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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

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Ancient Laws and Institutes of England

Originally published for the Record Commissioners in 1840, this two-volume work remains a standard source for scholars of Anglo-Saxon and early Norman legal history. Benjamin Thorpe (1781?–1870) was a respected and prolific scholar and translator of Old English, whose publications in the field earned him a civil list pension in 1835. Trained in Copenhagen under Rasmus Rask, Thorpe advocated a scientific approach to philology, and this is reflected in the thoroughness of the notes, commentary, and concordance appended to the sources reprinted here. The preface to the text places the laws in their historical and geographical context, notes where there are unavoidable gaps in the evidence, and offers a descriptive analysis of the original documents. Volume 1 contains the secular laws issued from the reign of Æthelberht to that of Henry I, with a parallel translation of the Anglo-Saxon text, although the sources in Latin and French remain untranslated.

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*Comprising Laws Enacted
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VOLUME 1:
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ANCIENT
LAWS AND INSTITUTES

OF

ENGLAND;

COMPRISING

Laws enacted under the ANGLO-SAXON KINGS from
ÆTHELBIRHT to CNUT,

With an English Translation of the Saxon;

The LAWS called EDWARD THE CONFESSOR'S;

The LAWS OF WILLIAM THE CONQUEROR, and those ascribed
to HENRY THE FIRST;

ALSO,

MONUMENTA ECCLESIASTICA
ANGLICANA,

FROM THE SEVENTH TO THE TENTH CENTURY;

AND THE

Ancient Latin Version of the Anglo-Saxon Laws.

WITH

A COMPENDIOUS GLOSSARY, &c.

VOLUME THE FIRST;
CONTAINING THE SECULAR LAWS

PRINTED BY COMMAND

OF

HIS LATE MAJESTY KING WILLIAM IV.

UNDER THE DIRECTION OF

THE COMMISSIONERS ON THE PUBLIC RECORDS
OF THE KINGDOM.

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OF THE
12th of March 1831.

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THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR THE HOME DEPARTMENT.

THE RIGHT HONOURABLE THE SPEAKER OF THE HOUSE OF COMMONS.

THE RIGHT HONOURABLE THE CHANCELLOR OF THE EXCHEQUER.

THE RIGHT HONOURABLE THE MASTER OF THE ROLLS.

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THE RIGHT HONOURABLE THE EARL OF ABERDEEN, K. T.

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A MOMENT more favourable than the present for the appearance of an enlarged and improved edition of the Ancient Laws of England could scarcely have been selected, when new and critical editions of our early original writers, collections of ancient charters anterior, and of records subsequent to the Conquest, not to mention the numerous and able productions of contemporary historic writers, have of late, in rapid succession, been issuing from the press. That the present work is enlarged will be obvious on a comparison with preceding editions; whether it be also an improvement on them must be left to the verdict of the few whose pursuits have qualified them to sit in judgment on it.

In adopting the indefinite title of ANCIENT LAWS AND INSTITUTES OF ENGLAND, I have been influenced by the consideration, that what we now possess of Anglo-Saxon Law is but a portion of what once existed, and, therefore, without claim to the title of *The Anglo-Saxon Laws*, which has usually been bestowed on it. Of the laws and kindred documents no longer extant, the names of some, together with fragments worked into other codes, have been transmitted to us; such as the Mercian Laws of Offa, from which Alfred, in framing his body of laws, selected such portions as were suitable to his purpose; the South Anglian Laws, the Frið-gewritu, &c. At the

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same time, we ought not, perhaps, to suppose that, among our Saxon forefathers, any more than among ourselves, there ever existed a complete *Corpus Juris Anglici*, but that their's was also a Customary or Common Law ; and that what we still possess, and also the portion that has perished, were either the records of decisions to serve as precedents for the future, or enactments passed in the 'Wītena-gemōts' for the repeal, confirmation, amendment, or completion of the law as it then stood.

A glance at the laws themselves, though more particularly at those of the Kentish kings, in which cases are to be found, the occurrence of which no human foresight could ever have contemplated, must tend to confirm the former of these suppositions, and a support to the latter will be found in the preamble to many of the others.¹

To many the question will here present itself: whence did the earlier of these institutes originate? for, if brought by our forefathers from their German home, we ought apparently to give them credit for a degree of civilization beyond that usually ascribed to them. Their original institutes were, however, but scanty, consisting, probably, in little beyond that portion of the laws of Ethelbert which contains the penalties for wounds and other bodily injuries; and which, with such modifications as time, place, and other circumstances may have produced, were common to all the kindred nations of Northern Germany. It is, moreover, observable, that the nations nearest of

¹ The division of the Anglo-Saxon laws suggested by Mr. Allen into æ, customary or common law; aƿeƿnŷƿra, statutes; and dōmaƿ, adjudged cases or precedents, is, I believe, perfectly just, though ignorance or carelessness may occasionally have caused confusion in the application of the terms.

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kin to the Angles and Saxons, in this chapter coincide with them the most closely.

Besides the portion brought over by the Saxons, Angles, Jutes, and perhaps Frisians, and the records of adjudged cases or sentences passed, the Church, from the earliest period, furnished its full portion to the codes of our simple forefathers; the first enactment of the first Christian king being, that for the property of God and of the church (if stolen¹) twelve-fold compensation be made. If, therefore, from the laws before us we extract all re-enactments, and all matters purely ecclesiastical, all cases recorded as precedents for the future, probably immediately after their decision, and all exhortatory matter, the remainder will probably consist of the few primitive institutes by which the various tribes were ruled before their establishment in this country.

I WILL NOW proceed to give a slight notice of the most remarkable documents contained in the present volume.

The Laws of the Kentish kings are known to us only from one manuscript, — the *Textus Roffensis*, preserved in the library of the Dean and Chapter of Rochester, compiled under Ernulf, bishop of that see, from 1115 to 1125. That these laws have descended to us in their primitive state it would be unreasonable to suppose; at the same time, I am inclined to the belief that they approach more nearly to it than is generally imagined. At all events, their language, besides exhibiting occasional archaic forms, is not that of the days of Ernulf. Of these Laws no ancient Latin version is known to be extant.

¹ *Bedæ*, lib. ii. c. 5.

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The succeeding Laws of Alfred, Ine, and their successors, to those of Cnut, require but little notice in this place. Those of Ine, which in the manuscripts are annexed to Alfred's, and even numbered with them, so as to form, as it were, a continuation of Alfred's code, are, for that reason, placed after them in the present volume; it being probable, as has been suggested, that the edition we possess was designed for the use of the West Saxons, while another (now lost), with the Institutes of Offa in like manner appended, was destined for the inhabitants of Mercia.¹

Preceding the laws of Edgar is the valuable document, 'De Hundredo Tenendo,' now first printed from the unique manuscript in the library of Corpus Christi College, Cambridge. The Latin version or text will be found in its place at the end of the volume, freed, by the aid of manuscripts, from most of the corruptions which so lamentably disfigure it in the edition given by Bromton.

Among the statutes of Ethelred, the document entitled 'De Institutis Londoniæ,'² has a great claim to interest on account of its importance to the commercial and monetary history of England. It is printed, though very unintelligibly, in Bromton, where it is made to form an appendage to the Conc. Wane-tingense, but there are several manuscripts of it in our libraries, from a collation of which the text now given has been derived, which it is hoped, though by no means free from corruption, will be found sufficiently so to obviate all difficulty with regard to its sense.

¹ Palgrave's Rise and Progress, vol. i. p. 47.

² See p. 300. of this volume.

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Immediately following the Laws of Cnut, is the curious document entitled ‘Rectitudines Singularum Personarum,’ the Saxon original of which exists, I believe, in one manuscript only, belonging to the library of Corpus Christi College, Cambridge. This piece is valuable, as presenting us with an enumeration of the several classes of persons employed on a domain, of the services to be rendered by each, and of the reciprocal duty of the lord to those engaged on his land. This document presents difficulties to the modern student, arising from our want of acquaintance with many of the usages therein mentioned, though an attempt at the illustration of some will be found in the Glossary appended to the work; it was, therefore, deemed advisable to annex to it the Latin version, from a collation of manuscripts, in place of an English one, of which it seems hardly susceptible.

The French text of the Conqueror’s Laws is chiefly from a valuable manuscript at Holkham, formerly the property of Sir Edward Coke, bearing his autograph, and still in the possession of the Right Honourable the Earl of Leicester. The text contained in this manuscript bears signs of great antiquity, and (if the laws of William were really composed in French¹) is, from its dialect, much more likely to be

¹ Anno regni sui quarto, apud Londoñ, consilio baronum suorum, fecit summoniri, per universos Anglie comitatus, omnes nobiles, sapientes, et sua lege eruditos, ut eorum leges et consuetudines audiret. Et licet idem rex Willelmus leges Northfolkie et Southfolkie, Grantebrugie et Deire (ubi quondam maxima pars Danorum et Norwegensium inhabitabant,) prius magis approbaverat, et eas per totum regnum observari preceperat, pro eo quod omnes antecessores ejus, et fere omnes barones Normannie Norwegenses extitissent, et quod de Norwegia olim venissent; sed postea, ad preces communitatis Anglorum, rex adquevit, qui deprecati sunt, quatenus per-

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a nearly faithful representation of the original, than that most corrupt one transmitted to us in the work bearing the name of Ingulph.

mitteret sibi leges proprias et consuetudines antiquas habere, in quibus vixerant patres eorum, et ipsi in eis nati et nutriti sunt, scilicet leges sancti regis Edwardi. Et ex illo die magna autoritate venerate, et per universum regnum corroborate et observate sunt, pre ceteris regni legibus, leges regis Edwardi; que quidem prius invente et constitute fuerunt tempore regis Edgari avi sui. Verumptamen post mortem ipsius regis Edgari, usque ad coronationem sancti regis Edwardi, quod tempus continet annos LXVII. predictæ leges sopite sunt et penitus pretermisse; sed postquam rex Edwardus in regno fuit sublimatus, consilio baronum Angliæ, legem LXVII. annis sopitam excitavit, excitatam reparavit, reparatam decoravit, decoratam confirmavit, et confirmata vocata est lex sancti regis Edwardi; non quod ipse prius adinvenisset eam, sed cum pretermissa fuisset, et oblivioni penitus dedita, a morte avi sui regis Edgari, qui primus inventor ejus fuisse dicitur, usque ad sua tempora, videlicet LXVII. annis.

Unde per preceptum regis Willelmi, electi sunt de singulis totius Angliæ comitatibus XII. viri sapientiores, quibus jurejurando injunctum fuit, coram rege Willelmo, ut quoad possent, recto tramite, neque ad dextram neque ad sinistram declinantes, legum suarum et consuetudinum sancita patefacere, nil pretermittentes, nil addentes, nil prevaricando mittentes. Aldredus autem, Eborac̃ archiepiscopus, qui regem Willelmum coronaverat, et Hugo, Londoñ episcopus, per preceptum regis, scripserunt, propriis manibus, omnia que predicti jurati dixerunt. A legibus namque sancte matris ecclesie sumentes

* *l. quid.* exordium, * qui per eam rex et regnum solidum subsistendi habent fundamentum, leges et libertates et pacem ipsius confectionati sunt dicentes, omnis clericus, &c. ut supra. Chron. Lichf. MS. Cott. Cleop. D. 9.

Ingulphus.— Attuli eadem vice mecum Landoniis in meum monasterium leges æquissimi regis Edwardi, quas dominus meus inelytus rex Willielmus autenticas esse, et perpetuas per totum regnum Angliæ ^a inviolabiliterque tenendas sub pœnis gravissimis proclamavit, et suis ^b justitiariis commendavit, eodem

^a Ita Codex ms.^b justitiis in ms.

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Unfortunately the Holkham text is incomplete, not reaching further than to the twenty-eighth chapter. Its deficiency could only be supplied from the printed text¹; though the real loss sustained is greatly diminished by the superiority of the Latin edition now given from a Harleian manuscript² over that printed by Wilkins from the Lichfield Chronicle.³

The Charter (Wil. IV. p. 495. of this volume), directing the separation of the civil and ecclesiastical courts, is here given, both on account of its intrinsic importance, and of reference made to it in the annotations to the Laws of Henry I. Had the design of continuing this work to a later period not been abandoned, it would have been reserved for the place to which it naturally belongs.

The Laws of Henry I. will, it is hoped, be found to exhibit a few corrections (chiefly from the Red Book of the Exchequer, which has been carefully collated for the purpose) whereby some difficulties have been removed, and the sense restored. Attention has also been directed to the reformation of the punctuation, and the subdivision into sections will necessarily tend greatly to facilitate citation from this code.⁴

idiomate quo editæ sunt; ne per ignorantiam contingat nos vel nostros aliquando, in nostrum grave periculum contraire et offendere ausu temerario regiam majestatem, ac in ejus censuras rigidissimas improvidum pedem ferre contentas sæpius in eisdem, hoc modo.

¹ The few conjectural readings in the margin having the signature *M.* are by M. Francisque Michel.

² Harl. No. 746.

³ Sir F. Palgrave has the merit of being the first to publish both the Holkham and Harleian texts. See *Origin and Progress*, Vol. 2. p. lxxxviii.

⁴ In this subdivision I have been anticipated by Dr. Schmid.

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With respect to their substance, the laws ascribed to Henry I., but evidently the unauthorized compilation of an individual, are derived from various sources, most of which will be found specified in the notes of Somner and others subjoined to the text; but the portion chiefly valuable to us is that which has preserved many fragments of Anglo-Saxon Law, of which traces nowhere else are known to exist, either in original or translation.

Of the ecclesiastical monuments¹, the first in order of time, and perhaps in importance, as the prototype to later productions of the kind, is the Penitential of Theodore, Archbishop of Canterbury, from the year 668 to 690. This early and valuable monument of the church is here given for the first time from a manuscript in the library of Corpus Christi College, Cambridge; and, though other smaller pieces have been published under the name of Theodore², seems alone to have a just claim to that title, for of the numerous passages cited as Theodore's by other ancient writers, this will be found to contain the larger portion, and the few not there to be found may reasonably be regarded as extracts from such of Theodore's works as have perished, or what for us is nearly the same, still lie forgotten and unknown among other relics of by-gone ages, on the shelves of a foreign, if not of an English library.

Another manuscript of the Penitential in the same

¹ All ordinances proceeding from the king and 'Wítanagemót,' whether of a secular or ecclesiastical character, are considered as LAWS, and inserted in their places in the first part of the work. Those without such sanction, and of a nature strictly ecclesiastical, are placed among the MONUMENTA ECCLESIASTICA.

² See D'Achery Spicileg. Theodori Pœnitentiale a Jac. Petit. MS. Cott. Vesp. D. 15.

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library, collations from which are given under the text, terminates with the pathetic, though not very poetic lines addressed by Theodore to his friend Hedde¹, which, if genuine, as I believe them to be, leave no pretext for a doubt as to the authenticity of the document; and even if not genuine, are of an antiquity to show that, at a very remote period, this work was regarded by the English church as the production of Archbishop Theodore.

The next monument to be considered is the Penitential, or rather, Confessional and Penitential, of Ecgberht, Archbishop of York, from 735 to 766.

This venerable document, though in no one of the manuscripts transmitted to us in its primitive Northumbrian garb, and bereft of nearly every pretension to originality by the publication of the Cambridge copies of Theodore, is, nevertheless, a most valuable monument, not alone of our old expressive and grammatical language, but as containing some passages of curiosity, chiefly with reference to the popular superstitions of the time. The references at the foot of each page will sufficiently show to whom its compiler was indebted for the greater part of his composition. In like manner, the similar references in the 'Modus Imponendi Pœnitentiam' will at a glance enable the reader to perceive, that the whole is an abridgment of Ecgberht, the work apparently of a bishop (perhaps Dunstan) very sensitive with regard to the infallibility of his order, if such an inference may be drawn from the circumstance, that, in laying down the penalties for crime to be paid by each class of the clergy, he carefully omits mention of the bishop, who, in the Penitentials of Theodore and his

¹ Bishop of Winchester, from 676 to 705. See vol. II. p. 62.

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translator Ecgberht, is usually placed at the head of the list.¹

The remaining Ecclesiastical documents offer little matter for remark; and of the *VERSIO ANTIQUA*, with which the volume closes, it remains only to be said, that it is formed from a collation of very ancient manuscripts with the text given in Bromton, and is, generally speaking, a well-executed monument of, it may be presumed, the twelfth century. The accuracy with which, with the exception of a few passages, it generally expresses the sense of the original, forbids our assigning it to a later period, when pure Anglo-Saxon was become a dead language to the Normanized writers of England.

A *COMPENDIOUS* Glossary is given at the end of the work, to which I have for the most part consigned the little I had to offer in illustration of the text, in preference to placing it at the foot of the page. And here I cannot refrain from expressing deep regret, that the passages in the volume either wholly inexplicable, or of extremely doubtful import, are yet so numerous; but a partial illustration of them at least may yet be found in the original documents connected with the policy of our forefathers, now in a course of publication.²

THE Concordance, and the Indexes which close the work, will, no doubt, tend materially to facilitate

¹ For reasons, which will be manifest on perusal, it was deemed advisable to give a corrected Latin version of both these pieces in preference to an English one.

² *Codex Diplomaticus Ævi Saxonici, opera Johannis M. Kemble, vols. i. ii.* A work reflecting equal honour on its editor and the English Historical Society, under whose auspices it is brought forward.

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its use to students, both by affording a synoptical view, arranged under distinct heads, of whatever matter of importance it contains, and also by rendering a collation of the Anglo-Saxon Laws with those of the Germanic nations of the continent a matter of comparative ease; thereby conducing to the promotion of a branch of study by no means useless even to the jurist, and indispensable to the historian of modern Europe.

A SHORT space must now be devoted to the memory of a good man and highly accomplished scholar, my lamented predecessor in this work, the late RICHARD PRICE, Esq., by whose labours my own have been considerably lightened, and who, had he been longer spared to his friends and country, would, no doubt, have raised another monument of his industry and learning in the work subsequently committed to the care of a less experienced successor.¹

Of the Laws, Mr. Price had committed nineteen sheets [of the folio edition] to press, extending to the beginning of those of Athelstan; besides which, four sheets, comprising the rest of Athelstan's laws, were already in type. His papers contained transcripts and collations from the several manuscripts of the Saxon Laws to the end of Cnut, with translations, some evidently prepared for the press, others in a less forward state. Of all these I have availed myself in the course of the work, and have carefully inserted every note left by Mr. Price, that tended in the least degree to the illustration of the text, leaving untouched the whole

¹ Mr. Price was the editor of an improved edition of Warton's History of English Poetry, in four volumes, 8vo; also of a valuable edition of Blackstone's Commentaries in four volumes, London, 1830; and of the Saxon Chronicle to the year 1066, contained in the first volume of the 'Materials for the History of Great Britain,' not yet completed.

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of those subjoined to the portion already printed, when the work devolved on me, with the sole exception of such as the substitution of a different reading rendered no longer applicable.

It was originally intended by the late Record Commission, under whose authority the publication was undertaken, that the work should be continued from the point where the printed portion of Mr. Price's labours terminated; but it was afterwards resolved, that the whole should be cancelled, and the work recommenced from the beginning. By this decision an uniformity of phraseology was secured in the translation, which could otherwise have scarcely been looked for.

From the performance of a melancholy duty, I turn to one of an opposite description—that of expressing my grateful acknowledgments to those who have aided me in the prosecution of my work. Of these, my first thanks are due to JOHN ALLEN, Esq., by whose counsel and suggestions I have profited from the commencement of the undertaking to its close, and to whose kindness I owe the valuable body of notes appended to the laws of Henry the First, as well as many portions of the Glossary, either suggested by him, or extracted from his works both printed and in manuscript.¹

TO THE EARL OF LEICESTER, my grateful thanks are due for the loan of his valuable manuscript, containing the French text of the Conqueror's laws; as

¹ Particularly the articles 'Bocland' and 'Folcland,' extracted from his 'Inquiry into the Rise and Growth of the Royal Prerogative in England,' a small volume, but in which is condensed a store of information relative to our Constitutional History, derived from original sources. The article 'Money' likewise owes much to the investigations of Mr. Allen.

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well as to LORD HOLLAND, for his kind application to the noble owner of Holkham on my behalf; also to the Right Reverend the Bishop of Llandaff, Dean of St. Paul's, for access to the 'Liber Pilosus' preserved in the Chapter House of that Cathedral.

The Very Reverend Dr. LAMB, Dean of Bristol and Master of Corpus Christi College, Cambridge, has also a strong claim on my gratitude, for his readiness, on all occasions, in affording me every facility, consistent with the existing restrictions, in consulting the valuable collection of Saxon Manuscripts in the library of his college.

To HUDSON GURNEY, Esq., I offer my sincere acknowledgments for the loan of a valuable manuscript in his possession, from which the work has derived considerable benefit; also to CHARLES PURTON COOPER, Esq., Q.C., for his kindness in allowing me the free use of such printed works contained in his library as were needful to the prosecution of the undertaking.

MESSRS. EYRE AND SPOTTISWOODE, Her Majesty's Printers, have also a claim to my thanks, both for the promptitude with which they have conducted their portion of the undertaking, and for the obliging disposition constantly evinced by them from its beginning to its termination.

A COLLECTION of the Anglo-Saxon Laws was first published by William Lambarde, under the title 'APXAIONOMIA, sive de priscis Anglorum legibus libri, &c. Lond. 1568, 4to.' In this edition the laws of the Kentish kings, of William the Conqueror, and of Henry the First, are wanting. With regard to the manuscripts used by Lambarde, he gives the following account: 'Obtulit mihi superiori anno Laurentius Noelus priscas Anglorum leges, antiquissima Saxonum

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lingua et litteris conscriptas, atque a me ut Latinas facerem, ac pervulgarem vehementer flagitavit.' He then goes on to say: 'Jam vero ne quis domi nostræ has natas esse leges arbitretur, plane suscipio atque profiteor, magna fide et religione ex vetustissimis (ut quæ ante quingentos annos, uti conjectura autumo, Saxonice depicta sunt litteris) exemplaribus fuisse desumptas, quorum pleraque in R. in Christo Patris, atque optime de antiquitate meriti, D. ΜΑΤΤΗÆΙ, Cantuariens. Archiepiscopi bibliotheca, alia aliorum in librariis visenda supersunt.' Now what appears singular in this account is, that Lambarde's text exhibits, generally speaking, a specimen of language bordering on Semi-Saxon, rather than of pure Anglo-Saxon, and resembling no manuscript at present to be found among those bequeathed by Parker to the library of Corpus Christi College; and with regard to the locality of the other Manuscripts used by him, he leaves us in a state of perfect ignorance, not however to be regretted, as their manifest worthlessness, in comparison with the existing Manuscripts, reduces every question concerning them to one of pure curiosity.

A second edition of the *Archaionomia* was published at Cambridge in folio, in the year 1644. The editor was Abraham Whelock, Professor of Arabic in that University, who added to it the laws of William the Conqueror, those of Henry the First, the Canons of Edgar, and those of Ælfric. Of Whelock's merits as an editor it is now almost needless to speak; though, from its greater comprehensiveness, as well as from his corrections (not always happy ones) of Lambarde's stile, who in his version, or rather paraphrase, most absurdly affected the phraseology of the Twelve Tables, his work is by far preferable to that of his predecessor.

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A more important work, at least in respect of its contents and improved text, is the edition of Wilkins, in folio, printed at London in the year 1721, under the following title: ‘*Leges Anglo-Saxonicae, Ecclesiasticae et Civiles. Accedunt Leges Edwardi Latinae, Gulielmi Conquestoris Gallo-Normannicae, et Henrici I. Latinae, &c. cum Codd. MSS. contulit, notas versionem et Glossarium adjecit David Wilkins, S.T.P. Canonicus Cantuariensis,*’ &c. This edition contains the laws of the Kentish kings, Ethelbirht, Hlothhære and Eadric, and Wihtræd.

As a monument of industry, this edition is very creditable to Dr. Wilkins; at the same time it must, though reluctantly, be acknowledged by every one competent to judge, that, as a translator of Anglo-Saxon, he not unfrequently betrays an ignorance even of its first principles, that, though not unparalleled, is perfectly astounding.

The last edition of the Anglo-Saxon Laws is that of Dr. Schmid, published at Leipsig in 1832, under the following title: ‘*Die Gesetze der Angelsachsen. In der Ursprache mit Uebersetzung und Eläuterungen herausgegeben von Dr. Reinhold Schmid, Professor der Rechte zu Jena. Erster Theil, den Text nebst Uebersetzung enthaltend,*’ i. e. *The Laws of the Anglo-Saxons, in the original tongue, with a translation and illustrations, edited by Dr. Reinhold Schmid, Professor of Law at Jena. First part, containing the text and translation.* The second part has not yet appeared. This edition, considering that the editor had no access to manuscripts, is upon the whole a very creditable publication, decidedly superior to the preceding ones, the version being freed from the gross errors of Wilkins, and generally correct. In his conjectural emendations of the text, Dr. Schmid is not at all times

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fortunate; and it is much to be regretted that he has paid so little attention to the Laws of Henry the First, where, without the help of manuscripts, he might have contributed to the restoration of the text, particularly with regard to the punctuation, which had been left untouched by Wilkins, as he found it in the slovenly edition of Whelock. Dr. Schmid has, however, divided the chapters of these laws into sections, whereby all references to them are greatly facilitated.

The Laws of Cnut, published under the following title, yet remain to be mentioned: ‘*Legum Regis Canuti Magni versio antiqua Latina, cum textu Anglo-Saxonico, cum variis lectionibus atque observationibus Jan. Laur. Andr. Kolderup Rosenvinger. Haun. 1826.*’ 4^{to}. The Saxon text of this edition is that of Wilkins, the Latin version, or rather paraphrase, is from a manuscript formerly in Colbert’s collection. It is accompanied by some excellent remarks of the learned editor.

SUCH then, as they appear in the following pages, were the Laws and Institutes of England, at the outset of her bright, though sometimes darkened course; what they would now have been, had Norman influence never had footing in the land, is a question difficult to answer, nor will the modern laws of the other Germanic nations supply us, by comparison, with the means of forming a plausible conjecture: the laws of imperial Rome having among them already in great measure supplanted their national institutes, at a period when those of the Anglo-Saxons still retained their Teutonic character, unimpaired by the calamities with which their empire had from time to time been assailed, and by which it was finally overthrown.¹

¹ Savigny, ii. p. 167. edit. 1834.

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IN the wish, if not the hope that, like the Vercelli poetry, there may ere long be brought forth, from among the hidden stores of Europe, such records of our laws and history as may shed light on what is dark, and supply much that is wanting, I will close this brief introduction to a long-looked-for volume. At the same time, it must be confessed, that our present sources are yet far from being exhausted, but I fear that the text of holy writ is here applicable: *Ɔīcel nīp īr ȝ feapa pȳphcena*, ‘The harvest is great, but the labourers few.’¹

B. THORPE.

¹ Matt. ix. 37. Luc. x. 2.

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LIST of MANUSCRIPTS and PRINTED BOOKS, referred to in the
Various Readings and Notes, under the letters of the
alphabet.

The Marks within braces () are those of the Old Catalogue of the Corpus Christi mss., by which they are referred to in Wanley.

- | | | |
|-----------|---|--|
| <i>A.</i> | Harl. 55. | Folio. Not earlier than the 12th century; exhibiting the tongue in its decline; inferior to the other mss. of Cnut's laws. |
| <i>B.</i> | C.C. 383. (19. 2.) | Octavo. 10th century; well and accurately written. |
| <i>C.</i> | C.C. 265. (K. 2.) | Small Folio. 10th century; in various hands; formerly belonging to Worcester Cathedral. |
| <i>D.</i> | C.C. 201. (S. 18.) | Small Folio. Apparently of the middle of the 11th century. |
| <i>E.</i> | C.C. 173. (S. 11.) | Small Folio. Apparently of the early part of the 10th century. |
| <i>F.</i> | Cott. Nero, E. 1. | Folio. The portion containing Saxon laws of about the end of the 10th century. |
| <i>G.</i> | Cott. Nero, A. 1. | Octavo. Formerly belonging to Worcester; written at various times; the Saxon portion apparently in the beginning and middle of the 11th century. |
| <i>H.</i> | The Textus Roffensis, belonging to the Dean and Chapter of Rochester Cathedral. | |
| <i>K.</i> | Cott. Claud. A. 3. | Quarto. Of about the period of the Conquest (containing the Council of Enham). |
| | Cott. Claud. D. 2. | Folio. Of the 14th century. |
| <i>L.</i> | In private hands. | Folio. Of the 13th century. |
| <i>M.</i> | Macro ms. | Octavo. Belonging to Hudson Gurney, Esq.; from the collection of Dr. Cox Macro; well written, apparently about the end of the 13th century. |
| <i>N.</i> | Cott. Tib. A. 3. | Folio. The portions printed in the present volume written apparently about the period of the Conquest. |

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- O.* C.C. 190. (L. XII.) Small Folio. Said to have been given to Exeter Cathedral by Bishop Leofric.
- P.* Theodori Sanctissimi ac Doctissimi Archiepiscopi Cantuariensis Pœnitentiale, omnibus quæ reperiri potuerunt ejusdem Capitulis adauctum, &c. Jacobus Petit primus in lucem edidit, &c. Lut. Paris. 1679. 4to. 2 tom.
- Q.* Cott. Vesp. D. 15. A very ancient ms. in most barbarous Latin, and extremely incorrect.
- R.* Reg. 11. B. 2. Apparently of the latter part of the 12th century.
- S.* Harl. 746. Folio. Of about the beginning of the 14th century.
- T.* Cott. Tib. A. 27. Octavo. Of the 13th century; containing perhaps the best text extant of the old Latin version of the Saxon laws.
- X.* Bodl. Junius, 121. Large Octavo. Of the 10th century; a fine ms.
- Y.* Bodl. Laud, F. 17. A small narrow volume of the 11th century.
- Z.* Cott. Vitell. A. 12. Of the latter portion of the 11th century.
- Br.* Bromton in Decem Scriptores.
- Bx.* ms. belonging to the 'Bibliothèque des Ducs de Bourgogne,' at Brussels; apparently of the latter part of the 10th or beginning of the 11th century.
- Hk.* Holkham ms. Apparently of the 13th century.
- Hr.M.* Rhabani Mauri Liber Pœnitentialis, apud Canisii Lectiones Antiquas, tomi II. pars II. Antverpiæ, 1725. Folio.
- Reg.* Reginonis de Ecclesiasticis Disciplinis, Libri II. a Steph. Baluzio.
- Ry.* Rymeri Fœdera.
- Sc.* Liber Rubeus Scaccarii.
- Sp.* Spelmanni Glossarium.