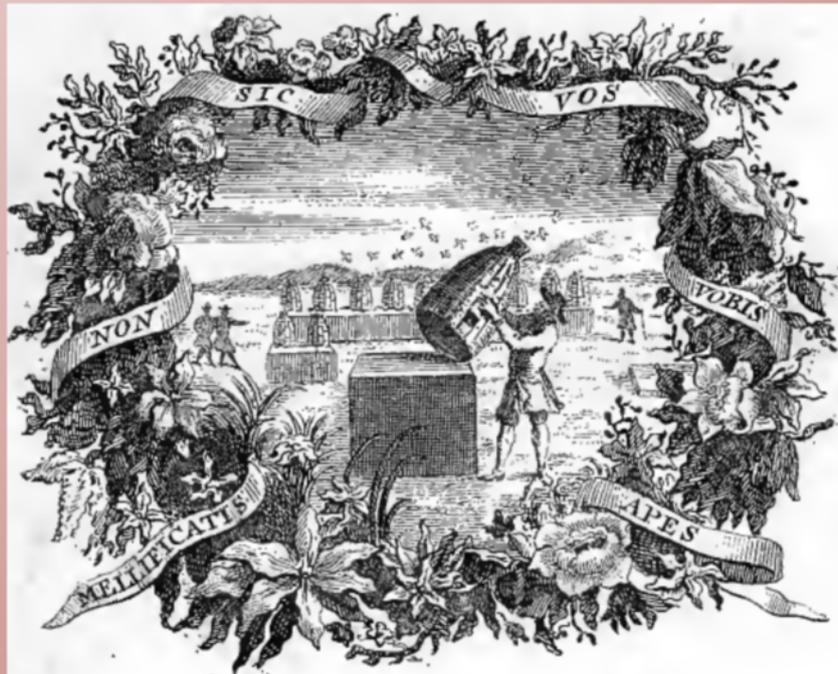


# Rapin's History of England



**Book Five**

**Appendix**

**A Dissertation on The Government, Laws,  
Manners, Customs, And Language, of  
The Anglo-Saxons.**

**The History  
of  
England  
Written in French  
By  
Mr. Rapin de Thoyras**

**Translated from French**

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**Great Waltham**

**Essex**

**VOLUME I**

**Published by J & J Cundee**

**Ivy Lane**

**Paternosta Row**

**London**

**1733**



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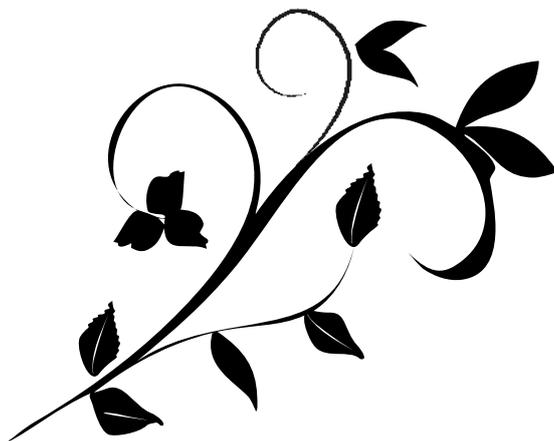
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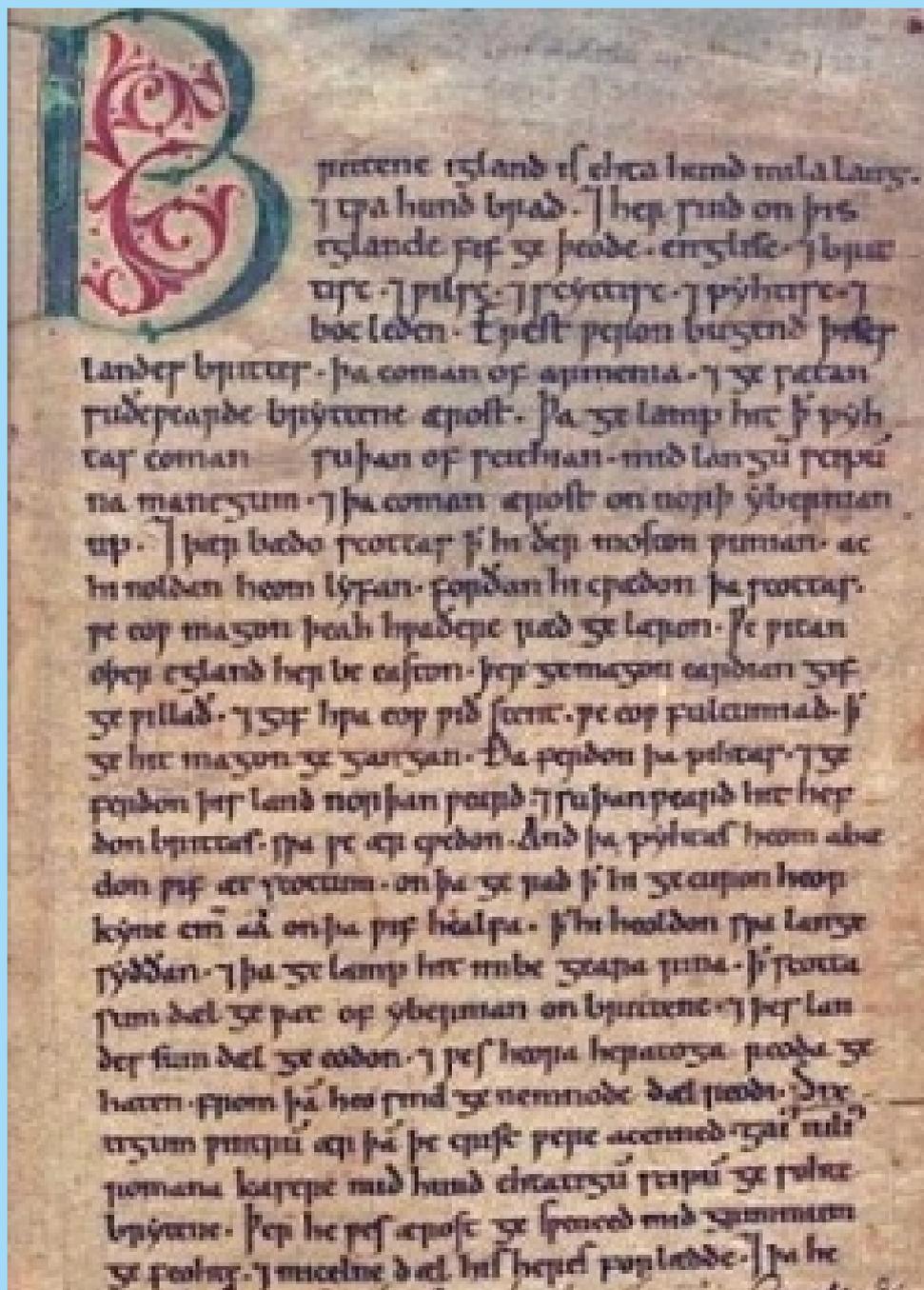
# Book Five

## A Dissertation



On The Government, Laws,  
Manners, Customs, And  
Language, of The Anglo-  
Saxons





## A Page From The Peterborough Chronicle (The Anglo-Saxon Chronicles)





## Augustine Addressing The Saxons





## A DISSERTATION ON THE GOVERNMENT, LAWS, MANNERS, CUSTOMS, AND LANGUAGE, OF THE ANGLO-SAXONS.



**T**HE revolution which happened in Europe, about the beginning of the fifth century, is one of the most remarkable events in history. The Roman empire, which was almost of equal extent with the known world, was then divided into two empires, one containing the eastern, the other the western provinces.

The western empire was so harassed by the continual invasions of the northern nations, that losing by degrees all its provinces, it was reduced to nothing, and the very name of emperor of the west, vanished with that empire. This great revolution quite altered the state of Europe, by introducing new inhabitants, who, raising new kingdoms upon the ruins of the Roman Empire, brought at the same time new laws and customs into the conquered countries.

Spain was peopled with colonies of Visigoths, Catti, Alani, and Suevi. Gallia was overwhelmed with a deluge of Visigoths, Burgundians, and Franks. Italy was so exposed to the successive invasions of the Heruli, Ostrogoths, and Lombards, that the ancient inhabitants, instead of preserving the superiority of number, made no figure at all. The Saxons, Suevi, and Bavarians, spread themselves over all Germany, and became masters over that vast tract of land. In a word, Great-Britain was so over-run with Saxons, Angles, and Jutes, that hardly could any remains of the ancient Britons be discovered. It was very natural for these conquerors to establish in their new erected kingdoms their own country customs. And therefore it may be advanced for certain, that the laws now in force, throughout the greatest part of Europe, are derived from the laws these ancient conquerors brought with them from the north.

In the second book of this history we have seen that the Saxons were no sooner arrived in Great Britain than they formed a design of settling there, and at length succeeded after a war of 150 years. This long war bred such enmity between them and the Britons, that there is no probability the Saxons, who in the end proved victorious, should borrow from the vanquished the form of government, established in their conquests. If therefore we would trace the origin of the laws and customs of the Anglo-Saxons, we must search for it in Germany and the other northern countries, rather than among the ancient Britons. And indeed, such is the resemblance between the laws of the Saxons, Franks, Suevi, Lombards, and the other northern nations, that it must necessarily be concluded, they had all the same origin, of an older date than the separation of these people.

This resemblance is still much stronger between the laws of the Anglo-Saxons in Great Britain, and those of the Saxons in Germany, since they were both the same nation, part whereof settled in England. Brady, the English historian, by comparing the laws and customs of the Germans, with those of the Angles, has plainly shown that the English introduced into Great Britain the

same laws that were in use in their own country. Nay, he affirms, that till the Norman Conquest, there was not so much as one law in England but what, in the main, the Germans had the same. As the Anglo-Saxons consisted of three separate nations, who had also their separate quarters in England, there might be some difference, upon that account, between the seven kingdoms of the Heptarchy.

But this difference could not be very great, since the three nations were united in Germany, before their coming into England, and made but one and the same people under the general name of Saxons. All that can be inferred from hence, is, that the laws established by the Anglo-Saxons in England, were composed of those of the Angles, Saxons, and Jutes. But to look for the origin of the English constitution among the ancient Britons, would be without foundation, though it is not impossible but their forms of government might in some respects be alike.

The laws and customs therefore, introduced into Great Britain by the Anglo-Saxons, are to be considered, as composed of the laws which their ancestors brought into Germany, and of those they found among the ancient Germans. And indeed, what Tacitus says of the German customs, corresponds so exactly with several of the Saxon ones, that it can hardly be doubted' that the Saxons borrowed many things from the Germans, unless we should chuse to say, the customs of both nations flowed from the same fountain.

The Saxons had no kings in Germany, when they sent their first troops to the assistance of the Britons under the conduct of Hengist. The title of king, however, was assumed by Hengist as soon as he was in possession of Kent; and the other Saxon leaders, who settled in Great Britain after him, followed his example. Thus, whereas in Germany, the Saxon territories were divided into twelve governments, their conquests in England were parted into seven kingdoms; but with this difference, that in Germany, each governor depended on the assembly general of the nation, whereas in England, each king was sovereign in his petty kingdom.

However this did not exempt him from all dependence on the Wittena-Gemot of his own state, which in conjunction with him regulated all important affairs. Moreover, by mutual consent, there was established a general assembly of the whole seven kingdoms, where matters relating to all in common, were settled. Hence this form of government, which considered the seven kingdoms as united in one body, was called the Heptarchy, that is, the government of seven.

The nature of the Anglo-Saxon government was monarchical, as each kingdom had its king; but it was aristocratical, as the king had not the power of making laws without the consent of the assembly general, consisting of the chief lords of the nation. Several believe too, it was partly democratical, and that the people sent their representatives to the Wittena-gemot, as they now do to the parliament.

The queen was the second person in the state; though only with regard to the respect that was paid to her, for she had no share in the government. If sometimes the queens signed the charters with the kings, it was not because it was necessary, but on account of their rank. The title of queen, which was, and still is, given to the king's wife, means no more, originally, than a companion, in Latin, comes. In process of time, this term was made use of to denote more particularly those who were nearest the king's person; whence it came to have a more general signification, and to mean the great lords. The word queen then was common to men and women, just as comes in Latin.

At length, the term count or earl being substituted in its room, when applied to men, queen was appropriated to the women only. Afterwards, it was used only to denote the companion of the king, or the queen. This appellation is now common to all queens, whether they hold their dignity of their husbands, or of their own right.

The king's sons and the princes of the royal family held the third rank. They were distinguished by the title of *clyto*, taken from a Greek word signifying, illustrious. In process of time, the Saxon term *Atheling*, from *athel*, that is, noble, was substituted in its place. As for the termination *ing*, it denotes the extraction or descent. The sons of the kings of England, says Malmsbury, were wont to assume names which shewed their extraction. Thus, the son of Edgar named himself *Dip-wing*, the son of Edmund, *Edmunding*, and so of the others. But they had all one common title, namely, that of *Atheling*.

Next to the princes, the first degree of the nobility was that of *ealdorman*. This word, which in its primary signification means only an aged man, came by degrees to stand for persons of the greatest distinction; apparently because such were chosen to discharge the highest offices, whose long experience had rendered them most capable. As they were generally entrusted with the government of the counties, instead of saying the governor, it was said, the *ealdorman* of such a county.

Hence by degrees this word came to signify the governor of a county or even a single city. Whilst the Heptarchy lasted, these Officers were only during the king's pleasure. After the Danes were settled in England, the title of *ealdorman* was by degrees changed into that of *earl*, a Danish word of the same import. Afterwards, the Normans introduced that of *count*, which though different in its original signification, meant the same dignity. But the Danish term *earl*, is still used to denote the same person, expressed by the word *count* in other countries.

There were several sorts of *ealdormen*. Some were properly only governors of a province or county. Others were owners of their province, holding it as a fee of the crown, so that it was always considered as parcel of the state. The history of Alfred the Great, affords an instance of this last sort of *ealdormen*, which were very rare in England. This prince gave the property of Mercia to earl Ethelred, and Elflada his widow kept possession in the reign of Edward the Elder. It was by force that Edward dispossessed his niece Alfwina after the death of Elflada. Malmsbury, speaking of Edward the Elder, expresses himself thus he united the two kingdoms of Mercia: and Wessex; but as to the first, he was only titular king, because it was given to a lord named Ethelred.

And to show in what manner this lord held Mercia, the same historian, speaking of Alfred the Great, says, he gave London, the capital of Mercia, to a lord called Ethelred, who had married Elflada his daughter, to hold it of him by fealty and homage. Hence it is plain, Ethelred held Mercia as a fee, in the same manner that Octa and Ebusa had formerly held Northumberland of the crown of Kent. These *ealdormen* or *earls* were honoured with the titles of *Reguli*, *Subreguli*, *Principes*, *Patricii*. Nay, there are instances of their having the title of *Rex*.

Those who were only governors had the title of *ealdorman* such a county, expressed sometimes in Latin by the term *consul*. The former administered justice in their own name, and appropriated to their own use all the profits and revenues of respective counties. The latter administered justice in the king's name, and had only a certain share of the profits assigned them. Earl Godwin, though so great and powerful a lord, was of this rank.

To these may be added a third order of *ealdormen*, who had the title, though without a government; on account of their high birth, and out of these the governors were usually chosen. Thus the title of *ealdorman* denoted sometimes only a person of quality.

There were also inferior *ealdormen* in cities and boroughs. But these were only subordinate magistrates, who administered justice in the king's name, and were dependent on the great *ealdormen* or *earls*. The name of *ealdorman* or *alderman* is still given to these inferior officers, whilst the others have the title of *earl*. The office of an *ealdorman* was wholly civil, and had nothing to do with military affairs. There was in each province a duke, who commanded the militia. The name of *Duke*, taken from the Latin *dux*, is a modern term. The Saxons called this

officer heretog[1]. He had no right to meddle with civil matters. Hengist and Horsa are called in the Saxon annals, heretogan, or dukes, because they were sent into Great Britain, not to govern the country, but command in the war. On the contrary, Octa and Ebusa have always in the same annals the title of ealdormen, because they were governors of Northumberland, under the kings of Kent.

It is true, they might also be stiled dukes, as they had the command of the army. Accordingly we find in our histories, sometimes the title of duke, sometimes of earl, given to the same person, when these two offices were united in one, as they frequently were about the end of the Heptarchy. Thus the governors of Wessex, Mercia, and East-Anglia, are indifferently called dukes or earls.

There were moreover among the Saxons three very considerable offices, two whereof were civil, and the third military. The first, which very few subjects were ever invested with, was that of ealdorman of all England. This office answers to that of chief judiciary of England, the king's lieutenant, viceroy, or guardian of the realm. This was so high a dignity, that the person invested with it was honoured with the title of half-kyning, or demi-king. We find in the history of the Anglo-Saxons, but two lords who were raised to this post, namely, Athelstan earl of East-Anglia, and Alwin his son.

The second great office was that of chancellor[2]. He finally determined all causes that were brought to the king's court, and from him lay no appeal. It was his business also to draw up, and sign all the king's charters, otherwise they would have wanted a necessary formality.

The third considerable officer was the general of the army, in Saxon, kyning's hold, that is, the king's general. He was chief of the dukes, or generalissimo. This office lasted only during war. In time of peace, or when the king did not think fit to have a generalissimo, the holds or dukes of each county had the care of the militia.

Next to the earls and dukes were the high-sheriffs of the counties. These were officers sent by the king into such counties as had no earls, to administer justice in his name and stead. They were called in Latin, *summi praepositi, custodes provinciarum*, and afterwards, vice-comites, not that they were under the earls or counts, but because they performed the office of earl in the counties where there was no earl.

It is very true, there were sometimes high-sheriffs in those counties, where there were also earls, but Selden supposes it was because such counties were by some peculiar privilege under the immediate jurisdiction of the king. However this be, hence came the title of viscount, the next in order to that of earl or count. As for the name of sheriff[3] it is continued to inferior officers, who, in each county, perform the office of the ancient viscounts; the latter having been long since ranked among the peers of the realm.

After the high-sheriffs came the Thanes, a name in Saxon, signifying Minister or servant. There were two sorts: Mass-Thanes, that is, Ecclesiastical-Thanes and Werold-Thanes, that is, Lay-Thanes. The Thanes in general were divided into three classes. The first were the king's Thanes, the immediate tenants of the crown, who did homage to the king only. These were properly what were afterwards called peers of the realm, and made the body of the greater nobility. Consequently, dukes, ealdormen, and viscounts, were ranked among the Thanes of the first class, as well as they who, having no offices, were the immediate tenants of the crown.

The Normans changed the term Thane into Baron, and stiled the lands baronies, which the Saxons called Thane-lands. Hence it has been the custom for a long while in England to rank all the greater nobility under the general title of Barons, because all the great men were Thanes[4]. The second class of Thanes were what they called Middle-Thanes, because there being others of an inferior degree, these were in the middle class. If they held lands of the king himself, they were inconsiderable, and generally, what they possessed was held of the earls or barons.

The Normans gave them the name of Vavasors, and their lands Vavasories. The signification of this word may be expressed by that of under-tenants. The third class of Thanes were such as held their lands of the Middle-Thanes, or Vavasors. These were not ranked among the lesser nobility. They were properly such as lived upon their own estates, and being of no profession, were distinguished from the meaner sort of people. To these belonged particularly the title of gentlemen, whereas the Middle-Thanes were in the same rank with the present knights and esquires.

The lowest order of freemen among the Saxons, was that of the Ceorles; that is, merchants, artificers, countrymen and others. The Ceorles were equally free as to their persons, with the Thanes of the third class, with this difference; the Thanes held such estates as were called Boc-laud, conveyable by deed or otherwise, upon paying a certain sum to the lord. But the Ceorles were possessed only of what they called Socland or lands of the plough, which they could not alienate, because they were properly but farmers.

Among the Ceorles, those that held this sort of lands were distinguished from the rest that were poor, and had none of these possessions, or exercised some trade for their livelihood, by the honourable name of Socmen. In general, all under Thanes, and above slaves, were in the rank of Ceorles, who, as to their persons, though not lands, were as free as the Ealdormen and Thanes themselves. They might even arrive at the dignity of a Thane of the third class, if they so thrived as to be in possession of five hydes of land, a house with an enclosed court, a kitchen, a hall, and a bell to call their domestics together[5].

The lowest order of men were the slaves or bond-men, of whom there were two sorts; such as were really slaves, who, possessing nothing of their own, worked only for their lords, by whom for that reason they were maintained, but others, who were properly servants, had small holdings at the will of their lords, for which they did all the servile country works that were set them. These were chiefly the descendants of the meaner sort of Britons, who submitted to become slaves, to save their lives during the fury of the first Saxons in England.

Others are of opinion, they came from the slaves brought into the island by the Saxons. However this be, these prædial bond-men, not quite so much slaves as the others, managed their lord's lands, whence they reaped some advantage themselves, without having the liberty of quitting the place of their abode, and settling elsewhere, unless with their lord's consent. They were afterwards called villains, that is, villagers, from the villages where they lived and worked[6].

We still meet in several parts of Germany, with such sort of peasants, who were subject to great drudgery, and generally are treated very harshly by their lords. When a slave had his freedom, he was immediately ranked among the Ceorles, the freedmen not constituting, as some pretend, a new order of men. Among the Anglo-Saxons, the lords had not the power of life and death over their slaves. Nay, the laws provided, they should not cripple or maim them without incurring a penalty:

All the king's subjects, except slaves and villains, were freedmen and freeholders. But though earls and barons, or thanes, might be included under this general appellation, yet by freeholders is commonly meant the thanes of the second and third classes, with the Ceorles.

The inhabitants of towns, who were called Burgh, Witan or Burghers, had the privilege of being governed by magistrates chosen out of their own body, to whom was given the title of aldermen, and of forming a society, whence is derived what is called in England a corporation. This privilege was granted them for the encouragement of arts, and especially of trade and commerce, which was justly deemed of very great advantage to the state. For the farther encouragement of trade, it was also enacted by law, that if a merchant crossed the wide sea three times, he should be honoured with the title of thane, and admitted to all the privileges of that order.

## COURTS OF JUSTICE

It has been already observed, in the life of Alfred the Great, that this prince divided England into shires, the shires into trythings, laths, or wapentakes, these into hundreds, and the hundreds into tythings. However it must not be imagined that in this division, he introduced something entirely new to the English. He only settled the bounds of the former divisions, making some convenient alterations. At least, as to the division of the kingdom into shires, it is certain he only proportioned it in a better manner than before.

This is evident from there being earls of Somersetshire and Devonshire in the reign of Ethelwulph. The shires contained a whole province subject to the jurisdiction of an earl or count, and therefore were also called counties. Some of these shires being divided into trythings, others into laths, and others into wapentakes, each of these divisions[7], consisted of three or four hundred families, and each hundred was subdivided into trythings. The courts of justice were formed with respect to these several divisions; that is, there was a court for each tything, hundred, &c.

The lowest of these courts was the tything court. It consisted of ten heads of families, who were mutual sureties for each other, as each of them in particular was for all that were under him[8]. Every subject in the kingdom was registered in some tything. Only persons of the first rank had the privilege that their single family should compose a tything, for which they were responsible. Each tything had a president, stiled tything man, or burgh-holder, who took care to hold a court when occasion required. The method of proceeding. was as follows:—

If any person accused of a crime, refused to appear, the other nine sureties were bound to see him forthcoming to justice. If he ran away, he was not suffered to settle in any other town, borough, or village; because no one could change habitation, without a testimonial from his tything, for want of which they that received him were punished. By the laws of king Edward; the tything had thirty-one days allowed them to search for the criminal. If he was not to be found, the tything-man, taking with him two of his own, and nine of the three next tythings, these twelve purged themselves by oath of the offence and flight of the malefactor. If they refused to swear, the tything which the offender belonged to, was obliged to make satisfaction in his stead.

This court frequently met, as well to decide the differences among the members of the tything, as to concert measures against such, whose behaviour created a suspicion of their committing some crime, for which the test might be in danger of incurring the penalty. In this case, the suspected person was obliged to find particular security for his good behaviour, without which he was confined. This court was a terror to people of mean condition, as they saw they could not commit any offence with impunity.

These ten heads of families, of whom the tything consisted, were called free-burghs, that is, free-pledges, burgh signifying, surety or pledge. Hence the word neighbour, which originally signifies a near pledge. In all appearance Burman, which signifies a neighbour among the Dutch, is derived from the same source; that is, from the same custom which was observed in Germany and served for a model to king Alfred. The likeness is so perfect between what is practised by the Chinese and the Anglo-Saxons, with respect to these tythings or mutual pledges, that it is wonderful, how two nations so remote from each other, and between whom there was never any communication, could thus have the same thoughts.

The next court was that of the hundred. It was held once a month, and had for president one of the most noted aldermen of the hundred. The bishop or archdeacon was obliged to sit with him, to determine with the other judges, all matters ecclesiastical and civil relating to the hundred.

The third court was that of the trythings[9], laths, or wapentakes, according to the name given these divisions in the several counties. Here were decided. the causes between private persons, belonging to different hundreds of the same tything or lath. Besides this court, each thane of

the first rank, or baron, held one like it, wherein he determined the controversies between his vassals; from whence the present court-baron takes its original.

But when a suit commenced between persons of different trythings, it was brought to the county-court, called in Saxon, shire-gemot or folcmote, which was held twice a year, or oftener, upon occasion. Herein presided the bishop and the earl or ealdorman; that in the absence of the earl, the high-sheriff, or viscount, supplied his place. In this court were registered all the tythings of the county, with the names of the members. Ecclesiastical causes were tried generally in the first place; next those the king was concerned in, and lastly, such as related to private persons.

William the Conqueror dispensed with the bishops sitting in this court, and granted them the privilege of holding courts of their own for the determining ecclesiastical matters. Appeals lay from the tything, hundreds, or trything court, to the shire-gemot. Here also all persons of what rank soever were to take the oath of allegiance to the king.

How great soever the power of this court was, there was one above it, which they called the king's-court, because the king himself presided there in person, or in his absence, the high-chancellor. In this court were: examined the judgments of the inferior courts; and it was apparently this court that condemned the four and forty Judges put to death by Alfred's order. From this court the Common-Pleas and King's Bench derive their original.

## **AUTHORITY OF THE WITTENA-GEMOT, AND THE AFFAIRS THERE DEBATED**

There is no treating this subject with any without examining two questions, which are as warmly controverted as the former.

**I.** In whom was lodged the legislative power? Whether in the king, in the great council or in both together?

**II.** Whether the king: had a power to tax the people without the consent of the Wittena-Gemot?

They who most stretch the prerogative royal, pretend, the legislative power was wholly lodged in the king. In proof whereof, they urge the terms made use of by the Saxon kings in their laws, by which they seem to declare themselves the sole enactors, without giving room to believe, the general assembly had an hand in the matter. To this it is answered, though there is no mention in these laws of the consent of the great council, it does not follow, that their concurrence was not necessary; no more than it can be inferred at this day from our saying the statute of king Charles I. or, of king Charles II. that these statutes were enacted without the consent and authority of Parliament.

If we were literally to understand all the expressions used in speaking of and to the king, we should doubtless ascribe greater power to him than he is actually invested with. But to give more direct proofs, that the authority of the Wittena-Gemot was necessary in making new laws, several testimonies are produced, showing that the kings acted nothing in this respect without the consent of the estates.

In the title of the West-Saxon laws published by king Ina, it is said, they were made with the advice and consent of the bishops, great men, earls, wise-men, seniors, and people of the whole kingdom.

Egbert says in one of his charters: I, Eghert, king of the West-Saxons, with the permission and consent of our whole nation, and unanimous. advice, of all the great men, &c.

But not it may be objected, that this is a charter and not a law, the testimony of king Alfred is alleged, who, in the title of his laws, speaking as if he acted by his sole authority, concludes with these words I, Alfred, king of the West-Saxons, showed these laws to my wise-men, and they said, they all liked, or were pleased, they should be observed.

At the end of Athelstan's laws we have these words:—

All these things were confirmed and ordained by a general assembly or Synod held at Greatly, at which was present archbishop. Elfin, with all the great men, king. Athelstan could assemble.

The title of some other laws made by this king runs in this manner: These are the laws that were instituted by the wise-men at Exeter.

Much the same expression is prefixed before the laws of Edgar and Ethelred II.

In a charter of Canute the Great, we have these words: I, Canute, king of the whole Island of Albion, and, many other nations, by the advice and decree of the archbishops, bishops, abbots, earls, and all my other faithful subjects, have ordained, &c. This authority is of the greater force, as Canute, ascending the throne by right of Conquest, would not probably have sought the concurrence of the estates, had he not found it customary so to do.

In a word, it is pretended, if some of the kings express themselves in such manner as would induce one to believe they acted by their sole authority in the promulgation of the laws, their words are not to be taken in the literal sense. The reason is, these expressions are explained and limited by those of some other kings, who owned, they acted in concert with the Wittena-Gemot.

Now there is no likelihood, sovereign princes would ever acknowledge their power to be limited, if it was not so in reality. If any one will insist upon this sort of expressions, which seem to imply that the kings make laws without the consent and approbation of Parliament, it may by the same method be proved, that the king at this very day is invested with an absolute power in this respect. And indeed, in some certain acts, which are presented to him by the Parliament, he says, that he wills and requires, though it is well known, his will would be of no force, unless preceded by the consent of the two houses.

The same reasonings and reflections occur with regard to the second question, or the impositions of taxes. If the Saxon kings seem in some passages. to levy taxes by their own authority, we are to understand it was not till after, the previous consent of the estates, as we find upon other occasions.

## **THE AUTHORITY OF THE WITTENA-GEMOT IN ECCLESIASTICAL MATTERS**

Before the Anglo-Saxons embraced the Christian religion, one of their fundamental maxims (ascribed also by Tacitus to the ancient Germans) was, that all important affairs relating to the whole nation, were brought to the general assembly, where they were debated in common, that they might be settled with the unanimous consent of all that had a right to vote. It is no wonder therefore that religious affairs were regulated in their Wittena-Gemots. Accordingly, Edwin, king of Northumberland, being desirous, after his conversion, to establish the Christian religion in his dominions, did not undertake it till he had consulted his Wittena-Gemots. The maxim, that no laws are binding, but what the whole nation has consented to, has all along been looked upon in England as the foundation of liberty, And the basis of government.

Ecclesiastical affairs may be ranked in two classes. First, such as relate to the clergy alone, as making a distinct body from the laity. These were left as they now are, to the sole management

of the ecclesiastics, who held their councils or synods, where the laity had nothing to do. Secondly, such as concerned the body of the people, as Christians. These were regulated in the mixed councils, consisting of the chief men of the clergy and the nobility. Herein, the rules of equity were perfectly followed.

It was not thought just to enact civil laws, that were obligatory to the clergy as members of the state, without their concurrence. On the other hand, it was deemed unreasonable that the clergy should have a power of making ecclesiastical laws that were binding to the laity as Christians, without the consent of these Wittena-Gemot or representatives of the nation. Thus, in both these respects, the same principles. were followed, namely, that no man was bound by any laws, to -which he had not given his consent, either by himself. or his representative. Hence it. is, that the Wittena-Gemots were for the most part Mixed assemblies, where, all important affairs as well ecclesiastical as civil were treated, and that these assemblies had no less authority in spirituals. than in temporals.

## OF THE KING

One of the most considerable of the. king's prerogatives .was the power of appointing the earls, viscounts, judges, and other officers as well civil as military. Some however, assert, that the military post of the dukes or holds of each county were conferred by the Shire Gemot. Very probably, it was in the king to change these officers according to his pleasure, of which we meet with several instances in history. But after all it cannot be positively affirmed, because when such an officer is found to be turned out, the king, it does not necessarily follow, it was done without the consent or previous sentence of the Wittena-Gemot. Another great prerogative of the crown was, that the laws made in the Wittena-Gemot were of no force without the assent of the king, to whom was committed the executive power.

The. king had also power to pardon malefactors. But as offences may be considered in a double view, namely, as they concern the public, or as being prejudicial to, some private person, the king could only pardon them in the first respect. The king's pardon prevented not the offended party from. demanding satisfaction for the wrongs he had received. This satisfaction was called in Saxon, wiregeld, that is, a reparation, made to the injured party or his friends and relations, Hence doubtless came the custom in England at this day, of the wife's or son's appealing in cases of murder.

The power of coining money was another of the king's prerogatives, which he could grant by charter to whom he pleased, as we find several of the Saxon kings granted the same to the two archbishops and others, But the king had not the power of enhancing or debasing the coin. It is uncertain, whether it was absolutely in the power of the Saxon kings, to make war or peace, without the consent of the Wittena-Gemot.

The king's revenues were of three sorts. The first consisted in certain things, furnished him by the state, for the maintenance of his household, as corn, hay, cattle, and the like, which were usually paid in kind. The second branch was the produce of, certain demesnes or lands annexed to the crown, and designed to serve for public uses, it not being in the power of the king to grant any part of them, not even to the church, without the consent of the estates. Hence it is, that we find the ancient charters of the Saxon kings to the churches or monasteries, confirmed by the principal Members of the general assembly, who signed them in this manner: I. N---, have subscribed, confirmed, approved, corroborated; or other the like expressions.

It cannot be doubted but this branch of the king's revenue was applied to public uses, when it is considered, that so late as the end of the XIVth century, in the reign of Richard II. the parliament ordered, that for the future the revenues of the king's demesnes should go towards defraying the charge of the wars he should be engaged in. The third branch consisted, as at this day, of certain

taxes or imposts, which were laid from time to time on the people upon urgent occasions, by the authority of the Wittena-Gemot.

As for the coronation of the Anglo-Saxon kings, there was no time fixed for this ceremony, either during the Heptarchy, or after the union of the seven kingdoms. Each was crowned when he thought it most convenient, Before Egbert, the kings of Kent were crowned by the archbishops of Canterbury: the kings of Northumberland, by the archbishops of York; and the rest commonly by the bishop of their capital. After Egbert united the Heptarchy, or at least, four of the kingdoms into one, the archbishop of Canterbury claimed the privilege of crowning the kings; but this pretension founded only on a custom, which though usual, was not necessary.

And, indeed, we find after the union several kings were crowned by the archbishops of York, or even by other bishops. Some say, Harold put the crown on his own head himself. Sweyn the first Danish king, was not crowned at all, and yet was owned for king. Edgar reigned several years in Wessex before he was solemnly crowned. Edward the Confessor's coronation was not performed till six month. after he was proclaimed.

This neglect is a clear evidence, this ceremony was not then deemed absolutely necessary. And, therefore, they who date the beginnings of the reigns from the coronation-days only breed confusion in chronology, from a mistaken nicety.

As for the form of the crown, it was not over curious, at least it was not uniform. Some have only a diadem of pearls. Others a coronet with six rays or points, with Fleurs de Lis between, or pearls upon them. Edward the Confessor has an imperial crown. This variety shews, that in England as well as in other places, there was not then any settled form for the crowns, but that each prince pleased his own fancy.

## **THE SUCCESSION TO THE CROWN IN THE TIME OF THE ANGLO-SAXONS**

There are three different opinions upon this subject. The first is, that the crown was all along hereditary, as well during the Heptarchy as afterwards. The second, that the crown was always elective, and in the disposal of the people; so that, although the son succeeded the father, it was, however, by election. The third, that the crown was neither hereditary nor elective, but the kings had power to give it by will to any one of their sons or relations, whom they thought most worthy. It would not, perhaps, be impossible to form an idea of the Anglo-Saxon government, with regard to the succession, by uniting these three opinions.

It seems that it may be inferred in favour of the first, that the crown was hereditary in the family of the Saxon kings, as well during the Heptarchy, as after the union of the seven kingdoms. In favour of the second, it may be granted that upon extraordinary occasions, the Wittena-Gemot, considering itself as supreme legislator, assumed an absolute authority, and went beyond the usual bounds. With the third it may be said, the kings had power of nominating their successor, provided, when they deviated from the common practice, which was to prefer the next in blood, they took care to have their choice confirmed by the great council of the kingdom.

This is the reason why those kings, who were not the next in blood, never failed of making use of the consent of the estates, thereby to rectify the irregularity of their accession to the throne. By uniting thus the three opinions, the rules for the succession in the time of the Anglo-Saxons will be found to be much the same with those at present. It is confessed, the crown is hereditary. But, however, this prevents not the parliament, in extraordinary cases, from claiming a power to over-rule custom, and settle the succession on a more distant, in prejudice of a nearer relation. Of this the history of England since the Conquest affords many instances and precedents.

## OF THE LAWS OF THE ANGLO-SAXONS

During the Heptarchy, there were no laws common to all the seven kingdoms; but each had its own in particular. It is very likely, however, these laws were not very different, since the inhabitants of the seven kingdoms had the same original. The first laws, we have any knowledge of, are those published by Ethelbert king of Kent about the time of the conversion of the Saxons. We have likewise Ina's king of Wessex, and Offa's king of Mercia; and there is no doubt but some of the other kings made laws, though they are not transmitted to us.

After the union of the seven kingdoms, Egbert's successors explained or extended the laws already established, or made new ones. The most famous are those of Alfred the Great, taken, as he himself says, from the best he could find, and particularly from Ina's and Offa's above mentioned. Edgar, with such additions and emendations as he thought fit, caused the laws of Alfred to be strictly observed. But it must be remembered, when England was divided into two kingdoms, namely, Wessex and Mercia, each had their laws apart, and Canute the Great caused those that were introduced by the Danes into Northumberland and East-Anglia, to be approved by the general assembly. There were, therefore, in England three sorts of laws, the West-Saxon, Mercian, and Danish, till Edward the Confessor united them all into one body.

The laws were divided into civil and criminal. The first concerned the lands or estates, which were of two sorts, Bocland and Socland. Bocland was much of the same nature with the lands we call Allodial[10]. It was free and hereditary, and might be alienated by the owner, though held in fee of a superior lord. This was properly what is elsewhere called, *Feudum honoratum*. This sort of land was possessed by the nobles and most considerable among the people. Socland was possessed by the Ceorls, and held of the lord by payment of a certain annual rent, and performance of certain personal services. This sort of land is the same with what is called a rural fief.

By the regulations of Alfred the Great, all persons accused of any crime were to be tried by their peers. This privilege, which the English have preserved to this day, is one of the greatest a nation can enjoy. It screens the small from the oppression of the great, and from the caprice or passion of the king himself.

When the crime was not clearly proved, or sufficient evidence found to condemn, or acquit the accused, two methods were used, by which, it was thought, the truth might be discovered. The first was the oath of the party accused, to purge himself of the crime he was charged with. But his single oath was not sufficient: he was to bring with him a certain number of persons, who were and still are called Compurgators, who also swore to his innocence.

The second method was by ordeal, that is, trial by fire or water. The trial by fire was performed two ways. The person accused held in his hand a red-hot piece of iron of one, two, or three pounds weight, according to his crime, or according to the evidence against him; or else he was made to walk barefoot and blindfold, over nine red-hot plough-shares placed at a stated distance. If he had the good fortune to come off unhurt, he was declared innocent: but in case he was burnt, he was pronounced guilty.

Persons of quality were tried by fire-ordeal. Trial by water-ordeal was, made either by cold or by scalding water. Peasants and slaves were put upon this trial. In the trial by cold water, the party suspected had his hands and feet tied together, and so was thrown into a pond or river. If he sunk, he was adjudged innocent, but if he floated on the surface of the water, he was declared guilty[11].

When scalding water was the test, the person accused was to plunge his arm into it as far as the wrist, and sometimes up to the elbow. The trial by cold water was introduced by Lewis le

Debonnaire, and by Pope Eugenius II. instead of an oath, which was but too often the occasion of the guilty persons perjuring themselves; and the English followed their example.

The third way of trial was by single combat. When the evidences of the accusation were not strong, the party was allowed to vindicate his innocence by challenging his accuser to single combat. If a woman was accused, she had the privilege of substituting one in her room, who was called her champion. This custom was not introduced into England till towards the end of the empire of the Saxons: but it continued a long time in force.

A fourth way of trial was, by giving the party suspected a portion of barley bread and cheese, consecrated with abundance of ceremonies. If he was guilty, it was believed the bread and cheese would stick in his throat and choke him; but if innocent, he would readily swallow it. Part of the imprecation used upon delivering him the bread, (after receiving the communion) was as follows may this bread and cheese which is given him in order to bring the truth to light, stick in his throat and find no passage, if he is guilty[11]. But if innocent of the crime laid to his charge, may he easily swallow this bread and cheese consecrated in thy name, to the end all may know, &c.

This way of trial was evidently in imitation of the waters of jealousy among the Jews. They who forged the circumstances of earl Godwin's death, as related in the reign of king Edward, had probably an eye to this custom. This consecrated bread and cheese was called corsned from the word snide or snidan, which signifies to cut a bit off and corse, that is, to curse, because it was believed, it brought a curse on the guilty person.

The church not only approved of all these ways of trial, but prescribed the ceremonies and form of prayers to be used on these occasions, and even consented that the bishops and priests should officiate. There is a law of Canute the Great concerning the corsned to this effect: if a man be accused of murder, or of having any hand in it, let him clear himself to the relations and friends of the murdered person, and if necessary, let him be put to the trial of the corsned. It is very wonderful, the Saxons and other nations, among whom these trials were common, could for so long together fancy, they were infallible ways of discovering the truth. On the contrary, one would think, the numberless experiments, they must needs have had, of their uncertainty, should have opened their eyes and made them see their error.

When the charge was fully proved, the law ordained several sorts of punishments, according to the quality of the offence. The greatest part whereof consisted in fines, which the guilty person was condemned to pay to the injured party, to the king, to the earl or to his lord. There were some crimes, however, that were looked upon as capital and punished with death. Such were treason against the king, or lord, wilful murder, and theft.

Though treason was death by the law, yet the guilty person had the liberty of redeeming his life by paying the valuation of the king's or lord's head. Coining of money was not originally a capital crime; but the consequences made the penalty very great. The first law that made it death was in the reign of Ethelred II. though it was left in the king's power to commute the punishment for a fine. For murder, the laws distinguished killing a man in a sudden and unforeseen quarrel, from wilful and premeditated murder.

The punishment of the former was only pecuniary, the latter was death. This distinction still subsists in the laws of England, where the first is called, manslaughter; and the other, murder. Theft or robbery was not till after some time punishable by death, and even the first laws that made it so, permitted the thief to redeem his head with a sum of money.

All other offences were punished only by mulcts or fines, till the reign of Canute the Great, who ordered in the case of adultery, that a woman should have her nose and ears cut off, and the man be banished the realm. These fines were not left to the will of the judge, but were settled by law,

according to the quality of the injured party, from the king to the peasant; and with regard to the malefactors, from the ealdorman to the slave. Upon some certain occasions, they who had incurred the penalty of death, might buy off their punishment by giving the king part of their estates. But this seldom happened, except where the quality, or power of the guilty party, rendered the execution of the laws difficult or dangerous.

We have a remarkable instance of this in the trial of earl Godwin in the reign of Edward the Confessor. This lord, as was said in the life of king Edward, entering the Thames with a fleet, the king was forced to restore him to his honours. But having been banished by the Witten-Gemot, he was to be recalled by the same authority. It was necessary therefore, to use some formality, which should screen him from all future enquiry: and the method taken was this.

The earl having come to London, where the great council was assembled, the king himself turned to his accuser, and said, "thou traitor Godwin, I charge thee with the death of Alfred my brother, whom thou hast traitorously murdered." "My lord (answered the earl) saving the reverence I owe you, I have neither murdered, nor betrayed your brother, and am ready to refer myself to the judgment of your court." Upon which the witnesses were produced and examined, and then Leofric duke of Mercia spoke thus: "it seems evident to me that prince Alfred was put to death by the advice of earl Godwin.

But as he is one of the greatest lords in the kingdom, it is my opinion, that twelve of us earls, who are his relations and friends, should take as much gold as we can carry in our hands, and humbly presenting it to the king, supplicate for his pardon and restoration to his honours, upon his taking the oath of allegiance." This being agreed to, twelve of the lords offered a certain sum to the king, which he accepting, pardoned the earl.

Before we conclude this head, it will be proper to remark, that several, upon reading the Saxon laws, preposterously imagine, the murder as well of the king, as of any other subject, was punishable only by fine. But this mistake proceeds merely from not attending to the aforementioned distinction between wilful murder and man-slaughter. Of this last, we are to understand Athelstan's law[13], which settles the fines to be paid for the killing any person from the king to the slave.

That the reader's curiosity may be farther satisfied, on the subject of the Anglo-Saxon laws, we shall here insert a translation of the laws of Ethelbert, the first Christian king of Kent:—

**I.** Let sacrilege be compensated twelfefold; the theft of the goods of a bishop, elevenfold; of the goods of a priest, ninefold; of those of a deacon, sixfold; of those of a clerk, threefold; the violation of the peace of a church twofold; and that of a monastery twofold.

**II.** If the king call an assembly of his people, and any damage be done to them there, let it be repaid, twofold; and fifty shillings be paid to the king.

**III.** If the king is at any entertainment in any one's house and any damage be done there, let it be compensated, twofold.

**IV.** If a freeman steal any thing from the king, let him compensate it, ninefold.

**V.** Let him that killeth a man in the city of the king be amerced in fifty shillings.

**VI.** Let him that killeth a freeman pay fifty shillings to the king for his loss of a subject.

**VII.** If any one kill the servants of the king's master-smith or butler, let him pay the ordinary mulct.

- VIII.** Let the violation of the king's patronage, be compensated with fifty shillings.
- IX.** If a freeman steal any thing from a freeman, let him repay it, threefold; let a mulct be imposed, and all his goods confiscated to the king.
- X.** If a man lie with the king's maid-servant, being a virgin, let him compensate her virginity with fifty shillings.
- XI.** If she be a grinding maid, let the compensation be twenty-five shillings; if of the third rank, twelve.
- XII.** Let the violation of the chastity of the king's victualling maid, be compensated with twenty shillings.
- XIII.** Let him that killeth a man in the city of an earl he amerced in twelve shillings.
- XIV.** If a man lie with a maid that is an earl's cup-bearer, let him compensate her virginity with twelve shillings.
- XV.** Let the violation of the patronage of a yeoman be compensated with six shillings.
- XVI.** Be the violation of the chastity of a maid that is a yeoman's cup-bearer, compensated with six shillings; that of a yeoman's other maid-servant, with fifty scætas; and of those of the third rank, thirty scætas.
- XVII.** Let him that breaketh into another man's house be amerced in six shilling, the second in three shillings, and each of the rest in one shilling,
- XVIII.** If any one lend a man arms where there is a quarrel, though no harm be done thereby, let him be amerced in six shillings.
- XIX.** If a robbery be committed, let it be compensated with six shillings.
- XX.** But if a man be killed, let the murderer compensate his death with twenty shillings.
- XXI.** If a man kill another, be the ordinary mulct of an hundred shillings imposed upon him.
- XXII.** If a man kill another at an open grave, let him compensate his death with twenty shillings, besides the ordinary mulct, which he must pay within forty days.
- XXIII.** If the homicide fly his country, let his relations pay half the ordinary mulct.
- XXIV.** Let him that bindeth a freeman make a compensation of twenty shillings.
- XXV.** Let the murderer of a yeoman's guest compensate his death with six shillings.
- XXVI.** But if the landlord killeth his chief guest, let him compensate his death with eighty shillings.
- XXVII.** If he kills the second, let him make a compensation of sixty shillings; if the third forty.
- XXVIII.** If a freeman cut down a hedge, let him make a compensation of six shillings.
- XXIX.** If a man take away a thing kept within a house, let him compensate it threefold.

**XXX.** If a freeman break over a hedge, let him make a compensation of four shillings.

**XXXI.** Let him that killeth a man make a compensation according to, the true valuation, in current money.

**XXXII.** If a freeman lie with a freeman's wife, let him make amends for his crime, by buying another wife for the injured party.

**XXXIII** If a man prick another in the right thigh, let him compensate the same.

**XXXIV.** If he catches him by the hair, let him pay fifty scætas.

**XXXV.** If the bone appear, let him make a compensation of three shillings.

**XXXVI.** If the bone be hurt, let him make a compensation of four shillings.

**XXXVII.** If the bone be broke, let him make a compensation of ten shillings.

**XXXVIII.** If both be done, let him make a compensation of twenty shillings.

**XXXIX.** If the shoulder be lamed, be it compensated with twenty shillings.

**XL.** If he is made deaf of an ear, let twenty-five shillings compensate it.

**XLI.** If the ear be cut off, be it compensated with twelve shillings.

**XLII.** If the ear be bored through, let three shillings be the compensation.

**XLIII.** If the ear be clipped off, be six shillings the compensation.

**XLIV.** If the eye be struck out, let fifty shillings compensate it.

**XLV.** If the mouth or eye be injured, let twelve shillings make a compensation.

**XLVI.** If the nose be bored through, let nine shillings be the compensation.

**XLVII.** If but one membrane is bored, be three shillings the compensation.

**XLVIII.** If both, be six shillings the compensation.

**XLIX.** If both nostrils are slit, let each be compensated with six shillings.

**L.** If bored, by six shillings.

**LI.** Let him that cutteth off the chin-bone make a compensation of twenty shillings.

**LII.** For each of the four fore-teeth be compensated six shillings; for the one that stands next, four shillings; for the next three shillings; and for each of the rest one shilling: if it be an impediment to his speech be twelve shillings compensated; and if the jaw-bone be broke, six shillings.

**LIII.** Be the bruising of a mates arm be compensated with six shillings, and the breaking of it with six shillings:

- LIV.** If the thumb be cut off, let it be compensated with twenty shillings; the nail of the thumb, with three shillings; the fore-finger with eight shillings; the middle-finger with four shillings; the ring-finger with six shillings; the little-finger with eleven shillings.
- LV.** For each nail, a shilling.
- LVI.** For the least blemish, three shillings; and for greater ones, six shillings.
- LVII.** If any one give another a blow on the nose with his fist, three shillings.
- LVIII.** If it be wounded, one shilling.
- LIX.** If the stroke be black without the clothes, let it be compensated with thirty scætas; if within the clothes with twenty scætas.
- LX.** If the diaphragm be wounded, let it be compensated by twelve shillings; if bored, by twenty.
- LXI.** If one is made to halt, let it be compensated with thirty shillings.
- LXII.** Hone wounds the callus, let thirty shillings be the recompense.
- LXIII.** If a man's privy member be cut off, let it be compensated by thrice the ordinary mulct; if bored by six shilling; if cut by six shillings.
- LXIV.** If a man's thigh he broke let twelve shillings be the recompense ; if it is lamed, let the friends judge.
- LXV.** If a rib be broke, let it be compensated by three shillings.
- LXVI.** If the thigh be pricked, for every prick be paid six shillings; if it be an inch deep, one shilling; if two inches two shilling; if above three inches, three shillings.
- LXVII.** If a vertebra be wounded, let it be compensated with three shillings.
- LXVIII.** If the foot be cut off, fifty shillings.
- LXIX.** If the great toe be cut off, with ten shillings.
- LXX.** For each of the rest of the toes, be paid half the price, as is enacted of the fingers.
- LXXI.** Let thirty scætas compensate the nail of the great toe, and ten scætas each of the rest.
- LXXII.** If a free-woman, wearing her hair, do any thing dishonourable, let her compensate it by thirty shillings.
- LXXIII.** Let the compensation of a virgin be the same as that of a freeman.
- LXXIV.** Let the violation of the patronage of the chief widow of a noble family be compensated by fifty; of the next by twenty; of the third, by twelve; and of the fourth by six.
- LXXV.** If a man marry a widow who is not at her own disposal, let him thrice compensate the violated patronage.
- LXXVI.** If a man buy a maid with his money, let her stand for bought, if there is no fraud in the bargain; but if there be, let her be returned home, and the purchaser's money restored to him.

**LXXVII.** If she bring forth any live issue, let her have half of the man's goods, if he die first.

**LXXVIII.** If she has a mind to depart, with her children, let her have the half of his estate.

**LXXIX.** If the husband will keep his goods, he must keep his children.

**LXXX.** If she have no issue, let her relation have the goods and the dowry.

**LXXXI.** If a man take a maid by force, let him pay fifty shillings to her first master, and afterwards redeem her according to his pleasure.

**LXXXII.** If she be before betrothed to another, let him make a recompence of twenty shillings

**LXXXIII.** If she be with child, let him pay thirty-five shillings, and fifteen shillings to the king.

**LXXXIV.** If a man lie with the wife of a servant, while her husband is alive, let him make a double recompense.

**LXXXV.** If a slave kill another slave, being innocent, let him compensate his death with all his substance.

**LXXXVI.** If a servant's eye and foot be struck off, let it be compensated.

**LXXXVII.** If a man bind another's servant, let him make a recommence of six shillings.

**LXXXVIII.** Let the robbing of a servant be compensated with three shillings.

**LXXXIX.** If a servant steal any thing, let him restore the same double.

## **ON THE VALUE OF SAXON MONEY**

The Saxon pound, as likewise that which was coined for some centuries after the conquest, was near three times the weight of our present money: there were forty-eight shillings in the pound, and five pence in a shilling; consequently a Saxon pound was near a fifth heavier than ours, and a Saxon penny near three times as heavy. As to the value of money in those times, compared to commodities, there are some though not very certain means of computation. A sheep by the laws of Athelstan, was estimated at a shilling, that is fifteen pence of our money.

The fleece was two fifths of the value of the whole sheep, much above its present estimation; and the reason probably was, that the Saxons, like the ancients, were little acquainted with any clothing but what was made of wool. Silk and cotton were quite unknown: linen was not much used. An ox was computed at six times the value of a sheep; a cow at four. If we suppose that the cattle in that age from the defects in husbandry, were not so large as they are at present in England, we may compute that money was then near ten times of greater value.

A horse was valued at about thirty-six shillings of our money, or thirty Saxon shillings; a mare a third less. A man at three pounds. The board wages of a child the first year was eight shillings, together with a cow's pasture in summer, and an ox's in winter. William of Malmsbury mentions that Rufus gave fifteen marks for a horse, or about thirty pounds of our present money. Between the years 900 and 1000, Ednoth bought a hide of land for about 118 shillings of present money.

This was little more than a shilling an acre, which indeed appears to have been the usual price, as we may learn from other accounts. A palfrey was sold for twelve shillings about the year 966. The value of an ox in king Ethelred's time was between seven and eight shillings; a cow about six shillings. Gervas of Tilbury says, that in Henry the 1st.' time, bread which would suffice a

hundred men for a day was rated at three shillings, or a shilling of that age; for it is thought that soon after the conquest, a pound sterling was divided into twenty shillings. A sheep was rated at a shilling, and so of other things in proportion. In Athelstan's time a ram was valued at a shilling, or four-pence Saxon. The tenants of Shireburn were obliged, at their choice, to pay either six-pence or four hens.

About 1232, the abbot of St. Albans, going on a journey, hired seven handsome stout horses; and agreed if any of them died on the road, to pay the owner thirty shillings a-piece of our present money. It is to be remarked, that in all ancient times the raising of corn, especially wheat, being a species of manufactory, that commodity always bore a higher price, compared to cattle, than it does in our times. The Saxon Chronicle tell us that in the reign of Edward the Confessor there was the most terrible famine ever known; insomuch that a quarter of wheat rose to sixty pennies, or fifteen shillings of our present money. Consequently it was as dear as if it now cost seven pounds ten shillings. This much exceeds the great famine in the end of queen Elizabeth; when a quarter of wheat was sold for four pounds. Money in this last period was nearly of the same value as in our time. These severe famines are a certain proof of bad husbandry.

On the whole there are three things to be considered, wherever a sum of money is mentioned in ancient times. First, the change of denomination, by which a pound has been reduced to the third part of its ancient weight in silver. Secondly, the change in value by the greater plenty of money, which has reduced the same weight of silver to ten times less value compared to commodities; and consequently a pound sterling to the thirtieth part of the ancient value. Thirdly, the few people and less industry, which were then to be found in every European kingdom.

This circumstance made even the thirtieth part of the sum more difficult to levy, and caused to have more than thirty times greater weight and influence, both abroad and at home, than in our times; in the same manner that a sum, a hundred thousand pounds for instance, is at present more difficult to levy in a small state, and can produce greater effects on a small community, than on England. This last difference is not easy to be calculated: but allowing that England has now six times more industry, and three times more people than it had at the conquest, and for some reigns after that period, we are upon that supposition to conceive, taking all circumstances together, every sum of money mentioned by historians, as if it were multiplied more than a hundred fold above a sum of the same denomination at present.

In addition to the remarks here submitted, the following Table of the Anglo-Saxon denominations of money, and of real coins, with the weight of each of them in Troy grains, and value in the present money of Great Britain, will materially assist the reader in his knowledge on the subject.

Names	Troy Grains	Present Value			
		£	S	D	Q
The Pound	5400	2	16	3	
The Mark	3600	1	17	9	
The Mancus of Gold	56		7	0	1
The Mancus of Silver	675		7	0	1
The Ora	450		4	8	1
The Greater Shilling	112½		1	2	
The Smaller Shilling	90			11	1
The Thrimsa	67½			8	2
The Halffling	11			1	1½
The Feorthling	5½				3
The Styca, a brass coin					1½

## THE CUSTOMS AND MANNERS OF THE ANGLO-SAXONS

**THE ANGLO-SAXONS** brought with them from Germany their own country's virtues and vices, and transmitted them to their posterity. Their valour, to which they were indebted for their conquests, as well in England as Germany, was what they most valued themselves upon. They were bred up to arms from their infancy, and war may be said to be their only profession. They came to their general assemblies armed, and showed their general approbation of what was proposed by striking their javelins one against another. Their usual arms were the sword, club, battle-axe, or bill, and javelin. As they had no bows and arrows, their battles were the more bloody. After darting their javelins they came to close fight, where their dexterity in handling their arms, gave them a great advantage.

The Saxons were extremely attached to religion, even before they had the happiness of becoming Christians. When they settled in Great Britain, they were not only idolaters, but of all the heathens were the most attached to the service of their gods; even to the sacrificing of the prisoners of war on their altars. As soon as they embraced Christianity, the same inclination caused them to receive and practise, with equal zeal, the duties of the Christian religion, and whatever the monks, their first teachers, were pleased to inculcate upon them. Hence their great zeal in founding and endowing monasteries. They were made to believe, that enriching the monks was the chief end of religion, or at least would supply all defects. This is also the reason that in the two first centuries after their conversion we find among them so many saints of distinguished birth and fortune.

The Anglo-Saxons were so little accustomed to swearing and blaspheming, that among all their laws there is not one against this vice. This cannot be said to be owing to the negligence of the legislators, since we see in those very laws great penalties laid upon such as violated the Sabbath, or a fast.

Drunkenness was their reigning vice. They were accustomed to drink out of large cups, and take great draughts, till Edgar, willing to reform this abuse, ordered certain marks to be made in their cups at such a height, below which they were forbidden to drink under such a penalty. But this regulation was not long in force.

Although the English in general, before the Norman Conquest, were not very famous for learning, it is not to be ascribed to their want of genius, but rather to their education, which was entirely turned to arms. Besides, the time of the dominion of the Saxons especially after the union of the seven kingdoms, was not a time wherein the sciences greatly flourished.

The Anglo-Saxons reckoned the time by nights, which is still observable in some English expressions. For instance, instead of two weeks we say a fortnight, or fourteen nights. Mezerai observes the same thing of the ancient Franks. This, with several other customs common to the Franks and Saxons, is a strong presumption, these two nations had the same origin.

The Anglo-Saxons were wont to separate their lands by large and deep ditches. This was not only practised by private persons: but the kings themselves took care to raise ramparts with large ditches on the frontiers of their dominions, to part them from the neighbouring states, when there were no mountains or rivers to serve for their boundaries.

Offa's dike, made to divide Mercia from Wales, was twenty-four miles long. There was another between the Thames and the Severn, separating Mercia from Wessex, called Woden's-dike. Mercia and East-Anglia were parted by a like ditch. Afterwards the East-Angles making conquests upon the Mercians, made another ditch seven miles further into the conquered country. The first was called, the Devil's dike, and the other, the Seven Mile Dike. They had this custom from the ancient Saxons, who practised the same thing in Germany.

## THE LANGUAGE OF THE ANGLO-SAXONS

To say in general, the Anglo-Saxons spoke English or Saxon, would not be shewing with sufficient exactness what their language was. To give a fuller idea of it, it will be necessary to distinguish the several tongues used in England after the arrival of the first Saxons. The English tongue originally differed but little from the Danish, since the ancient writers call them indifferently Cimbric, Scandinavian, Gothic: but this language was not the same with the Saxon.

In the parts lying north of the Thames, was spoken pure English or Danish, and south of the Thames pure Saxon. Though these two languages were different, they so far agreed, as to be understood by both nations. In process of time, and especially after the union of the seven kingdoms, Saxon prevailed in all England, because the kings were of that nation. Thus pure English, or the language of the Angles was by degrees disused, or at least banished from common conversation.

Afterwards the Danes settling in England, brought their language, which was not the ancient Danish or English above-mentioned, but a modern Danish, mixed with the language of several neighbouring nations of Denmark. This modern Danish was chiefly used in Northumberland, Mercia, and East-Anglia, where the Danes were masters. Though, out of complaisance to the English, Canute the Great published his laws in Saxon, the Danish tongue was retained in the North, where the people were mostly Danes. As it was also the court-language during the reigns of Canute the Great, and his two sons, it became necessary for the West-Saxons, who adopted several words and idioms of it into their own language. But upon Edward the Confessor's accession to the throne, Saxon prevailed again at court. Hence the inhabitants of the north were under some necessity of learning it.

In the reign of king Edward, the Norman language began also to be introduced into England. As his mother was a Norman, and he had lived many years in that court, he was very fond of the Norman language. Moreover, the great number of Normans that flocked into England, very much helped to introduce this language among the persons of quality, who took a pride in speaking it well.

The Norman tongue being at that time a mixture of Danish and French, the last began to prevail, so that the ancient Danish brought by the Normans into Normandy, daily lost ground. As soon as William the Conqueror was seated on the throne of England, he used all possible means to bring his native tongue in vogue throughout the kingdom. He published his laws in Norman, which, with the settlement of multitudes of Norman families in England, made that language as common as the Saxon.

The Language then of the Anglo-Saxons just before the Conquest was a mixture of the following dialects.

1. Of British or Celtic, whence no doubt the Saxons borrowed some words and phrases.
2. Of Latin, which was common in Great Britain when the Saxons arrived.
3. Of the ancient English or Danish.
4. Of the modern Danish.
5. Of pure Saxon.

6. Of Norman mixed with Danish and French. They who have carefully studied this matter, distinguish three principal dialects in the Anglo-Saxon language. The first was compounded of British, Latin, and Saxon, but in such manner that the Saxon was predominant. The only remains of this dialect, which was in use above three hundred years, is a fragment of the writings of Caedmon the monk, inserted by Alfred the Great in his translation of Bede's Ecclesiastical History.

The second dialect, which may be termed Dano-Saxon, was used in the northern parts, from the first invasions of the Danes, to the Norman Conquest. There are still preserved in some libraries, two manuscript versions of the Gospels in this language. The third dialect was composed of the other two and the Norman. This dialect which was introduced chiefly in the reigns of Edward the Confessor and William the Conqueror, has admitted of great alterations, by the addition of many French words, particularly, after Henry II's accession to the crown of England.

As early as the reign of Henry VI. however, we find it varies very little from that of the reign of Henry VIII. There are papers preserved by Rymer, and others, written in the reign of Henry VI. and composed with a force and precision which may appear surprising. The works of Fortesene, in the following reign of Edward IV. are not only dictated by excellent sense; but, setting aside the orthography, might even be perceived by the common reader. In the reign of Elizabeth, a century after, the English language had acquired such copiousness, dignity, force, and melody, that perhaps, in the eye of very distant posterity, moderns may be supposed never to have exceeded; what is gained in elegance being generally lost in power.

To enable the reader to form a yet clearer idea of the degree of resemblance which is borne by the English, to the Anglo-Saxon, we shall close this dissertation with a copy of the Lord's prayer in both languages:

## ANGLO-SAXON

Uren fader thic arth in Heglnas. Sie gehalgud thin noma. To cymeth thin Ryc. Sie thin willa, sue is in Heofnas and in eortho. Uren hlaf oferwistlic sel us to daeg. And forgeve us scylda urea sue we forgefan scyldgum urum. And no inlead usig in custnumg. Ah gefrig usich from ifle. Amen.

## ENGLISH

Our father which art in heaven, hallowed be thy name; thy kingdom come; thy will be done on earth as it is in heaven; give us this day our daily bread, and forgive us our debts as we forgive our debtors; and lead us not into temptation, but deliver us from evil. Amen.

## ANTIQUITIES

We shall close this dissertation with some concise remarks on the antiquities of England, up to this period. A radical mistake in the study of English antiquities has arisen from the confusion of the Celtic and Belgic languages and monuments. The Druids have deservedly attracted much curiosity and research; but it would be erroneous to impute to them, as is usual, the whole of our earliest remains. The following have been esteemed a Druid monument by Borlase:

1. single stones erect:
2. rock idols and pierced stones:
3. rocking stones used as ordeals.
4. sepulchres of two, three, or more stones:

5. circular temples, or rather circles of erect stones:
6. barrows, or tumuli:
7. Cromlecs, or heaps of stones:
8. Rock-basons, imagined to have been used in Druid expiations:
9. caves, used as places of retreat in time of war.

But as most of these relics may also be found in Germany, and Scandinavia, it becomes hazardous to pronounce whether they be Gothic or Celtic; and as we learn from ancient authors that the Germans had no Druids, to bestow the name of Druidic, upon such monuments, is the mere wantonness of conjecture.

The Belgic relics are followed by those of the Romans. Amphitheatres are said to be still visible at Silchester, in Hampshire, and some other places. The Roman castle at Richborough in Kent, presents considerable remains of a massive wall cemented with surprising firmness.

The Roman ruins in this country are commonly composed of stone or flint, With strata of flat bricks at considerable intervals. The mosaic pavements, hypocausts, &c. are generally the remains of the villas of opulent Romans, scattered over the country. The greatest number of Roman inscriptions, altars, &c. have been found in the north, along the great frontier wall, which extended from the western sea, to the estuary of Thyne.

This vast wall is justly esteemed the most important remain of the Roman power in England; as that of Antoninus is in Scotland. The Romans seem to have paid particular attention to the construction of roads. One grand road passed from the south to the north, and another to the west, with branches in almost every direction that general convenience and expedition could require. What is called the Watling Street led from Richborough, in Kent, through London to Chester.

The Ermin Street passed from London to Lincoln, thence to Carlisle, and into Scotland, the name being supposed to be corrupted from Herman, which means warrior, as the chief wars lay in the north. The Fosse way is supposed to have led from Bath and the western regions, N. E. till it joined the Ermin Street. The last celebrated road was the Ikenild, or Ikneld, supposed to have extended from near Norwich, S. W. into Dorsetshire.

The Saxon antiquities in England are chiefly edifices, sacred or secular; many churches remain which were altogether, or for the most part, constructed in the Saxon period; and some are extant of the tenth, or perhaps the ninth century. The vaults erected by Grimbold, at Oxford, in the reign of Alfred, are justly esteemed curious relics of architecture. The oldest of the Saxon castles seems to consist of one solitary tower, square or hexagonal: one of the rudest specimens is in Coningsburgh castle, in Yorkshire; but as that region was subject to the Danes, till the middle of the tenth century, it is probably Danish.

Among the smaller remains of Saxon art, may be mentioned the shrines for preserving relics, which some suppose to present the diminutive rudiments of what is called the Gothic architecture; and the illuminated manuscripts which often afford curious memorials of the state of manners and knowledge. The Danish power in England, though of considerable duration in the north, was in the south brief and transitory. The camps of that nation were circular, like those of the Belgic and Saxons, while those of the Roman armies are known by the square form: and it is believed that the only distinct relics of the Danes, are some castles to the north of the Humber, and a few stones with Runic inscriptions.

## Notes

1. That is, public leader, or captain.
2. So called from the barbarous Latin word. *cancellare*, from his cancelling or striking out what he pleased in men's grants and petitions.
3. Sheriff, as if Shire-reve, i.e. *præfect* of the shire, from the Saxon, *Gerefa* contracted into *Grefa*, and *Greve*, and by the Normans, into *Reve*; thus *Portgreve* *Præfectus Portus*, from the German word *Grave*, which signifies a judge. Whence the old words *Cent-Grave*, *Tun-Grave*, &c. for the chief magistrates in the hundreds and tythings. Thus in Germany the judges of the boroughs and marches were called *Bur-Graves* and *Mark-Graves*, and *Grave* is still used there to signify the sovereign princes of the territories it is applied to the Saxon Sheriff's were chosen by the assembly of the county.
4. It is the common opinion that the barons after the Conquest, were the same with the thanes in the Saxon times; but upon examination it will appear otherwise. The word *thane* occurs not in the oldest Saxon monuments, and their original, seems to be this. When time had polished the Anglo-Saxons, many offices that the great men discharged at first in their own persons, were for ease and grandeur by them devolved on others. And as in those days there was but little money, such persons were rewarded for their services, by having land given them. Such lands were called *Thaneland*, which paid no rent, the superior having the tenant's service in lieu of it. Thus a great lord's chamberlain, hawker, hunter, were called his thanes. These thanes were divided into greater or lesser, only differing in this, that the greater held of the king, and the lesser of some subject, Hence it appears that the thanes were no other persons than those the Normans called tenants by *serjeantry*, when the service was of a public nature, that is, if land were given for the service of high-steward, or marshal of England, such gift and service was called *grand serjeantry*; but if for service of the steward of the household, master of the horse, these respecting only the person of the king, such service made only a tenure of *petit-serjeantry*. Now the first of these only, as holding of the public, were ranked among the barons. *Serjeantry* is French for *servitium*, so that *thane* and *serjeants* mean the same thing, viz, ministers or servants.
5. For some farther particulars relating to the Anglo-Saxon thanes and *ceorles*, vide, the Introduction to this History.
6. There were in England two sorts of Villains, a Villain in Gross, who was immediately bound to the person of his lord, and his heirs. The other, a Villain regardant to a manor, that is, belonging and being annexed to a manor. There are not truly any Villains now, though the law concerning them stands un-repealed. The successors of the Bond-men or Villains are the copy-holders, who, though time has dealt favourably with them in other respects, yet they still retain one mark of their original servitude. For as old Villains were not reckoned as members of the common-wealth, but part and parcel of their owner's substance, so were they therefore excluded from any share in the legislature, and their successors still continue without any right, to vote at elections, by virtue of their copy-holds.
7. The *Wapentakes* are the same as the hundreds, and not as the laths or trythings, as Mr. Rapin seems to think here and elsewhere. This word is still in use north of the Trent.
8. By ten families we are not to understand ten housekeepers, but ten lords of manors, with all their vassals, tenants, labourers, and slaves, who, though they did not all live under their lord's roof were all counted part of his family. As there' were no little free-holders in those early times, nor for long after, ten such families must occupy a large space of ground, and might well constitute a rural tything. In like manner the town tythings or boroughs consisted not of ten shop-keepers or traders, but of ten companies or fraternities, called in Saxon, *Guilds*: perhaps some more eminent than the rest might employ great numbers of artificers, hirelings or slaves;

and if we understand by ten families, ten such, we may well conceive they constituted towns or boroughs. Every tything was as it were a little republic, which exercised judicial power within the precincts of its own territories, and differed from a shire in nothing but extent of ground and number of inhabitants. For as the earl presided in the general assembly of every county, so there was one chosen annually out of the ten to preside in the tything court. These presidents were called Sapientes, and by the Saxons, Witan. After the Conquest, these presiding officers were made for life, for the sake of the Normans, who would not otherwise be chosen, and instead of wites were called barons, and the ten manors, or tythings they presided over; art honour or barony. But the town tythings Or boroughs remained on their ancient foot, and chose their president yearly.

**9.** The trything was a third, part of the county, some footsteps of which ancient division still remains in the Ridings of Yorkshire: for East-Riding, West-Riding, and North-Riding; are Manifest Corruptions of East-Trything, West-Trythin and North-Trything.

**10.** The northern nations neither incorporating nor destroying the inhabitants in their conquests, divided the land into three parts; one they left to the old possessors, the other two they took themselves. These divisions are called by the writers of those ages, Sertes Gothicae, and Sortes Romanae, in Italy. The Franks proceeded in the same manner in Gaul. What they took to themselves was termed Terra Salica, the rest was called Alodium, from the negative particle A and Lend, which signifies in Teutonic, persons linked by feudal tenures, who only had a share in the legislature. So that Allodial lands were such as were not subject to feudal duties; yet before tenants were oppressed, the term Allodarii was a term of reproach, as it discriminated the vanquished from the victors. Though their land was at first free from, all service, many possessors for their better security gave their Allodial lands to the Chiefs of great lordships to take them back under feudal tenures. Others, without divesting themselves at all of their ancient possession, placed themselves under such superiors, and then came in use the phrase tenere in Allodio, frequent enough in our Doomsday book, and in foreign writers: for all protection and subjection was supposed then to be founded on tenure.

**11.** The custom among the country people of trying witches, by throwing them into the water with their thumbs and toes tied together, is perhaps a relict of Water Ordeal. These trials were made with great solemnity, and were always managed by the clergy. The person accused was obliged to swear to his innocence, and sometimes, especially if in orders, to receive the sacrament. After the charge was legally brought in, the person impeached was to spend three days in fasting and prayer. At the day of trial, which in the Fire Ordeal was made in the church, the priest in his habit took up the iron which lay before the altar, and repeating the hymn of the three children, put it into the fire: then using some forms of benedictions over the fire and iron, he sprinkled the iron with holy water, and made the sign of the cross in the name of the Trinity: which done, the party accused past through the test. The ceremony of the scalding Water-Ordeal was much the same. But when the trial was by cold water, the three days fast and other circumstances being premised, the persons suspected drank a draught of holy water, to which the priest added an imprecation, in case he was guilty: then the water into which he was to be thrown, had a sort of exorcising form of prayers said over it: all these ways of trial continued long after the conquest. The first public discountenance from the state was in the third year of Henry III.

**12.** The imprecations go on thus: may his face turn pale, his limbs be convulsed, and an horrible alteration appear in his whole body.

**13.** In this law we have the valuation of men's heads of all orders and degrees. This valuation was called in Saxon, Wiregild. The king's head was valued at thirty thousand Thrimsas, half of which was to be paid to his relations, and half to the state. An Atheling or prince's was valued at fifteen thousand Thrimsas: a bishop's and ealdorman's at eight thousand: a general's at four thousand: a spiritual and temporal thane's, at two thousand: the ceorl's head was valued at two

hundred and sixty seven, but if he was so rich as to possess five hides of land, at two thousand, the same as a thane's.



## An Anglo-Saxon Scribe



**THE NEW CHRISTIAN CRUSADE  
CHURCH**

**CALLING THE PEOPLE OF BRITAIN**

**At last the bible makes sense!**

**At last we know its meaning.**

**Its the book of the RACE**

**"For out of Zion shall go forth the law, and the  
Word of the Lord from Jerusalem"  
(Isaiah 2:3)."**

