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978-1-108-04514-8 - Ancient Laws and Institutes of England: Comprising Laws Enacted Under the Anglo-Saxon Kings from Aethelbirht to Cnut: Volume 1: Containing the Secular Laws

Edited by Benjamin Thorpe

Excerpt

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THE
ANGLO-SAXON LAWS.

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ÆDELBIRHTES DOOMAS.

IS SYNDON ÐA DOOMAS ÐE ^aÆDELBIRHT EYNINĠ
AETTE ON AĠUSTINUS DÆLE.

i. Godes feoh. ʒ cipean ^b.xii. ʒylbe. Byscepes feoh .xi. ʒylbe. Ppeofter feoh .ix. ʒylbe. Diacones feoh .vi. ʒylbe. Cleoceser feoh .iiii. ʒylbe. ^c Lyfuc-frith .ii. ʒylbe. ^d O frith .ii. ʒylbe.:

ii. Inʒ cýning hʒ ^e leode to him ʒehateð. ʒ heom mon þær ʒfel ʒeþo .ii.-^f bote. ʒ cýninge .l. ^g ʒcillinga.:

^a ÆTHELBIRHT, king of Kent, fourth in succession after Hengist, was baptized by Augustine in the year 597, and died, according to Beda, after a reign of 56 years, on the 24th of February 616. *Hist. Eccles.* ii. 5. The laws of Æthelbirht, as well as those of the other Kentish kings, are taken from the *Textus Roffensis*, the only ancient ms. in which they are found. In this copy, which is of the twelfth century, each series is written continuously; the several laws being distinguished, though not always accurately, by a large initial letter. The numbers prefixed to the different laws are from the edition published by Hickes in his *Thesaurus*, and were probably added by J. a Laet; for the convenience of reference which they afford, they are here retained.

^b There is no verb in this law to fix the sense; but we learn from Beda that it is to be understood of the property of the church when stolen: 'Defunctus vero est Rex Aedilberet . . . qui inter cætera bona, quæ genti suæ consulendo conferebat, etiam decreta illi iudiciorum, juxta exempla Romanorum, cum consilio sapientium constituit; quæ conscripta Anglorum sermone hactenus habentur et observantur ab ea: in quibus primitus posuit, qualiter id emendare deberet, qui aliquid rerum vel Ecclesiæ vel Episcopi, vel reliquorum ordinum furto auferret; volens scilicet tuitionem eis, quos et quorum doctrinam susceperat, præstare.' *Hist. Eccles.* ii. 5. [For ʒylbe seems to be understood, see c. 4, where it is expressed.—T.]

^c The Church-frith is what in the later documents is called the Church-grith, or right of sanctuary and protection given to those

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THE LAWS OF KING ÆTHELBIRHT.

THESE ARE THE DOOMS WHICH KING ^aÆTHELBIRHT ESTABLISHED IN THE DAYS OF AUGUSTINE.

1. The property of God and of the church, ^btwelve-fold; a bishop's property, eleven-fold; a priest's property, nine-fold; a deacon's property, six-fold; a clerk's property, three-fold; ^c'church-frith,' two-fold; ^d'm frith,' two-fold.

2. If the king calls his ^e'leod' to him, and any one there do them evil, [let him compensate with] a two-fold ^f'bōt,' and ^{l.} ^gshillings to the king.

within its precincts. By the present law, any infraction of this privilege subjected the offender to a two-fold penalty, or twice the amount of the fine payable for an invasion of the ordinary frith, or what in modern times has been termed a breach of the peace.

^d Wilkins reads *ƿýnfrēþer frith*; but in the ms. there is not space for so long a word: it may however have been contracted.

^e I have been unable to discover whether this meant a particular class of persons, such as the Leudes of France: or whether it is used in the ordinary sense of 'people.' In Anglo-Saxon poetry, 'leob' frequently occurs for chieftain, prince, &c. [Perhaps people, subjects.—*T.*]

^f Wherever the term 'bote' occurs, it is to be understood of the compensation due to the injured party, as damages for the wrong sustained. This, as in cc. 4, 5, 10, 11, 12, may be due to the king in his personal or private capacity, as well as to others. The penalty due to the crown by way of fine was called the wite (see c. 9.). Both forfeitures are thus spoken of by Tacitus: 'Pars mulctæ regi vel civitati, pars ipsi, qui vindicatur, vel propinquis ejus exsolvitur.' *Germ.* c. 12.

^g The value of the Kentish shilling is altogether a matter of inference. According to cc. 69, 70, 71, of these dooms, compared with cc. 53, 54, the shilling contained xx. scættas, and from a passage which will be found in another part of this volume, as a portion of the Mercian law, we learn that thirty thousand scættas were equal to one hundred and twenty pounds of silver: 'Ðonne bið cýnġer anfealb

iii. Líf cýning æt mannes ^a ham ðrincæð. ʒ þær man
^b lǽppær hræt ʒeðo .ii.-bote ʒebete:.

iv. Líf fruzman cýninge ʒele .ix. ʒýlde forʒýlde:.

v. Líf in cýninges ^ctúne man mannan ofplea .l. ʒcill.
 ʒebete:.

vi. Líf man fruzne mannan ofpleahð. cýninge .l. ʒcill. to
^dðructin-beaʒe:.

vii. Líf cýninges ^eambiht-ʒmíð. ofþe laað-ʒunc mannan
 ofplehð. ^fmeduman ^gleodʒelde forʒelde:.

per-ʒels vi. þeʒna per be Mýrcna laze, þæt is xxx. þeʒenð ʒeatta,
 and þæt bið ealles cxx. punða.' Hence, according to Mercian law,
 'a king's simple wer-gild is equal to the were of six thanes, that is,
 thirty thousand scættis, which make one hundred and twenty pounds.'
 By this it would appear that the pound contained 250 scættis, or 12½
 shillings, which would make the scætt nearly equal to the penny, and
 the shilling something less than an ounce of silver.

By Alfred this term is used on one occasion as a translation of
 the Latin *monasterium*: 'Lræð he Beba, me ʒæbe ʒum appurðe
 mæʒre-ppeor ʒ abbuð of Feortanea þam ham . . . narravit mihi
 presbyter et abbas quidam vir veracissimus de monasterio Peortanea.'
Bed. ii. 16. In another passage it is applied in a far more extended
 sense; 'becp̄h h̄r hamum ofþe tunum m̄ð h̄r þeʒnum . . . inter
 civitates sive villas suas cum ministris.' *B.* But here it seems to be
 equivalent to the 'curtis' of the Barbaric laws; the 'hof,' 'huwe,' of
 Upper and Lower Saxony. In Old-Frisic, 'ham' meant either the
 hof, or house and land conjointly, or the house itself. The terms
 hof, huwe, h̄r, ham, and h̄be, are clearly synonymous; but it would
 be difficult to find any expressions now in use which would convey
 the sense of either.

^b The same term occurs below (c. 72.), with a slightly-varied
 orthography. It is there written 'læppær;' but in Anglo-Saxon ē,
 ēa, ȳ, are interchangeable. The meaning must be left to the read-
 er's conjecture. The root may be either 'leap, false,' and then it
 may denote those offences which come under the comprehensive title
 of the 'crimen falsi;' or it may be the same word with læso, læpep,
 (læpper,) which being derived from 'lejan,' to lease, might be inter-
 preted 'pilfering,' [*qu. lying?—T.*] In the *Lex Anglorum et*
Werinorum, tit. xii. 'De minoribus caussis,' there is a provision of
 the same general nature: 'Quidquid homo alteri fecerit, quod in-
 justum factum dicatur, x. solidis componat, aut cum quinque juret.'
 This, though offering one obscurity in illustration of another, may
 guide a more fortunate enquirer to the solution of both laws.—
 [The cognate adjective occurs in the metrical legend of St. Andrew,
 in the following passage: 'Æfter þam þorþum com. þeþos unmræte.
 lǽppe lap-ʒmeoðar. m̄ð l̄nð-ʒecroðe. bolʒen m̄be.' See Appendix B.
 to Mr. Cooper's Report, p. 77. Somner has lǽppen, from the 'Liber
 Medicinalis,' where it is said (in the case of a diseased liver) that,
 'Donne ʒe ʒp̄le toþýr ʒonne bið ʒeo micze lǽppen ʒp̄lce þorþm̄.
 ʒif he ūt-ʒp̄nð þonne biþ þ̄ ʒap læp̄re: Quando tumor diruptus
 fuerit, tunc urina lǽppen erit, sicut pus, vel corruptio; fortasse sani-
 osus, purulentus.' *ms. Reg. 12. dxvii. fol. 74^b.—T.*]

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THE LAWS OF KING ÆTHELBIRHT. 5

3. If the king drink at any one's ^a home, and any one there do any ^b 'lyswe,' let him make two-fold 'bōt.'

4. If a freeman steal from the king, let him pay nine-fold.

5. If a man slay another in the king's ^c 'tūn,' let him make 'bōt' with *l.* shillings.

6. If any one slay a freeman, *l.* shillings to the king, as ^d 'drihtin-beah.'

7. If the king's ^e 'ambiht-smith,' or 'laad-rinc,' slay a man, let him pay a 'half' ^f 'leod-geld.'

^c In the Northern parts of this island this term is not altogether obsolete in its original sense; at least, it is not many years since 'in Scotland a single house was called a town;' in Ireland it is still called a township. The nature of such a settlement is thus described by Tacitus: 'Vicos locant non in nostrum morem, connexis et co-hærentibus ædificiis: suam quisque domum spatio circumdat.' *Germ.* c. 16. The economy of a royal vill, in even its minutest particulars, will be found in the *Capitulare de Villis* of Charlemagne.

^d Literally as a lord ring. In the later dooms this fine is called the man-bote (See *Edw. Conf.* 12.), whether paid to the king or a subject.

^e I have translated this law in the only way the present text admits of translation, though it is difficult to understand why the king's smith (or carpenter) or his guide should pay a mesne leod-geld (100s.) for slaying a ceorl, or why, if they chanced to slay an ceorl, the amount of the mulct (300s. *Conf. Hl. et E.* 1.) should be reduced in a similar proportion. This difficulty would vanish by reading, *Ʒif* [man] *cȳnriȳer ambiht-Ʒmið oppre laad-Ʒrinc-mannan ofpleahð*, &c. If any one slay the king's official smith or guide, let him pay a mesne leod-geld. All the Barbaric codes supply us with instances where the 'ministeriales' of the crown, who were generally taken from the servile classes, have an increased 'wer' conferred upon them; but I have sought in vain for an example where the 'were' is fixed, as on the present occasion, for men of all degrees, and in favour of persons holding particular offices. The wer-geld was the property of a man's family. There might be grace in increasing it, but to lessen its amount in behalf of any class of men would be little short of giving encouragement to the commission of the very crime against which the law is directed. Indeed such a principle is in opposition to the whole body of Germanic jurisprudence, in which the 'wer,' and the duties connected with it, may be said to be the corner-stone of the fabric. Perhaps an objection may be taken to laad-rinc-man, on the score of tautology; but 'rinc' and 'man' are only synonymous in poetry. The precise meaning of the term is perhaps beyond our reach, but 'guide' or 'avant-courier' are approximations justified by the component parts. The *ambiht-Ʒmið* seems the 'præfectus fabrorum.' *Ambaht-hus*, 'Officina.' *Jun. Gl. D.*

^f [In the ms. the two first letters and part of the *b* are obliterated — *T.*]

^g The 'leod-geld,' or, as it is called, c. 31, the 'wer-geld,' was the sum paid to the family of a man who had been slain, as a compensation for the death of their kinsman. In the Latin documents these

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[More information](#)

6

ÆDELBIÐTES DOOMAS.

viii. Eýningeƿ ^a mund-býrd .l. ƿeillinga:.ix. Eý ƿƿugman ^b ƿneum ƿtelð .iii. ƿebete. ƿ cýning aƿe ƿ^c ƿite ƿ ealle þa ahtan:.x. Eý man ƿið cýningeƿ ^d mæƿðen-man ƿeliƿeð .l. ƿeillinga ƿebete:.

xi. Eý hio ƿrundenðe þeopa ƿio .xxv. ƿeillinga ƿebete. Ðio þruiððe .xii. ƿeillingaƿ:.

xii. Eýningeƿ ^e ƿeð-eƿl .xx. ƿeillinga ƿorƿelðe:.

xiii. Eý on eopler túne man mannan ofƿlæhð .xii. ƿeill. ƿebete:.

xiv. Eý ƿið eopler ^f biƿele man ƿeliƿeð .xii. ƿeill. ƿebete:.

xv. Eeopler mund-býrd .vi. ƿeillingaƿ:.

xvi. Eý ƿið eeopler biƿelan man ƿeliƿeð .vi. ƿeillingum ƿebete. æt þære oðere þeopan .l. ^g ƿcætta. æt þare þruiððan .xxx. ƿcætta:.xvii. Eý man in manneƿ tún æƿeƿt ^h ƿeiƿneð .vi. ƿeillingum ƿebete. ƿeƿe æƿter ƿneð .iii. ƿeillingaƿ. ƿiþþan ƿehƿýlc ƿeilling:.xviii. Eý man mannan ƿæƿnum bebýneð þæƿ ⁱ ceaf ƿeopð. ƿ man næniƿ ƿƿel ne ƿeðeð .vi. ƿeillingum ƿebete:.

terms are usually translated, ‘compositio, solutio, hominis occisi; from leob, ƿep, ‘homo, vir;’ and ƿelb, ‘retributio.’ See hereafter ‘Be ƿep-ƿýlbe.’

^a Protection: but the fine here imposed is for an infraction of the mund-byrd, or what in the later dooms is called ‘mund-bryce.’ Under this head are to be classed the penalties spoken of in cc. 2, 6.

^b This can hardly be considered as the dative plural of ƿpea, ‘dominus,’ or ƿpeo, ‘mulier,’ because the laws never speak of crimes as committed by or against multitudes. A very obvious correction presents itself in ƿneum [men.] ‘If a freeman steal from a freeman, let the bote be three-fold.’ From a passage in Alfred’s version of the Jewish law it would seem that the adjective frioh, freoh, was sometimes used absolutely or with a substantive sense: ‘Seƿe ƿpone (ƿneonne ms. *H.*) ƿorƿtele,’ &c.: ‘Whoever steals a freeman,’ &c., c. 15. Still, for the reason already given, that can hardly be the case here. Most of the Barbaric codes afford instances where the ancient fines are in like manner tripled, quadrupled, &c.

^c See note ^f, p. 3: the ordinary meaning of the word is punishment.

^d It is clear from the context that the person here spoken of was of the servile classes. The Salic law notices a ‘regis ancilla’ (tit. 27.), and the Ripuarian law an ‘ancilla regia’ (tit. 58. § 9. 14.), but without giving us any further knowledge of their duties. From

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[More information](#)

THE LAWS OF KING ÆTHELBIRHT. 7

8. The king's ^a 'mund-byrd,' L. shillings.

9. If a freeman steal from a ^bfreeman, let him make three-fold 'bōt;' and let the king have the 'wite' and all the chattels.

10. If a man lie with the king's ^dmaiden, let him pay a 'bōt' of L. shillings.

11. If she be a grinding slave, let him pay a 'bōt' of xxv. shillings. The third [class] xii. shillings.

12. Let the king's ^e 'fed-esl' be paid for with xx. shillings.

13. If a man slay another in an 'eorl's' 'tūn,' let make 'bōt' with xii. shillings.

14. If a man lie with an 'eorl's' ^f 'birele,' let him make 'bōt' with xii. shillings.

15. A 'ceorl's' 'mund-byrd,' vi. shillings.

16. If a man lie with a 'ceorl's' 'birele,' let him make 'bōt' with vi. shillings; with a slave of the second [class], L. ^g 'scætt's;' with one of the third, xxx. 'scætt's.'

17. If any one be the first ^h to make an inroad into a man's 'tūn,' let him make 'bōt' with vi. shillings; let him who follows, with iii. shillings; after, each, a shilling.

18. If a man furnish weapons to another where there is 'strife, though no evil be done, let him make 'bōt' with vi. shillings.

cc. 14, 16. it might be inferred that the mægden-man was a cup-bearer, if such an office in the royal household could be supposed to have been conferred on a female. In Beowulf the mead is distributed by females, but then they are royal personages.

^e There can be no doubt that this word is derived from fēdan, 'nutrire;' but whether the woman were the person fed or the feeder, i. e. a nurse, is not so clear.

^f A female cup-bearer; but we ought to read 'bipelan.'

^g It has been already stated, on the authority of a passage in the Mercian law, that there were 250 scætt's in a pound of silver. An examination of those which remain gives an average of from 15 to 18 or 19 grains of silver, though some have been found to contain 20 grains. *Ruding's Annals of the Coinage*, vol. i. p. 296.

^h The power of 'ge' in composition can only be gathered from the context in these early specimens of the Anglo-Saxon language; and though the translation adopts the import of the simple verb, it is evident that a forcible entry of some kind is here intended.—[It must, however, be borne in mind, that the only ms. in which these Laws are extant is of the 12th century.—*T.*]

ⁱ Such, and not ceart, is the reading of the ms. It is the old Frisic 'case': 'Hwersama gold ieftha ferene clathar urluist anna enre case, &c. In case a man lose gold or his holiday-clothes in a quarrel.' *Lit. Brocm.* § 158.

xix. Țif ^aweġ-reaġ ȡi ȡeōðn .vi. ȡillingum ȡebete:.

xx. Țif man þone man ofġlæhð .xx. ȡillingum ȡebete:.

xxi. Țif ^bman mannan ofġlæhð. meðume leod-ȡeld .c. ȡillingum ȡebete:.

xxii. Țif man mannan ofġlæhð ^cæt openum ȡræfe .xx. ȡillinga ȡoȡȡelde. ȡ in .xl. nihta ealne leod ȡoȡȡelde:.

xxiii. Țif bana of lande ȡeriteð. þa maȡaȡ healȡne leod ȡoȡȡelden:.

xxiv. Țif man ȡȡuȡne man ȡebi ^d. . eð .xx. ȡill. ȡebete:.

xxv. Țif man ceoȡlæȡ ^ehlaȡ-ætæn ofġlæhð .vi. ȡillingum ȡebete:.

xxvi. Țif læt ^fofġlæhð þone ȡeleȡtan .Lxxx. ȡill. ȡoȡȡelde. ȡif þane oðerne ofġlæhð .Lx. ȡillingum ȡoȡȡelde. þane þȡið-
* ȡ. ȡoȡȡelde. dan .xl. ȡillingum * ȡoȡȡelden:.

xxvii. Țif ȡȡuman ^geðoȡ-þȡeðe ȡeðeð .vi. ȡillingum ȡebete:.

^a This appears to have been a similar offence with the Longobardic 'weg-worfe' (*Ed. Rotharis*, c. 26.), and perhaps the later 'fore-steal,' when this was attended with robbery. It might be termed a highway robbery, were it not that this offence has acquired a technical sense which can hardly have been required to make out a case of weg-reaġ. With this law it is conceived the succeeding one ought to be connected, and that their object is to declare, that for simple weg-reaġ the fine should be 6*s.*, but for weg-reaġ attended by homicide, 20*s.*, in addition to the 'leod-geld,' &c.

^b That is, if one freeman (ingenuus) kill another.

^c One of the provisions of the *Literæ Brocmanorum* is to this effect: 'Thes data friund schellath then bona makia wr thet epene greff: The friends of the dead shall denounce the perpetrator over the *open grave*.' § 178, note. The same practice is also noticed in the *Emsingoer Land-Recht*: 'Ac ieffhia then riuchta bona nawt ne withat onda boniath hine nawt wr thet epene greff. Also, if they know not the right slayer, and do not denounce him as the murderer over the *open grave*.' With one of these customs the law before us appears to be connected, and it will be almost needless to remark, that in the turbulent times for which these provisions were enacted, both must have given occasion for frequent affrays.—[This law has been otherwise understood by some eminent scholars, with whose opinion I once coincided, but I now feel convinced that the above interpretation of Mr. Price is correct. As a prospective enactment, the sense in which it has been taken, viz., 'If a man slay another, let him pay 20 shillings at the open grave,' has certainly an appearance of plausibility; but in considering it (as most of these *dooms*, perhaps, ought to be considered) to be an adjudged, and not a contem-

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[More information](#)

THE LAWS OF KING ÆTHELBIRHT. 9

19. If ^a ‘weg-reaþ’ be done, let him make ‘bōt’ with vi. shillings.
20. If the man be slain, let him make ‘bōt’ with xx. shillings.
21. If ^b a man slay another, let him make ‘bōt’ with a half ‘leod-geld’ of c. shillings.
22. If a man slay another ^c at an open grave, let him pay xx. shillings, and pay the whole ‘leod’ within xl. days.
23. If the slayer retire from the land, let his kindred pay a half ‘leod.’
24. If any one ^d bind a freeman, let him make ‘bōt’ with xx. shillings.
25. If any one slay a ‘ceorl’s’ ^e ‘hlaþ-æta,’ let him make ‘bōt’ with vi. shillings.
26. If ^f [any one] slay a ‘læt’ of the highest class, let him pay Lxxx. shillings; if he slay one of the second, let him pay Lx. shillings; of the third, let him pay xl. shillings.
27. If a freeman commit ^g ‘edor’-breach, let him make ‘bōt’ with vi. shillings.

plated, case, all objection to the present version seems removed; the verbal order of the Saxon text would moreover hardly admit of the other interpretation.—*T.*]

^d These are the only letters of this word which can now be distinguished; the translation adopts the conjecture of Wilkins.

^e Literally the ‘loaf-eater,’ and consequently a domestic or menial servant.

^f [The word ‘man,’ both here and in the following clause, is understood from c. 25, of which c. 26. seems to be a continuation.—*T.*]

^g It is clear, from the laws of Alfred, c. 36, that edorbryce was the same offence against a ceorl that burhbryce was against a person of higher rank. It cannot therefore mean a mere breaking of his ‘close,’ but a breaking coupled with a forcible entry into his place of residence. It is true the old Latin version of Alfred’s laws renders edor-bryce ‘sepis-fractio,’ making edor equivalent to the ederzon and ezzisczun of the Longobardic and Bavarian laws. ‘Si quis sepem alienam ruperit, id est ederzon, componat solidos vi.’ *Ed. Rotharis*, c. 290. ‘Si illam sepem eruperit quam ezzisczun vocant,’ &c. ‘Superiorem virgam quam etorgasta vocamus quæ sepis continet firmitatem,’ &c. *LL. Bajuvar.* tit. ix. c. 11. Thus, too, at the present day, in some provinces of Germany, the eder-zaun is the hedge which encloses a peasant’s ‘hof.’ (Die eder-zuynne buwich halden ind niet vergenchlich lassen werden. To keep the fences in repair, and not suffer them to be in decay. *Doc. an.* 1359, *apud Walraff Alt-Deutsche Wörter-Buch.*) The edter-zehend are the tithes of fruits, vegetables, and indeed of every thing growing within the limits of the garden hedge or wall; and eddert-bruch, the ebop-þrecðe of the text, is an injury done to the landmark or boundaries of an estate or a

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[More information](#)

xxviii. Líf man inne feoh zenimeð. ƿe man .iiii. zelbe
zebete^a:

xxix. Líf ƿƿu-man eðor ^bzegeanzeð .iv. ƿeillingum zebete:

xxx. Líf man mannan ofplea. ^cazene ƿcætte. ƿ unƿacne feo
zehpilce zelbe:

xxxi. Líf ƿƿuman ƿið ƿƿuer mannes ƿiƿ zeligeð. hiƿ ƿeƿ-zelbe
^dabicge. ƿ oðer ƿiƿ hiƿ azenum ƿcætte ^ebezece. ƿ þæm oðrum
æt * þam zebrenge:

* *l. ham.*

municipal territory. Still I conceive that 'edor,' like 'tun,' implied the area inclosed by the fence, as well as the fence itself; and that a ceorl's 'edor' comprized not only his curtilage but also the house attached to it. This seems confirmed by the expression 'inne feoh' in the succeeding law; and which, judging from the analogy of the Dutch inboel, the Flemish in-gedoem, and the Frisic ingod, ingoed, must mean the goods and furniture contained in a dwelling-house. From the language of c. 30, it may be inferred that cc. 27, 28, 29, 30, form only one enactment, and are to be thus understood: If a free-man commit 'edor-breach,' and steal 'inne-feoh,' or if he forcibly enter an 'edor,' and slay, in so doing, a man, let him pay for each offence, according to their nature, with his own money, &c.

^a [I differ from Mr. Price in the interpretation of this enactment: he had considered 'inne feoh' as a compound expression, and thus rendered it, 'If a man take away 'inne-feoh,' let the man pay a three-fold bote.' In the Saxon Gospels we have the following passage in support of my version, 'Þe ƿoplet þa þa menigeo ƿ com to hiƿ inne: He then left the multitude and came to his *dwelling*.' Matt. xiii. 36. —*T.*]

^b The compound 'zegean' is almost invariably used in the sense of going against with a hostile intent; hence, to subdue, to overcome. From the succeeding law it is clear that the offence spoken of in the text was sometimes attended by loss of life on the part of the person whose property was thus invaded.

^c Azene ƿcætte is a false concord; and a similar objection lies against unƿacne and zehpilce. The better reading would be, azene (for azenne) ƿcæt and unƿacn feo zehpilc zelbe. By unƿacn feo I understand what in Alfred's dooms is called ƿƿic-eaht feo zob. 'Anð ðæt ƿi on ƿƿiceahtum feo zobum anð man næniƿne mæn on ðæt ne ƿylle: And let it be paid for in good live stock, in which let there be no blemish.' There is a seeming difficulty in the expression 'azene ƿcæt, his own money,' occasioned by that precision of ancient composition which sometimes runs into redundancy and sometimes amounts to tautology. It is also found in an ancient charter preserved at Canterbury, dated 1044, but which has been reduced to the dialect of the period, (circa 1300,) when it was recorded in the volume which has made us acquainted with it: 'Hyer suotelet on thisen ywrite embe tho vorewerde the Ethelrich wrogte with Edsige Archebiscop at than londe at Chert the Chelnoth Archebiscop bogte at Helethen than theyne mid his ogene sheatte and Etheluf King hit ybokode Ceolnoth archebiscop on eche yrve: In this deed is witnessed the covenant which Ethelric made with Archbishop Edsig,