate. The administrator (usually, a close friend of a transferor) was obliged to run the ownership and pay feudal dues. After an owner's return, all legal rights on the estate had to be transferred back to him (Gvelesiani 2021). In the seventeenth century, the lexical unit 'trust' prevailed over the 'use' as the word for an equitable estate because of the Statute of Uses 1535, which had executed 'uses' and turned them into legal estates. It was obviously convenient to have the word to describe equitable estates, which were not executed by the statute. Moreover, the philological value of the lexical unit 'trust' was probably in the providing a counterpart concept to the 'use': the feoffor 'put his trust' in the feoffee, who then 'held to the use' of a beneficiary. It was the act of entrusting, which generated the 'use' (we can compare sale and purchase, or debt and credit, as words for the same transaction viewed from each side) (Baker 1998).

It is noteworthy that there are many debates about the forerunners of the term 'use'. We can admit that the published books, monographs, articles as well as papers mainly discuss the origin of the term 'trust' and respectively, of the 'use' from a legal perspective. The present paper offers a new interdisciplinary approach that covers linguistics and jurisprudence and shows the interconnectedness of the language and law. Moreover, it relies on the fact that "the common law could never have become a distinct body of law without its own distinct language – a terminology different from that of ancient Rome – in which to express its concepts" (Baker 1998).

It is noteworthy the major aim of the present paper is to consult the selected Franconian manuscripts in order to trace possible Franconian influence upon the English language with regard to the trust-related vocabulary. In other words, the research question is whether any of the detected Franconian-English similarities can be attributed to a mere chance or whether they can be found motivated. Naturally, this kind of examination requires a well-defined concept of what the trust, as a legal phenomenon, is, how it converges with other related concepts and how it has happened to be expressed in the English language.

Accordingly, at the initial stage, the paper discusses the legal mechanism of the trust and searches for its analogues in the Salian Franks' monuments of law (*Lex Salica* as well as *Lex Ripuaria / Lex Ribuaria*). At the second stage, the paper examines the trust-related words presented in the Salic law and focuses on the study of their etymology. At the final stage, the Franconian influence upon English trust-related vocabulary is discussed and the final conclusions are made.

Conceptual framework of the legal concept of the term 'trust'

First of all, let us describe the very mechanism and idea of the trust. One of our sources presents it as follows: "A trust is an equitable obligation, binding a person (who is called a trustee) to deal with property over which he has control (which is called the trust property), for the benefit of persons (who are called the beneficiaries or cestui que trust), of whom he may himself be one, and any one of whom may enforce the obligation" (Sanchez 2015). The trust is hallmarked by an exceptional twofold nature. It is characterized by the bifurcation – a trustee holds a legal title to the trust property, while a beneficiary has only an equitable (beneficial) interest. Moreover, the *trust* has to meet three certainties. "First, the intention of the settlor to create the trust must be certain. Second, the identity of the trust property must be certain. Finally, the identity of the beneficiaries must be defined with some precision" (Tang 2015). Accordingly, the *trust* consists of the following elements:
- a trustor – a transferor of ownership, i.e. a creator of the trust;
- a trustee – a transferee that holds a legal title to a trust property;
- a beneficiary – a beneficial owner of a transferred ownership (in certain cases, one person is a trustor and a beneficiary);
- a trust property – a transferred property / ownership.

It is generally believed that the *trust* originated from the English legal institute 'feoffee to uses', which was created in the 13th–14th centuries as a mode of the transference of assets. A landholder, i.e. a transferor of the ownership enfeoffed / transferred "the legal estate in the land to a 'feoffee to use' (the trustee) to hold it to the use of a *cestui que* use (the beneficiary). The right of the claimant was a right called a 'use'" (Bray 2012). "Feoffees to uses had the full legal title to land, the right to sell or grant it, and the ability to sue and be sued in relation to the land… beneficiary or *cestui que* use had no interest enforced by courts of common law and no remedy in courts of common law against feoffees who misbehaved" (Seipp 2011). Therefore, the 'feoffment to uses' was regarded as a fiduciary relationship, which lay at the heart of the earliest attempts to divide two ownerships: legal and beneficial.

There have been many debates about the forerunners of the concept 'use'. Moreover, the question of the origin of the concept 'trust' as a legal institute as well as a lexical unit has raised controversy among scholars. Initially, "it has been suggested that "Roman, Canon and Germanic laws (sources of the European *Ius-Commune* tradition) have provided elements of the law of [the English law of] trust" (Frankel 2014). Lopio even indicated that the English Chancellors "drew on a wealth of thirteenth- and fourteenth-century civil law authority in their development of the English

trust… it was therefore not far-fetched to refer to these civil law institutions as being the 'foundation' of the English trust" (Reimann, Zimmermann 2008).

At the end of the 19th century the Justice Holmes stated that the English 'trust' like the German *Salman / Treuhand*, had sprung from the Germanic roots and the 'feoffee to uses' of the early English law corresponded point by point to the *Salman* of the early German law (Rhee 2000). Frankel also believed that the "Salic law influenced [the] development of the use in England" (Frankel 2014). Accordingly, the study of the manuscripts of the law of the Salian Franks may shed light on the origin of the concept 'trust'. It seems also compulsory to search for trust-related terms in the Salians' monuments of law.

Lex Salica and *De acfatmire (the affatomie)*

Initially, the author briefly describes the creation of *Lex Salica*, which was the law of the Salians / Salian Franks that represented the western subgroup of the early Franks (Hessels 1880). By the collapse of the Western Roman Empire, the Salians had established themselves in the northern part of Gaul. Their law tended to remain customary and existed in an unwritten form before the time of Clovis – the first Salian king, who created the *Pactus Legis Salicae /* the Salic law (between 507 and 511) (Drew 1991). "The second edition was issued by King Pippin III in 763–764, but no major revisions were made until the *Lex Salica Emendata* in 798, which was the product of Charlemagne (died in 814)" (Sanmark 2018).

It is also worth mentioning that the Salic law, as one of the most remarkable monuments of antiquity, has been handed down to us in the barbarous and corrupted Latinity (Perry 1857), i.e. the Franconian customs were recorded in Latin. "In the sixth and seventh centuries the Germanic Franconian law encountered the influence of Roman law and of Christianity. It was modified not only by such influences but also by use. Early Franconian custom recorded in Latin – which frequently did not have an equivalent word or concept for the Franconian custom – caused problems for both the scribes and the judges. As the knowledge of classical Latin declined, the uncertainty of the scribes in transcribing the laws increased. Barbarisms crept in and were handed on to other scribes. To explain the Germanic phrases (some of which were undoubtedly still Germanic in form but others hardly more than garbled transcriptions), the so-called Malberg glosses were added and handed down in some of the manuscript traditions" (Drew 1991).

While studying the manuscript of *Lex Salica*, the author's attention was paid to Title XLVI, which was entitled *De acfatmire (the affatomie):*

> *1. Hoc convenit observare ut thunginus aut centenarius mallo indicant et scutum in illo mallo habere debent et tres homines tres causas demandare debent. Postea requirent hominem qui ei non perteneat et sic fistucam in laisum jactet. Et ipse in cui laisum fistucam jactavit, in casa ipsius manere debet. Et hospites tres vel amplius collegere debet et de facultatem quantum ei creditum est in potestatem suam habere debet. Et postea ipse cui isto creditum est, ista omnia cum testibus collectis agere debet. Postea aut ante*

rege aut in mallo illi cui fortuna sua depotavit reddere debet et accipiat fistucam in mallo ipso. Ante XII menses quos heredes appellavit in laisum jactet; nec minus nec ma jus nisi quantum ei creditum est.
2. Et si contra hoc aliquis aliquid dicere voluerit, debent tres testes jurati dicere quod ibi fuissent in mallo quem thunginus aut centenarius indixerit et quomodo vidissent hominem illum qui furtuna sua dare voluerit in laisum illius quem jam elegit fistucam jactare: debent denominare illo qui fortuna sua in laiso jactat et illo quem heredem appellit similiter nominent. Et alteri tres testes jurati dicere debent quod in casa illius qui fortuna sua donavit ille in cujus laisu fistuca jactata est ibidem mansisset et hospites tres vel amplius ibidem collegisset et in beodum pultis manducassent et testes collegissent et illi hospites ei de susceptione gratias egissent. Ista omnia illi alii testis jurato dicere debent et hoc quod in mallo ante regem vel legitimo mallo publico ille, qui accepit in laisum furtuna ipsa aut ante regem aut in mallo publico legitimo hoc est in mallobergo ante teoda aut thunginum furtunam illam, quos heredes appellavit publice coram populo fistucam in laiso jactasset; hoc est novem testes ista omnia debent adfirmare (Behrend 1897).

Sandor *(Sándor)* defined the three-step ritual presented in Title XLVI in the following way: "Initially, the adopter held the meeting *(mallus)*, where he gave a stick *(festuca)* to a third person *(salmann)* (threw it into his lap). Simultaneously with the handover of the stick, the adopter expressed his wishes and handed over his property, or a part thereof, to the *salmann*. In the second stage, the salmann moved into the house of the adopter that is, the property was transferred *(sessio triduana)*. He was required to stay in the house of the adopter for at least three days and receive at least three guests. The meeting certified such transfer of the property. In the closing stage, subsequently, but within twelve months, the salmann gave the stick to the heir at the meeting, in the presence of the king. As a result of the above procedure, the testator transferred his property to the adoptee" (Sandor 2014).

Accordingly, the *affatomia* changed the scope of heirs. It considered the transfer of property to a trusted person – the *salmann*. Guterman named the Germanic *salmann* as a trustee (Guterman 1966). The author agrees with this scholar. Moreover, if *Lex Salica* presented the institute almost similar to the concept 'trust', it could also contain lexical units related to the entrusting relationships. The author believes that a careful study of the manuscripts of the law of the Salian Franks and singling out the trust-related lexical units may shed light on the origin of the entrusting relationships. Accordingly, the following part of the article is dedicated to the linguistic study of *Lex Salica* and *Lex Ripuaria*.

The trust-related vocabulary of *Lex Salica* and *Lex Ripuaria*

The author discusses the words with the inherent notion of trust / confidence found in the Franconian manuscripts. The study of *Lex Salica* enabled us to single out the following passages that contain the word *truste*:

> LXIII. *De homine ingenuo qui in hoste occiditur.*
> *1. Si quis hominem ingenuum in oste occiserit et in truste dominica non fuit ille qui occisus est Malb. leude hoc est XXIY M dinarios qui faciunt solidos DC culpabilis judicetur* (Behrend 1897).

> XLII. *De homicidio in contubernio facto.*
> *1. Si quis colecto contubernio hominem ingenuo in domo suo adsalierit et ibi eum occiderit si in truste dominica fuit ille qui occisus est Malb. ambistaile hoc est LXXII M dinarios qui faciunt solidos MDCCC culpabilis judicetur* (Behrend 1897).

The author found out that some versions of *Lex Salica* present the word *antrustio* and its various forms instead of *in truste*, for instance:

> *Qui in truste dominica (antruscione dominico) fuit, XLI. 3; sine truste dominica (andruscio dominicus) fuit, XLII. 1* (Wiener 1999).

> *Capitulare II. 6.*
> *Si quis **antrustione** castraverit et ei fuerit adprobatum DC solidos culpabilis judicetur excepto medicaturas IX* (Behrend 1897).

> *Capitulare II. 8.*
> *Si **antrustio** contra **antruscione** testimonium juraverit XV solidos culpabilis judicetur* (Behrend 1897).

The author also searched for the words with the inherent notion of trust in *Lex Ribuaria / Ripuaria* – the law of the Ripuarian Franks, which "dates from around 630, with the earliest surviving manuscripts from the time of Charlemagne" (Sanmark 2018). It is noteworthy that "both the laws of the Salian and the Ripuarian Franks contain much customary law with relatively little Roman influence" (Sanmark 2018).

The study of *Lex Ripuaria* enabled the author to single out the following passage containing the word-combination *in truste regia*:

> *(1) Si quis eum interfecerit, qui in truste regia est, sexcentos solid, culpabilis iudicetur, Et quicquid ei fietur, similiter sicut de reliquo Ribvario in triplo conponatur* (Eng.: If anyone kills him who is in the trust of the king, let him be held liable for six hundred solidi. And whatsoever he may do to him, let him pay similarly just as with any other Ripuarian, but in triple) (Barefield 1958).

Accordingly, *Lex Ripuaria* presents the phrase *in truste regia* that should be translated as 'in the trust of the king' (Barefield 1958). However, the word-combination *in truste dominica* is interpreted by the scholars differently. Mainly, three translations are proposed – 'in the service of the king' (Effros, Moreira 2020), 'in their lord's trust' (Whittaker 2002) **/** 'in the lord's trust' (Goetz et al. 2003) and 'in the king's trust'.[1]

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[1] See: Greenwood T. (1836) *The First Book of the History of the Germans: Barbaric Period.* Longman, Rees, Orme, p. 668; Smail D. (2009) *Vengeance in Medieval Europe: A Reader.* Toronto: University of Toronto Press, p. 57; Drew K. (trans., intr.) (1991) *The Laws of the*

The author believes that the latter is the most correct version. Moreover, it can be identified with the word-combination 'in the lord's trust', because the word 'lord' may mean a ruler / king.

After defining the term *truste*, the term *antrustio* should be discussed. The following passage from the book "Feudalism" seems helpful in this respect: "Amongst the free men who placed themselves under the personal protection and at the personal service of the king were the *antrustiones*, the members of the *trustis*. The *trustis* – the word is a Franconian one, with a Latin ending – appears to have corresponded to the *comitatus*" (Ganshof 1996). Wiener names *trôst* as the synonym of *trustis* and states that from the Salic *trustis* are derived not only Old High German *trôst* 'confidence, security', but also, by a back formation, Anglo-Saxon. *treow* 'troth, trust', Old High German *triuwa* 'true', Goth *trauan* 'to trust', Old Prussian *druwis* 'faith', Slavic *druh, drug* 'companion, friend, other' (Wiener 1999). Brunner gives the following definition of the word *antrustio*: *"Das Wort kommt von salfrank, trust (latinisiert trustis), ahd. trôst"* (Eng.: The word comes from the salfrank, trust (Latinized trustis), the Old High German *trōst*) (Goetz 1935). Shorter Oxford English Dictionary on Historical Principles (Trumble et al. 2002) and A Comprehensive Etymological Dictionary of the English Language (Klein 1966) present the following word-entries:

- **Antrustion,** n. – [French, or medieval Latin *antrustio(n-)* (in Salic law etc.) from Old Franconian (=Old High German *trōst* 'help, protection']. Hist. A member of the voluntary personal guard of the Merovingian rulers in early medieval Europe (Trumble et al. 2002);
- **Antrustion**, n., "a voluntary follower of Franconian princes – F., fr. ML. *antrustiōnem,* ace. of *antrustiō,* lit. 'in fidelity', which is formed fr. pref. *an-, en,* 'in' (see in-, 'in, on'), Old High German *trōst* 'fidelity', Latinized into *trustis,* and suff. -ion" (Klein 1966). The notion inherent in the Latinized Franconian *trusti* is that of something valid, firm, trusty, strengthening, comforting. The Franks themselves attached to it preeminently the notion of English 'trust' (Hessels 1880).

According to the above data, the etymon of the terms *trustis* and *antrustio* may be the Old High German *trōst*, the salfrank / Old Franconian *trust* or the Old Franconian *trôst*. However, *Oudnederlands Woordenboek* proves only the existence of the word *trōst* in Old Dutch / Old Low Franconian *Instituut voor de Nederlandse Taal* (or Dutch Language Institute). The term 'trust' was not attested in this language.

The same is proved by the following word-entry (depicting the etymology of the modern Dutch word *troost* having the meaning 'comfort, consolation' (Reverso-Dictionary 2022)), which is presented in *Etymologisch Woordenboek van het Nederlands* (Philippa et al. 2003–2009): *troost* – "Onl. *trōst* 'troost, bemoediging' in *Then cristenen herthen trost sagode 'aan de christenen zegde hij de troost toe'* [1151–1200; Reimbibel]; mnl. *te troste 'tot steun'* [1200; VMNW], *trost 'bemoediging, troost'* [1240; VMNW], *Ihesus onse troost 'Jezus onze toeverlaat'* [1285; VMNW], *Die troost*

Salian Franks. Philadelphia: University of Pennsylvania Press, p. 104; Pohl W. (2018) *Transformations of Romanness: Early Medieval Regions and Identities.* Walter de Gruyter GmbH & Co KG, p. 350; Hessels J. (1880) *Lex Salica: The Ten Texts, With the Glosses and the Lex Emendata.* London, p. 527.

van philosophien 'de vertroosting van de filosofie' (titel van een boek van Boethius) [1300–25; MNW-R]"[2] (Philippa et al. 2003–2009) / Old Dutch *trōst* 'comfort, encouragement' in *Then cristenen herthen trost sagode* 'to the Christians he promised comfort' [1151–1200; Reimbibel]; Middle Dutch *te troste* 'to support' [1200; VMNW], *trost* 'encourage, comfort' [1240; VMNW], *Ihesus onse troost* 'Jesus our refuge' [1285; VMNW], *Die troost van philosophien* 'the consolation of philosophy' (title of the book by Boethius) [1300–25; MNW-R].

It is also noteworthy that Old High German was the first chronological period of German and lasted from the earliest attestation (in the 8th century) to the end of the 11th century (Harbert 2007), while "Old Low Franconian (c. 400 to c. 1100) was the language associated with the tribal settlements from the fourth to the ninth century in what is now the Netherlands and Dutch-speaking Belgium, except for Frisian and Saxon settlements in the north and east of the Netherlands" (Henriksen, Auwera 1994). Accordingly, we believe that the Old Franconian *trōst* could appear earlier than the Old High German *trōst* and is the most obvious etymon of the terms *trustis* and *antrustio*. Moreover, if we consider Wiener's opinion that from the Salic *trustis* derived not only the Old High German *trôst*, but also the Anglo-Saxon *treow* 'troth, trust' (by a back formation), than we may suppose that the Middle English word *trust* has Old Franconian origin. It either derived from the Old English *treow* (formed from *trustis* by a back formation) or was directly borrowed from *Lex Salica*. This supposition can be reinforced by the fact that Lewis' Middle English Dictionary presents the word *trust* and its forms in the following way "trust n. also truste, trost(e, troiste, trist(e, trest(e, treost…" (Lewis 1997). The same dictionary defines the *trust* as a legal term used in entrusting relationships and presents the passages from different juridical texts written in the Middle Ages (Lewis 1997):

> "*Law. (a) The confidence placed in a grantee or feoffee who holds or enjoys the use of property entrusted to him by its legal owner; (b) the condition of having confidence reposed in one or of being legally entrusted.*
>
> *(1415) EEWills 24/10: The forsaide Thomas requyreth his feoffes that they perforne..for all the trust that he hath yn hem.*
>
> *(1439) Doc. in Collect. Topogr. 513: This is the laste Wil indented of me, William Mekilfeld..Preying..all my feffees of trost in my maneres, londe, & tenementis..to..execute and fulfille after ye forme folwyng, [etc.]*
>
> *(1455) Lin.DDoc. 81/16: I..haue enfeoffed, vppon grete faith and truste..Thomas Bourchiere..and other..my wille and entent of the said feoffament..is, [etc.].*
>
> *(1459) Paston 2. 180: The auncetrie or som cosyn of that Teynton was infeffed of trust yn the seyd maner bethyn thys xl yere.*

> *a1525 (? 1426) Cov. Leet Bk. 106: At that tyme afore the seyd persons sworne seyd that the feffement that the seyd Nich. made to Ric. Joy, Tho. Burton, grocer, of London & to John Swetton of Couentre was apon trist, & the relas that... .*

Here are some more examples of the Middle English forms of the verb 'to trust' (Stockwell, Minkova 2011):

> *Prov. Alf20:*
> *lokepat hepe be mide..& on himpu maistpe 'tresten'.*

> *A Mayde Oistes:*
> *Monnes luue nys buten ļ stunde pat him 'triste'^)...*

> *Meditations on the Passion:*
> *pat I may... hope and 'trist' to J>e and in pe.*

> *Troilus 1: 601: But lest thow deme I 'truste' nat to the ... .*

Accordingly, it is obvious that in the 15th century the words *trust, truste, trost, triste* and *trist* were used interchangeably in the context of entrusting relationships, more precisely, in the legal sense of confidence placed in one who holds or enjoys the use of property entrusted to him by its legal owner (Etymonline.com 2017).

Before making the conclusion regarding the origin of the term 'trust', we should consider Dance's viewpoint. This scholar believes that the etymologies of Middle English *trist* usually go hand-in-glove with attempts to explain Middle English as well as Modern English 'trust'. The similarity of both to the Old Norse adjective and noun represented by Old Icelandic *traustr* 'trusty, sure, firm, strong, safe' and *traust* 'trust, protection, shelter' is obvious and compelling, especially, in the light of the total absence of similar formations in Old English.[3] Dance discusses some scholars' (Skeat, Knigge,[4] etc.) explanations in this respect and mentions that they have not attracted a long-term favour (Dance 2019). Accordingly, due to the lack of the evidence, we cannot consider the Old Norse origin of the term 'trust' suggested by some scholars

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[3] Different types of dictionaries present the similar information about the origin of the term 'trust', for instance, Online Etymology Dictionary claims that the term 'trust' originated from the Old Norse *traust* 'help, protection, support', from Proto-Germanic abstract noun *traustam* (source also of Old Frisian *trast*, Dutch *troost* 'comfort, consolation', Old High German *trost* 'trust, fidelity', German *Trost* 'comfort, consolation', Gothic *trausti* 'agreement, alliance'), from Proto-Germanic *treuwaz*, source of Old English *treowian* 'to believe, trust', and *treowe* 'faithful, trusty', from PIE root *deru* 'be firm, solid, steadfast' (see Etymonline.com 2017); The Old North etymology of the word 'trust' is also attested in Collins Dictionary, which states that the word 'trust' originated "from Old Norse *traust*; related to Old High German *trost* solace" (Collins 2022).

[4] The vocalism of the English forms is out of keeping with the usual fates of either VAN /ɑu/, /ɔu/ or /ɛy/, /øy/, and those who seek Scandinavian etyma must explain this discrepancy, whether by claiming ME /u/ as a rare variant destination for VAN /ɑu/, /ɔu/ (Skeat 1892a, Bj. DP), by looking to an OEN monophthongized form (Knigge), or by suggesting that a similar, known OE word has influenced the vowel quality (Bj.) (Dance 2019).

and dictionaries. The author believes that the consulting the Franconian manuscripts gives more reasonable results in this respect. Moreover, if we look through the history of the UK we can definitely say that after the Norman Conquest of 1066 the elements of Teutonic Salic law were imported by the conqueror (Zartaloudis 2012). Accordingly, the lexical units presented in the Salians' law could easily influence the formation / coinage of the English legal terms.

Conclusions

The paper made an attempt to consult selected Franconian manuscripts, namely, *Lex Salica* and *Lex Ripuaria*, in order to trace possible Franconian influence upon English with regard to the trust-related vocabulary. At the initial stage, the Franconian trust-like legal mechanism entitled *De acfatmire / affatomie* was singled out. At the second stage, the Franconian-Latin words (*truste, antrustio*) with the inherent notion of trust / confidence were discussed. The study of their etymology revealed the possibility of their Dutch origin i.e. their Old Dutch etymon *trōst* was revealed. At the final stage, the study of the data of Lewis's Middle English Dictionary and other sources enabled us to suppose that the Franconian *Lex Salica* and its trust-related vocabulary might influence the formation of the Anglo-American entrusting relationships and terminological units related to them. In other words, the detected Franconian-English similarities can be found motivated. However, further researches in this respect may shed more light on the origin of the trust as a lexical unit and as a legal institute.

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