Our Legal Heritage, 4th Ed.

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OUR LEGAL HERITAGE

King AEthelbert - King George III

600 A.D. - 1776

By

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4th Edition

Preface

This was written to appreciate what laws have been in existence for a long time and therefore have proven their success in maintaining a stable society. Its purpose is also to see the historical context in which our legal doctrines developed. It includes the inception of the common law system, which was praised because it made law which was not handed down by an absolutist king; the origin of the jury system; the meaning of the Magna Carta provisions in their historical context; and the emergence of attorneys.

This book is a primer. One may read it without prior knowledge of history or law, although it will be more meaningful to attorneys than to others. It can serve as an introduction on which to base further reading in English legal history. It defines terms unique to English legal history. However, the meaning of some terms in King Aethelbert's code in Chapter 1 are unknown or inexact.

In the Table of Contents, the title of each chapter denotes an important legal development in the given time period for that chapter. Each chapter is divided into three sections: The Times, The Law, and Judicial Procedure.

The Times section sets a background and context in which to better understand the law of that period. The usual subject matter of history such as battles, wars, royal intrigues, periods of corruption, and international relations are omitted as not helping to understand the process of civilization and development of the law. Standard practices are described, but there are often variations with locality. Also, change did not come abruptly, but

with vacillations, e.g. the change from pagan to Christian belief and the change to allowance of loans for interest. The scientific revolution was accepted only slowly. There were often many attempts made for change before it actually occurred, e.g. gaining Parliamentary power over the king's privileges, such as taxation.

The Law section describes the law governing the behavior and conduct of the populace. It includes law of that time which is the same, similar, or a building block to the law of today. In earlier times this is both statutory law and the common law of the courts. The Magna Carta, which is quoted in Chapter 7, is the first statute of England and is listed first in the "Statutes of the Realm" and the "Statutes at Large". The law sections of Chapters 7 - 18 mainly quote or paraphrase most of these statutes. Excluded are statutes which do not help us understand the development of our law, such as statutes governing Wales after its conquest and statutes on succession rights to the throne.

The Judicial Procedure section describes the process of applying the law and trying cases, and jurisdictions. It also contains some examples of cases.

For easy comparison, amounts of money expressed in pounds or marks [Danish denomination] have often been converted to the smaller denominations of shillings and pence. There are twenty shillings in a pound. A mark in silver is two-thirds of a pound. Shillings are abbreviated: "s." There are twelve pennies or pence in a Norman shilling. Pence are abbreviated "d." Six shillings and two pence is denoted 6s.2d. A scaett was a coin of silver and copper of lesser denomination than a shilling.

The sources and reference books from which information was obtained are listed in a bibliography instead of being contained in tedious footnotes. There is no index to pages because the electronic text will print out its pages differently on different computers with different computer settings. Instead, a word search may be done on the electronic text.

Dedication and Acknowledgements

A Vassar College faculty member once dedicated her book to her students, but for whom it would have been written much earlier. This book "Our Legal Heritage" is dedicated to the faculty of Vassar College, without whom it would never have been written. Much appreciation goes to Professor Lacey Baldwin Smith of Northwestern University's History Department and to Professor James Curtin of Loyola Law School for their review and comments on this book: The Tudor and Stuart periods: Chapters 11-17, and the medieval period: Chapters 4-10, respectively.

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- The Times: before 600 A.D. -

The settlement of England goes back thousands of years. At first, people hunted and gathered their food. They wore animal skins over their bodies for warmth and around their feet for protection when walking. These skins were sewn together with bone needles and threads made from animal sinews. They carried small items by hooking them onto their belts. They used bone and stone tools, e.g. for preparing skins. Their uncombed hair was held by thistlethorns, animal spines, or straight bone hair pins. They wore conical hats of bound rush and lived in rush shelters.

Early clans, headed by kings, lived in huts on top of hills or other high places and fortified by circular or contour earth ditches and banks behind which they could gather for protection. They were probably dug with antler picks and wood spades. The people lived in rectangular huts with four wood posts supporting a roof. The walls were made of saplings, and a mixture of mud and straw. Cooking was in a clay oven inside or over an open fire on the outside. Water was carried in animal skins or leather pouches from springs lower on the hill up to the settlement. Forests abounded with wolves, bears, deer, wild boars, and wild cattle. They could more easily be seen from the hill tops. Pathways extended through this camp of huts and for many miles beyond.

For wives, men married women of their clan or bought or captured

other women, perhaps with the help of a best man. They carried their unwilling wives over the thresholds of their huts, which were sometimes in places kept secret from her family. The first month of marriage was called the honeymoon because the couple was given mead, a drink with fermented honey and herbs, for the first month of their marriage. A wife wore a gold wedding band on the ring finger of her left hand to show that she was married.

Women usually stayed at home caring for children, preparing meals, and making baskets. They also made wool felt and spun and wove wool into a coarse cloth. Flax was grown and woven into a coarse linen cloth. Spinning the strands into one continuous thread was done on a stick, which the woman could carry about and spin at anytime when her hands were free. The weaving was done on an upright or warp-weighted loom. People of means draped the cloth around their bodies and fastened it with a metal brooch inlayed with gold, gems, and shell, which were glued on with glue that was obtained from melting animal hooves. People drank from hollowed-out animal horns, which they could carry from belts. They could tie things with rawhide strips or rope braids they made. Kings drank from animal horns decorated with gold or from cups of amber, shale, or pure gold. Men and women wore pendants and necklaces of colorful stones, shells, amber beads, bones, and deer teeth. They skinned and cut animals with hand-axes and knives made of flint dug up from pits and formed by hitting flakes off. The speared fish with barbed bone prongs or wrapped bait around a flint, bone, or shell fish hook. On the coast, they made bone harpoons for deep-sea fish. The flint axe was used to shape wood and bone and was just strong enough to fell a tree, although the process was very slow.

The king, who was tall and strong, led his men in hunting groups to kill deer and other wild animals in the forests and to fish in the streams. Some men brought their hunting dogs on leashes to follow scent trails to the animal. The men threw stones and spears with flint points at the animals. They used wood clubs to beat them, at the same time using wood shields to protect their bodies. They watched the phases of the moon and learned to predict when it would be full and give the most light for night hunting. This began the concept of a month. Circles of stone like Stonehenge were built with alignments to paths of the moon.

If hunting groups from two clans tried to follow the same deer, there might be a fight between the clans or a blood feud. After the battle, the clan would bring back its dead and wounded. A priest officiated over a funeral for a dead man. His wife would often also go on the funeral pyre with him.

The priest also officiated over sacrifices of humans, who were usually offenders found guilty of transgressions. Sacrifices were usually made in time of war or pestilence, and usually before the winter made food scarce.

The clan ate deer that had been cooked on a spit over a fire, and fruits and vegetables which had been gathered by the women. They drank water from springs. In the spring, food was plentiful. There were eggs of different colors in nests and many hare to eat. The goddess Easter was celebrated at this time.

After this hunting and gathering era, there was farming and domestication of animals such as horses, pigs, sheep, goats, chicken, and cattle. Of these, the pig was the most important meat supply, being killed and salted for winter use. Next in importance were the cattle. Sheep were kept primarily for their wool. Flocks and herds were taken to pastures. The male cattle, with wood yokes, pulled ploughs in the fields of barley and wheat. The female goat and cow provided milk, butter, and cheese. The chickens provided eggs. The hoe, spade, and grinding stone were used. Thread was spun with a hand-held spindle which one hand held while the other hand alternately formed the thread from a mass and then wound it around the spindle. A coarse cloth was woven and worn as a tunic which had been cut from the cloth. Kings wore tunics decorated with sheet gold. Decorated pottery was made from clay and used to hold liquids and for food preparation and consumption. During the period of "lent" [from the word "lencten", which means spring], it was forbidden to eat any meat or fish. This was the season in which many animals were born and grew to maturity. Wood carts with four wheels were used to transport produce and manure. Horses were used for transportation of people or goods. Wood dug-out boats and paddles were used to fish on rivers or on the seacoast.

Clans had settlements near rivers. Each settlement had a meadow, for the mowing of hay, and a simple mill, with round timber huts, covered with branches or thatch or turf supported by a ring of posts. Inside was a hearth with smoke going up through a hole in the roof, and a cauldron for cooking food. There was an upright loom in the darkness. The floor was swept clean. At the door were spears or bags of slingstones ready for immediate use. The King lived in the largest hut. Gullies outside carried off excess water. Each hut had a garden for fruit and vegetables. A goat or cow might be tied out of reach of the garden. There was a fence or hedge surrounding and protecting the garden area and dwelling. Buckets and cauldrons which had originated from the Mediterranean were used. Querns with the top circular stone turned by hand over the bottom stone were used for grinding grain. There were ovens to dry and roast grain. Grain was first eaten as a porridge or cereal. There were square wood graneries on stilts and wood racks on which to dry hay. Grain was stored in concealed pits in the earth which were lined with drystone or basketwork or clay and made airtight by sealing with clay or dung. Old pits were converted into waste dumps, burials, or latrines. Outside the fence were an acre or two of fields of wheat and barley, and sometimes oats and rye. Wheat and rye were sown in the fall, and oats and barley in the spring. Sowing was by men or two oxen drawing a simple scratch plow. The crops were all harvested in the summer. In this two-field system, land was held by peasants in units designed to support a single extended family. These fields were usually enclosed with a hedge to keep animals from eating the crop and to define the territory of the settlement from that of its neighbors. Flax was grown and made into linen cloth. Beyond the fields were pastures for cattle and sheep grazing. There was often an area for beehives. This was subsistence level farming.

Pottery was given symmetry when formed with use of a wheel and heated in increasingly hot kilns. From kilns used for pottery, it was noticed that lumps of gold or copper ore within would melt and assume the shape of what they had been resting on. These were the

first metals, and could be beaten into various shapes, such as ornaments. Then the liquid ore was poured into moulds carved out of stones to make axes and daggers, which were reheated and hammered to become strong. Copper-tipped drills, chisels, punches and awls were also made.

The bodies of deceased were buried far away from any village in wood coffins, except for kings, who were placed in large stone coffins after being wrapped in linen. Buried with them were a few personal items, such as copper daggers, flat copper axes, and awls [small pointed tool for piercing holes in leather, wood, or other soft materials.]. The deceased was buried in a coffin with a stone on top deep in the earth to keep the spirit of the dead from coming out to haunt the living.

It was learned that tin added to the copper made a stronger metal: bronze. Stone hammers, and bronze and iron tools, were used to make cooking pots, weapons, breast plates, and horse bits, which were formed from moulds and/or forged by bronze smiths and blacksmiths from iron extracted from iron ore heated in bowl-shaped hearths. Typically one man operated the bellows to keep the fire hot while another did the hammering. Bronze was made into sickles for harvesting, razors for shaving, tweezers, straight hair pins, safety pins for clothes, armlets, neck-rings, and mirrors. Weapons included bows and arrows, flint and copper daggers, bronze swords and spears, stone axes, and shields of wood with bronze mountings. The bows and arrows probably evolved from spear throwing rods. Kings in body armor fought with chariots drawn by two horses. The horse harnesses had bronze fittings. The chariots had wood wheels, later with iron rims. When bronze came into use, there was a demand for its constituent parts: copper and tin, which were traded by rafts on waterways and the sea. When iron came into use, there were wrought iron axes, saws, adzes [ax with curved blade used to dress wood], files, ploughshares, harrows [set of spikes to break clods of earth on plowed land and also to cover seed when sewn], scythes, billhooks [thick knife with hooked point used to prune shrubs], and spits for hearths. Lead was mined. There was some glassmaking of beads. Wrought iron bars were used as currency.

Hillforts now had wooden palisades on top of their banks to protect the enclosed farmsteads and villages from stock wandering off or being taken by rustlers, and from attacks by wild animals or other people. Later a rampart was added from which sentries could patrol. These were supported by timber and/or stone structures. Timbers were probably transported by carts or dragged by oxen. At the entrances were several openings only one of which really allowed entry. The others went between banks into dead ends and served as traps in which to kill the enemy from above. Gates were of wood, some hung from hinges on posts which could be locked. Later guard chambers were added, some with space for hearths and beds. Sometimes further concentric circles of banks and ditches, and perhaps a second rampart, were added around these forts. They could reach to 14 acres. The ramparts are sufficiently widely spaced to make sling-shotting out from them highly effective, but to minimize the dangers from sling-shotting from without. The additional banks and ditches could be used to create cattle corridors or to protect against spear-thrown firebrands. However, few forts had springs of water within them, indicating

that attacks on them were probably expected to be short. Attacks usually began with warriors bristling with weapons and blowing war trumpets shouting insults to the foe, while their kings dashed about in chariots. Sometimes champions from each side fought in single combat. The Celts took the heads of those they killed to hang from their belts or place on wood spikes at the gates. Prisoners, including women and children, might become slaves. Kings sometimes lived in separate palisades where they kept their horses and chariots.

Circles of big stones like Stonehenge were rebuilt so that the sun's position with respect to the stones would indicate the day of longest sunlight and the day of shortest sunlight. Between these days there was an optimum time to harvest the crops before fall, when plants dried up and leaves fell from the trees. The winter solstice, when the days began to get longer was cause for celebration. In the next season, there was an optimum time to plant seeds so they could spring up from the ground as new growth. So farming gave rise to the concept of a year. Certain changes of the year were celebrated, such as Easter, named for the Goddess of the Dawn, which occurred in the east (after lent); May Day celebrating the revival of life; Lammas around July, when the wheat crop was ready for harvesting; and on October 31 the Celtic eve of Samhain, when the spirits of the dead came back to visit homes and demand food or else cast an evil spell on the refusing homes; and at which masked and costumed inhabitants representing the souls of the dead paraded to the outskirts of the settlements to lead the ghosts away from their homes; and at which animals and humans, who might be deemed to be possessed by spirits, were sacrificed or killed perhaps as examples, in huge bonfires [bonefires] as those assembled looked out for spirits and evil beings.

There was an agricultural revolution from the two-field to the three-field system, in which there were three large fields for the heavy and fertile land. Each field was divided into long and narrow strips. Each strip represented a day's work with the plough. One field had wheat, or perhaps rye, another had barley, oats, beans, or peas, and the third was fallow. These were rotated yearly. There was a newly invented plough that was heavy and made of wood and later had an attached iron blade. The plough had a mould-board which caught the soil stirred by the plough blade and threw it into a ridge alongside the furrow dug by the plough blade. This plough was too heavy for two oxen and was pulled by a team of about eight to ten oxen. Each ox was owned by a different man as was the plough, because no one peasant could afford the complete set. Each freeman was allotted certain strips in each field to bear crops. His strips were far from each other, which insured some very fertile and some only fair soil, and some land near his village dwelling and some far away. These strips he cultivated, sowed with seed, and harvested for himself and his family. After the harvest, they reverted to common ownership for grazing by pigs, sheep, and geese. As soon as haymaking was over, the meadows became common grazingland for horses, cows, and oxen. Not just any inhabitant, but usually only those who owned a piece of land in the parish were entitled to graze their animals on the common land, and each owner had this right of pasture for a definite number of animals. The faster horse replaced the ox as the primary work animal. Other farm implements were: coulters,

which gave free passage to the plough by cutting weeds and turf, picks, spades and shovels, reaping hooks and scythes, and sledge hammers and anvils. Strips of land for agriculture were added from waste land as the community grew. Waste lands were moors bristling with brushwood, or gorse, heather and wanton weeds, reed-coated marshes, quaking peat-bogs, or woods grown haphazard on sand or rock. With iron axes, forests could be cleared to provide more arable land.

Some villages had a smith, a wheelwright, and a cooper. There were villages which had one or two market days in each week. Cattle, sheep, pigs, poultry, calves, and hare were sold there. London was a town on the Thames River under the protection of the Celtic river god Lud: Lud's town. It's huts were probably built over the water, as was Celtic custom. It was a port for foreign trade. Near the town was Ludhill.

Flint workers mined with deer antler picks and ox shoulder blade shovels for flint to grind into axes, spearheads, and arrowheads. Mine shafts were up to thirty feet deep and necessitated the use of chalk lamps fuelled by animal fat with wicks of moss. The flint was hauled up in baskets.

Common men and women were now buried in tombs within memorial burial mounds of earth with stone entrances and interior chambers. A man's weapons and shield were buried with him and a woman's spindle and weaving baton, and perhaps beads or pottery with her. At times, mounds of earth would simply be covered over piles of corpses and ashes in urns. In these mass graves, some corpses had spear holes or sword cuts, indicating death by violence. The Druid priests, the learned class of the Celts, taught the Celts to believe in reincarnation of the soul after death of one body into another body. They also threw prized possessions into lakes and rivers as sacrifices to water gods. They placed images of gods and goddesses in shrines, which were sometimes large enough to be temples.

With the ability to grow food and the acquisition of land by conquest by invading groups, the population grew. There were different classes of men. The freemen were eorls [noble freemen] or ceorls [ordinary free farmers]. Slaves were not free. Freemen had long hair and beards. Slaves' hair was shorn from their heads so that they were bald. Slaves were chained and often traded. Prisoners taken in battle, especially native Britons taken by invading groups, became slaves. A slave who was captured or purchased was a "theow". An "esne" was a slave who worked for hire. A "weallas" was a Welsh slave. Criminals became slaves of the person wronged or of the king. Sometimes a father pressed by need sold his children or his wife into bondage. Debtors, who increased in number during famine, which occurred regularly, became slaves by giving up the freeman's sword and spear, picking up a slave's mattock [pick ax for the soils], and placing their head within a lord's or lady's hands. They were called wite-theows. The original meaning of the word lord was "loaf-giver". Children with a slave parent were slaves. The slaves lived in huts around the homes of big landholders, which were made of logs and consisted on one large room or hall. An open hearth was in the middle of the earthen floor of the hall, which was strewn with rushes. There was a hole in the roof to let out the smoke. Here

the landholder and his men would eat meat, bread, salt, hot spiced ale, and mead while listening to minstrels sing about the heroic deeds of their ancestors. Richer men drank wine. There were festivals which lasted several days, in which warriors feasted, drank, gambled, boasted, and slept where they fell. Physical strength and endurance in adversity were admired traits.

Slaves often were used as grain grinders, ploughmen, sowers, haywards, woodwards, shepherds, goatherds, swineherds, oxherds, cowherds, dairymaids, and barnmen. Slaves had no legal rights. A lord could kill his slave at will. A wrong done to a slave was regarded as done to his owner. If a person killed another man's slave, he had to compensate him with the slave's purchase price. The slave owner had to answer for the offences of his slaves against others, as for the mischief done by his cattle. Since a slave had no property, he could not be fined for crimes, but was whipped, mutilated, or killed.

During famine, acorns, beans, peas, and even bark were ground down to supplement flour when grain stocks grew low. People scoured the hedgerows for herbs, roots, nettles, and wild grasses, which were usually left for the pigs. Sometimes people were driven to infanticide or group suicide by jumping together off a cliff or into the water.

Several large kingdoms came to replace the many small ones. The people were worshipping pagan gods when St. Augustine came to England in 596 A.D. to Christianize them. King AEthelbert of Kent [much later a county] and his wife, who had been raised Christian on the continent, met him when he arrived. The King gave him land where there were ruins of an old city. Augustine used stones from the ruins to build a church which was later called Canterbury. He also built the first St. Paul's church in London. Aethelbert and his men who fought with him and ate and lived in his household [gesiths] became Christian. A succession of princesses went out from Kent to marry other Saxon kings and convert them to Christianity.

Augustine knew how to write, but King AEthelbert did not. The King announced his laws at meetings of his people and his eorls would decide the punishments. There was a fine of 120s. for disregarding a command of the King. He and Augustine decided to write down some of these laws, which now included the King's new law concerning the church.

These laws concern personal injury, killing, theft, burglary, marriage, adultery, and inheritance. The blood feud's private revenge for killing had been replaced by payment of compensation to the dead man's kindred. One paid a man's "wergeld" [worth] to his kindred for causing his wrongful death. The wergeld [wer] of a king was an unpayable amount of about 7000s., of an aetheling [a king-worthy man of the extended royal family] was 1500s., of an eorl, 300s., of a ceorl, 100s., of a laet [agricultural worker in Kent, which class was between free and slave], 40-80s., and of a slave nothing. At this time a shilling could buy a cow in Kent or a sheep elsewhere. If a ceorl killed an eorl, he paid three times as much as an eorl would have paid as murderer. The penalty for slander was tearing out of the tongue. If an aetheling was guilty of this offense, his tongue was worth five times that of a coerl,

so he had to pay proportionately more to ransom it. The crimes of murder, treachery to one's own lord, arson, house breaking, and open theft, were punishable by death and forfeiture of all property.

- The Law -

"THESE ARE THE DOOMS [DECREES] WHICH KING AETHELBERHT ESTABLISHED IN THE DAYS OF AUGUSTINE

1. [Theft of] the property of God and of the church [shall be compensated], twelve fold; a bishop's property, eleven fold; a priest's property, nine fold; a deacon's property, six fold; a cleric's property, three fold; church frith [breach of the peace of the church; right of sanctuary and protection given to those within its precincts], two fold [that of ordinary breach of the public peace]; m....frith [breach of the peace of a meeting place], two fold.

2. If the King calls his leod [his people] to him, and any one there do them evil, [let him compensate with] a two-fold bot [damages for the injury], and 50 shillings to the King.

3. If the King drink at any one's home, and any one there do any lyswe [evil deed], let him make two-fold bot.

4. If a freeman steal from the King, let him repay nine fold.

5. If a man slay another in the King's tun [enclosed dwelling premises], let him make bot with 50 shillings.

6. If any one slay a freeman, 50 shillings to the King, as drihtin beah [payment to a lord in compensaton for killing his freeman].

7. If the King's ambiht smith [smith or carpenter] or laad rine [man who walks before the King or guide or escort], slay a man, let him pay a half leod geld.

8. [Offenses against anyone or anyplace under] the King's mund byrd [protection or patronage], 50 shillings.

9. If a freeman steal from a freeman, let him make threefold bot; and let the King have the wite [fine] and all the chattels [necessary to pay the fine]. (Chattels was a variant of "cattle".)

10. If a man lie with the King's maiden [female servant], let him pay a bot of 50 shillings.

11. If she be a grinding slave, let him pay a bot of 25 shillings. The third [class of servant] 12 shillings.

12. Let the King's fed esl [woman who serves him food or nurse] be paid for with 20 shillings.

13. If a man slay another in an eorl's tun [premises], let [him] make bot with 12 shillings.

14. If a man lie with an eorl's birele [female cupbearer], let him make bot with 12 shillings.

15. [Offenses against a person or place under] a ceorl's mund byrd [protection], 6 shillings.

16. If a man lie with a ceorl's birele [female cupbearer], let him make bot with 6 shillings; with a slave of the second [class], 50 scaetts; with one of the third, 30 scaetts.

17. If any one be the first to invade a man's tun [premises], let him make bot with 6 shillings; let him who follows, with 3 shillings; after, each, a shilling.

18. If a man furnish weapons to another where there is a quarrel, though no injury results, let him make bot with 6 shillings.

19. If a weg reaf [highway robbery] be done [with weapons furnished by another], let him [the man who provided the weapons] make bot with 6 shillings.

20. If the man be slain, let him [the man who provided the weapons] make bot with 20 shillings.

21. If a [free] man slay another, let him make bot with a half leod geld [wergeld for manslaughter] of 100 shillings.

22. If a man slay another, at the open grave let him pay 20 shillings, and pay the whole leod within 40 days.

23. If the slayer departs from the land, let his kindred pay a half leod.

24. If any one bind a freeman, let him make bot with 20 shillings.

25. If any one slay a ceorl's hlaf aeta [loaf or bread eater; domestic or menial servant], let him make bot with 6 shillings.

26. If [anyone] slay a laet of the highest class, let him pay 80 shillings; of the second class, let him pay 60 shillings; of the third class, let him pay 40 shillings.

27. If a freeman commit edor breach [breaking through the fenced enclosure and forcibly entering a ceorl's dwelling], let him make bot with 6 shillings.

28. If any one take property from a dwelling, let him pay a three-fold bot.

29. If a freeman goes with hostile intent through an edor [the fence enclosing a dwelling], let him make bot with 4 shillings.

30. If [in so doing] a man slay another, let him pay with his own money, and with any sound property whatever.

31. If a freeman lie with a freeman's wife, let him pay for it with his wer geld, and obtain another wife with his own money, and bring her to the other [man's dwelling].

32. If any one thrusts through the riht ham scyld [legal means of protecting one's home], let him adequately compensate.

33. If there be feax fang [seizing someone by the hair], let there be 50 sceatts for bot.

34. If there be an exposure of the bone, let bot be made with 3 shillings.

35. If there be an injury to the bone, let bot be made with 4 shillings.

36. If the outer hion [outer membrane covering the brain] be broken, let bot be made with 10 shillings.

37. If it be both [outer and inner membranes covering the brain], let bot be made with 20 shillings.

38. If a shoulder be lamed, let bot be made with 30 shillings.

39. If an ear be struck off, let bot be made with 12 shillings.

40. If the other ear hear not, let bot be made with 25 shillings.

41. If an ear be pierced, let bot be made with 3 shillings.

42. If an ear be mutilated, let bot be made with 6 shillings.

43. If an eye be [struck] out, let bot be made with 50 shillings.

44. If the mouth or an eye be injured, let bot be made with 12 shillings.

45. If the nose be pierced, let bot be made with 9 shillings.

46. If it be one ala, let bot be made with 3 shillings.

47. If both be pierced, let bot be made with 6 shillings.

48. If the nose be otherwise mutilated, for each [cut, let] bot be made with 6 shillings.

49. If it be pierced, let bot be made with 6 shillings.

50. Let him who breaks the jaw bone pay for it with 20 shillings.

51. For each of the four front teeth, 6 shillings; for the tooth which stands next to them 4 shillings; for that which stands next to that, 3 shillings; and then afterwards, for each a shilling.

52. If the speech be injured, 12 shillings. If the collar bone be broken, let bot be made with 6 shillings.

53. Let him who stabs [another] through an arm, make bot with 6 shillings. If an arm be broken, let him make bot with 6 shillings.

54. If a thumb be struck off, 20 shillings. If a thumb nail be off, let bot be made with 3 shillings. If the shooting [fore] finger be struck off, let bot be made with 8 shillings. If the

middle finger be struck off, let bot be made with 4 shillings. If the gold [ring]finger be struck off, let bot be made with 6 shillings. If the little finger be struck off, let bot be made with 11 shillings.

55. For every nail, a shilling.

56. For the smallest disfigurement of the face, 3 shillings; and for the greater, 6 shillings.

57. If any one strike another with his fist on the nose, 3 shillings.

58. If there be a bruise [on the nose], a shilling; if he receive a right hand bruise [from protecting his face with his arm], let him [the striker] pay a shilling.

59. If the bruise [on the arm] be black in a part not covered by the clothes, let bot be made with 30 scaetts.

60. If it be covered by the clothes, let bot for each be made with 20 scaetts.

61. If the belly be wounded, let bot be made with 12 shillings; if it be pierced through, let bot be made with 20 shillings.

62. If any one be gegemed [pregnant], let bot be made with 30 shillings.

63. If any one be cear wund [badly wounded], let bot be made with 3 shillings.

64. If any one destroy [another's] organ of generation [penis], let him pay him with 3 leod gelds: if he pierce it through, let him make bot with 6 shillings; if it be pierced within, let him make bot with 6 shillings.

65. If a thigh be broken, let bot be made with 12 shillings; if the man become halt [lame], then friends must arbitrate.

66. If a rib be broken, let bot be made with 3 shillings.

67. If [the skin of] a thigh be pierced through, for each stab 6 shillings; if [the wound be] above an inch [deep], a shilling; for two inches, 2; above three, 3 shillings.

68. If a sinew be wounded, let bot be made with 3 shillings.

69. If a foot be cut off, let 50 shillings be paid.

70. If a great toe be cut off, let 10 shillings be paid.

71. For each of the other toes, let one half that for the corresponding finger be paid.

72. If the nail of a great toe be cut off, 30 scaetts for bot; for each of the others, make bot with 10 scaetts.

73. If a freewoman loc bore [with long hair] commit any leswe

[evil deed], let her make a bot of 30 shillings.

74. Let maiden bot [compensation for injury to an unmarried woman] be as that of a freeman.

75. For [breach of] the mund [protection] of a widow of the best class, of an eorl's degree, let the bot be 50 shillings; of the second, 20 shillings; of the third, 12 shillings; of the fourth, 6 shillings.

76. If a man carry off a widow not under his own protection by right, let the mund be twofold.

77. If a man buy a maiden with cattle, let the bargain stand, if it be without fraud; but if there be fraud, let him bring her home again, and let his property be restored to him.

78. If she bear a live child, she shall have half the property, if the husband die first.

79. If she wish to go away with her children, she shall have half the property.

80. If the husband wish to keep them [the children], [she shall have the same portion] as one child.

81. If she bear no child, her paternal kindred shall have the fioh [her money and chattels] and the morgen gyfe [morning gift: a gift made to the bride by her husband on the morning following the consummation of the marriage].

82. If a man carry off a maiden by force, let him pay 50 shillings to the owner, and afterwards buy [the object of] his will from the owner.

83. If she be betrothed to another man in money [at a bride price], let him [who carried her off] make bot with 20 shillings.

84. If she become gaengang [pregnant], 35 shillings; and 15 shillings to the King.

85. If a man lie with an esne's wife, her husband still living, let him make twofold bot.

86. If one esne slay another unoffending, let him pay for him at his full worth.

87. If an esne's eye and foot be struck out or off, let him be paid for at his full worth.

88. If any one bind another man's esne, let him make bot with 6 shillings.

89. Let [compensation for] weg reaf [highway robbery] of a theow [slave] be 3 shillings.

90. If a theow steal, let him make twofold bot [twice the value of the stolen goods]."

- Judicial Procedure -

The King and his freemen would hear and decide cases of wrongful behavior such as breach of the peace. Punishment would be given to the offender by the community.

There were occasional meetings of "hundreds", which were 100 households, to settle wide-spread disputes. The chief officer was "hundreder" or "constable". He was responsible for keeping the peace of the hundred.

The Druid priests decided all disputes of the Celts.

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- The Times: 600-900 -

The country was inhabited by Anglo-Saxons. The French called it "Angleterre", which means the angle or end of the earth. It was called "Angle land", which later became "England".

A community was usually an extended family. Its members lived a village in which a stone church was the most prominent building. They lived in one-room huts with walls and roofs made of wood, mud, and straw. Hangings covered the cracks in the walls to keep the wind out. Smoke from a fire in the middle of the room filtered out of cracks in the roof. Grain was ground at home by rotating by hand one stone disk on another stone disk. Some villages had a mill powered by the flow of water or by horses. All freeholders had the duty of watch [at night] and ward [during the day], of following the hue and cry to chase an offender, and of taking the oath of peace. These three duties were constant until 1195.

Farmland surrounded the villages and was farmed by the community as a whole under the direction of a lord. There was silver, copper, iron, tin, gold, and various types of stones from remote lead mines and quarries in the nation. Silver pennies replaced the smaller scaetts. Freemen paid "scot" and bore "lot" according to their means for local purposes.

Everyone in the village went to church on Sunday and brought gifts such as grain to the priest. Later, contributions in the form of money became customary, and then expected. They were called "tithes" and were spent for church repair, the clergy, and poor and needy laborers. Local custom determined the amount. There was also church-scot: a payment to the clergy in lieu of the first fruits of the land. The priest was the chaplain of a landlord and his parish was coextensive with that landlord's holding and could include one to several villages. The priest and other men who helped him, lived in the church building. Some churches had lead roofs and iron hinges, latches, and locks on their doors. The land

underneath had been given to the church by former kings and persons who wanted the church to say prayers to help their souls go from purgatory to heaven and who also selected the first priest. The priest conducted Christianized Easter ceremonies in the spring and (Christ's mass) ceremonies in winter in place of the pagan Yuletide festivities. Burning incense took the place of pagan burnt animal offerings, which were accompanied by incense to disguise the odor of burning flesh. Holy water replaced haunted wells and streams. Christian incantations replaced sorcerer's spells. Nuns assisted priests in celebrating mass and administering the sacraments. They alone consecrated new nuns. Vestry meetings were community meetings held for church purposes. The people said their prayers in English, and the priest conducted the services in English. A person joined his hands in prayer as if to offer them for binding together in submission.

The church baptized babies and officiated or gave blessings at marriage ceremonies. It also said prayers for the dying, gave them funerals, and buried them. There were burial service fees, candle dues, and plough alms. A piece of stone with the dead person's name marked his grave. It was thought that putting the name on the grave would assist identification of that person for being taken to heaven. The church heard the last wish or will of the person dying concerning who he wanted to have his property. The church taught that it was not necessary to bury possessions with the deceased. The church taught boys and girls.

Every man carried a horn slung on his shoulder as he went about his work so that he could at once send out a warning to his fellow villagers or call them in chasing a thief or other offender. The forests were full of outlaws, so strangers who did not blow a horn to announce themselves were presumed to be fugitive offenders who could be shot on sight. An eorl could call upon the ceorl farmers for about forty days to fight off an invading group.

There were several kingdoms, whose boundaries kept changing due to warfare, which was a sin according to the church. They were each governed by a king and witan of wise men who met at a witanegemot, which was usually held three times a year, mostly on great church festivals and at the end of the harvest. The king and witan chose the witan's members of bishops, eorldormen, and thegns [landholding farmers]. The king and hereditary claims played a major part in the selection of the eorldormen, who were the highest military leaders and often of the royal family. They were also chief magistrates of large jurisdictional areas of land. The witan included officers of the king's household and perhaps other of his retinue. There was little distinction then between his gesith, fighting men, guards, household companions, dependents, and servants. The king was sometimes accompanied by his wife and sons at the witanagemot. A king was selected by the witan according to his worthiness, usually from among the royal family, and could be deposed by it. The witan and king decided on laws, taxes, and transfers of land. They made determinations of war and peace and directed the army and the fleet. The king wore a crown or royal helmet. He extended certain protections by the king's peace. He could erect castles and bridges and could provide a special protection to strangers.

A king had not only a wergeld to be paid to his family if he were

killed, but a "cynebot" of equal amount that would be paid to his kingdom's people. A king's household had a chamberlain for the royal bedchamber, a marshall to oversee the horses and military equipment, a steward as head of household, and a cupbearer. The king had income from fines for breach of his peace; fines and forfeitures from courts dealing with criminal and civil cases; salvage from ship wrecks; treasure trove [assets hidden or buried in times of war]; treasures of the earht such as gold and silver; mines; saltworks; tolls and other dues of markets, ports, and the routes by land and by river generally; heriot from heirs of his special dependents for possession of land (usually in kind, principally in horses and weapons). He also had rights of purveyance [hospitality and maintenance when traveling]. The king had private lands, which he could dispose of by his will. He also had crown lands, which belonged to his office and could not be alienated without consent of the witan. Crown lands often included palaces and their appendant farms, and burhs. It was a queen's duty to run the royal estate. Also, a queen could possess, manage, and dispose of lands in her name. Violent queens waged wars. Kingdoms were often allied by marriage between their royal families. There were also royal marriages to royalty on the continent.

The houses of the wealthy had ornamented silk hangings on the walls. Some had fine white ox horn shaved so thin they were transparent for windows. Brightly colored drapery, often purple, and fly nets surrounded their beds, which were covered with the fur of animals. They slept in bed clothes on pillows stuffed with straw. Tables plated with silver and gems held silver candlesticks, gold and silver goblets and cups, and lamps of gold, silver, or glass. They used silver mirrors and silver writing pens. There were covered seats, benches, and footstools with the head and feet of animals at their extremities. They ate from a table covered with a cloth. Servants brought in food on spits, from which they ate. Food was boiled, broiled, or baked. The wealthy ate wheat bread and others ate barley bread. Ale made from barley was passed around in a cup. Mead made from honey was also drunk.

Men wore long-sleeved wool and linen garments reaching almost to the knee, around which they wore a belt tied in a knot. Men often wore a gold ring on the fourth finger of the right hand. Leather shoes were fastened with leather thongs around the ankle. Their hair was parted in the middle and combed down each side in waving ringlets. The beard was parted in the middle of the chin, so that it ended in two points. The clergy did not wear beards. Great men wore gold-embroidered clothes, gilt buckles and brooches, and drank from drinking horns mounted in silver gilt or in gold. Well-to-do women wore brightly colored robes with waist bands, headbands, necklaces, gem bracelets, and rings. Their long hair was in ringlets and they put rouge on their cheeks. They had beads, pins, needles, tweezers of bronze, and workboxes of bronze, some highly ornamented. They were often doing needlework. Silk was affordable only by the wealthy.

Most families kept a pig and pork was the primary meat. There were also sheep, goats, cows, deer, hare, and fowl. Fowl was obtained by fowlers who trapped them. The inland waters yielded eels, salmon, and trout. In the fall, meat was salted to preserve it for

winter meals. There were orchards growing figs, nuts, grapes, almonds, pears, and apples. Also produced were beans, lentils, onions, eggs, cheese, and butter. Pepper and cinnamon were imported.

Fishing from the sea yielded herrings, sturgeon, porpoise, oysters, crabs, and other fish. Sometimes a whale was driven into an inlet by a group of boats. Whale skins were used to make ropes.

The roads were not much more than trails. They were often so narrow that two pack horses could hardly pass each other. The pack horses each carried two bales or two baskets slung over their backs, which balanced each other. The soft soil was compacted into a deep ditch which rains, floods, and tides, if near the sea, soon turned into a river. Traveling a far distance was unsafe as there were robbers on the roads. Traveling strangers were distrusted. It was usual to wash one's feet in a hot tub after traveling and to dry them with a rough wool cloth.

There were superstitions about the content of dreams, the events of the moon, and the flights and voices of birds were often seen as signs or omens of future events. Herbal mixtures were drunk for sickness and maladies. From the witch hazel plant was made a mild alcoholic astringent, which was probably used to clean cuts and sooth abraisons.

In the peaceful latter part of the 600s, Theodore, who had been a monk in Rome, was appointed archbishop and visited all the island speaking about the right rule of life and ordaining bishops to oversee the priests. Each kingdom was split up into dioceses each with one bishop. Thereafter, bishops were selected by the king and his witan, usually after consulting the clergy and even the people of the diocese. The bishops came to be the most permanent element of society. They had their sees in villages or rural monasteries. The bishops came to have the same wergeld as an eorldorman: 1200s., which was the price of about 500 oxen. A priest had the wergeld as a landholding farmer [thegn], or 300s. The bishops spoke Latin, but the priests of the local parishes spoke English. Theodore was the first archbishop whom all the English church obeyed. He taught sacred and secular literature, the books of holy writ, ecclesiastical poetry, astronomy, arithmetic, and sacred music. Theodore discouraged slavery by denying Christian burial to the kidnapper and forbidding the sale of children over the age of seven. A slave became entitled to two loaves a day and to his holydays. A slave was allowed to buy his or his children's freedom. In 673, Theodore started annual national ecclesiastical assemblies, for instance for the witnessing of important actions. The bishops, some abbots, the king, and the eorldormen were usually present. From them the people learned the benefit of common national action. There were two archbishops: one of Canterbury in the south and one of York in the north. They governed the bishops and could meet with them to issue canons that would be equally valid all over the land. A bishop's house contained some clerks, priests, monks, and nun and was a retreat for the weary missionary and a school for the young. The bishop had a deacon who acted as a secretary and companion in travel, and sometimes as an interpreter. Ink was made from the outer husks of walnuts steeped in vinegar.

The learned ecclesiastical life flourished in monastic communities, in which both monks and nuns lived. Hilda, a noble's daughter, became the first nun in Northumbria and abbess of one of its monasteries. There she taught justice, piety, chastity, peace, and charity. Several monks taught there later became bishops. Kings and princes often asked her advice. Many abbesses came to run monastic communities; they were from royal families. Women, especially from royal families, fled to monasteries to obtain shelter from unwanted marriage or to avoid their husbands. Kings and eorldormen retired to them.

Danish Vikings made several invasions in the 800s for which a danegeld tax on land was assessed on everyone every ten to twenty years. The amount was determined by the witan and was typically 2s. per hide of land. (A hide was probably the amount of land which could support a family or household for a year or as much land as could be tilled annually by a single plow.) It was stored in a strong box under the King's bed. King Alfred the Great, who had lived for awhile in Rome, unified the country to defeat the invaders. He established fortifications called "burhs", usually on hill tops or other strategic locations on the borders to control the main road and river routes into his realm. The burhs were seminal towns. They were typically walled enclosures with towers and an outer ditch and mound, instead of the hedge or fence enclosure of a tun. Inside were several wooden thatched huts and a couple of churches, which were lit by earthen oil lamps. The populace met at burh-gemots. The land area protected by each burh became known as a "shire", which means a share of a larger whole. The shire or local landowners were responsible for repairing the burh fortifications. There were about thirty shires.

Alfred gathered together fighting men who were at his disposal, which included eorldormen with their hearthbands (retinues of men each of whom had chosen to swear to fight to the death for their eorldorman, and some of whom were of high rank), the King's thegns, shire thegns (local landholding farmers, who were required to bring fighting equipment such as swords, helmets, chainmail, and horses), and ordinary freemen, i.e. ceorls (who carried food, dug fortifications, and sometimes fought). Since the King was compelled to call out the whole population to arms, the distinction between the king's thegns from other landholders disappeared. Some great lords organized men under them, whom they provisioned. These vassals took a personal oath to their lord "on condition that he keep me as I am willing to deserve, and fulfill all that was agreed on when I became his man, and chose his will as mine." Alfred had a small navy of longships with 60 oars to fight the Viking longships.

Alfred divided his army into two parts so that one half of the men were fighting while the other half was at home sowing and harvesting for those fighting. Thus, any small-scale independent farming was supplanted by the open-field system, cultivation of common land, more large private estates headed by a lord, and a more stratified society in which the king and important families more powerful and the peasants more curtailed. The witan became mere witnesses. Many free coerls of the older days became bonded. The village community tended to become a large private estate headed by a lord. But the lord does not have the power to encroach upon the rights of common that exist within the community.

In 886, a treaty between Alfred and the Vikings divided the country along the war front and made the wergeld of every free farmer, whether English or Viking, 200s. Men of higher rank were given a wergeld of 4 1/2 marks of pure gold. A mark was probably a Viking denomination and a mark of gold was equal to nine marks of silver in later times and probably in this time. The word "earl" replaced the word "eorldormen" and the word "thegn" replaced the word "aetheling" after the Danish settlement. The ironed pleats of Viking clothing indicated a high status of the wearer. The Vikings brought combs and the practice of regular hair-combing to England.

King Alfred gave land with jurisdictional powers within its boundaries such as the following: "This is the bequest which King Alfred make unequivocally to Shaftesbury, to the praise of God and St. Mary and all the saints of God, for the benefit of my soul, namely a hundred hides as they stand with their produce and their men, and my daughter AEthelgifu to the convent along with the inheritance, since she took the veil on account of bad health; and the jurisdiction to the convent, which I myself possessed, namely obstruction and attacks on a man's house and breach of protection. And the estates which I have granted to the foundation are 40 hides at Donhead and Compton, 20 hides at Handley and Gussage 10 hides at Tarrant, 15 hides at Iwerve and 15 hides at Fontmell.

The witnesses of this are Edward my son and Archbishop AEthelred and Bishop Ealhferth and Bishop AEthelhead and Earl Wulfhere and Earl Eadwulf and Earl Cuthred and Abbot Tunberht and Milred my thegn and AEthelwulf and Osric and Brihtulf and Cyma. If anyone alters this, he shall have the curse of God and St. Mary and all the saints of God forever to all eternity. Amen."

Sons usually succeeded their fathers on the same land as shown by this lifetime lease: "Bishop Denewulf and the community at Winchester lease to Alfred for his lifetime 40 hides of land at Alresford, in accordance with the lease which Bishop Tunbriht had granted to his parents and which had run out, on condition that he renders every year at the autumnal equinox three pounds as rent, and church dues, and the work connected with church dues; and when the need arises, his men shall be ready both for harvesting and hunting; and after his death the property shall pass undisputed to St. Peter's.

These are the signatures of the councilors and of the members of the community who gave their consent, namely ..."

Alfred invented a graduated candle with spaces indicating one hour of burning, which could be used as a clock. He used a ventilated cow's horn to put around the top of the candle to prevent its blowing out, and then devised a wooden lantern with a horn window. He described the world as like a yolk in the middle of an egg whose shell moves around it. This agreed with the position of Ptolemy Claudius of Alexandria, who showed the curvature of the earth from north to south by observing that the Polar Star was higher in the north and lower in the south. That it was curved from east to west followed from the observation that two clocks placed one west and one east would record a different time for the same eclipse of the moon.

Alfred wrote poems on the worthiness of wisdom and knowledge in preference to material pleasures, pride, and fame, in dealing with life's sorrow and strife. His observations on human nature and his proverbs include:

1. As one sows, so will he mow.
2. Every man's doom [judgment] returns to his door.
3. He who will not learn while young, will repent of it when old.
4. Weal [prosperity] without wisdom is worthless.
5. Though a man had 70 acres sown with red gold, and the gold grew like grass, yet he is not a whit the worthier unless he gain friends for himself.
6. Gold is but a stone unless a wise man has it.
7. It's hard to row against the sea flood; so it is against misfortune.
8. He who toils in his youth to win wealth, so that he may enjoy ease in his old age, has well bestowed his toil.
9. Many a man loses his soul through silver.
10. Wealth may pass away, but wisdom will remain, and no man may perish who has it for his comrade.
11. Don't choose a wife for her beauty nor for wealth, but study her disposition.
12. Many an apple is bright without and bitter within.
13. Don't believe the man of many words.
14. With a few words a wise man can compass much.
15. Make friends at market, and at church, with poor and with rich.
16. Though one man wielded all the world, and all the joy that dwells therein, he could not therewith keep his life.
17. Don't chide with a fool.
18. A fool's bolt is soon shot.
19. If you have a child, teach it men's manners while it is little. If you let him have his own will, he will cause you much sorrow when he comes of age.
20. He who spares the rod and lets a young child rule, shall rue it when the child grows old.
21. Either drinking or not drinking is, with wisdom, good.
22. Be not so mad as to tell your friend all your thoughts.
23. Relatives often quarrel together.
24. The barkless dog bites ill.
25. Be wise of word and wary of speech, then all shall love you.
26. We may outride, but not outwit, the old man.
27. If you and your friend fall out, then your enemy will know what your friend knew before.
28. Don't choose a deceitful man as a friend, for he will do you harm.
29. The false one will betray you when you least expect it.
30. Don't choose a scornful false friend, for he will steal your goods and deny the theft.
31. Take to yourself a steadfast man who is wise in word and deed; he will prove a true friend in need.

To restore education and religion, Alfred disseminated the Anglo-Saxon Chronicles; the Venerable Bede's Ecclesiastical History of the English Nation; the "Consolidation of Philosophy" by Roman philosopher Boethius, which related the use of adversity to develop the soul, and described the goodness of God and how the highest happiness comes from spiritual values and the soul, which are eternal, rather than from material or earthly pursuits, which

are temporal; and Pope Gregory's Pastoral Care, which he had translated into English and was the fundamental book on the duty of a bishop, which included a duty to teach laymen; and Orosius' History of the World, which he had translated into English. Alfred's advice to pastors was to live as they had been taught from books and to teach this manner of life to others. To be avoided was pride, the mind's deception of seeking glory in the name of doing good works, and the corruption of high office. Bede was England's first scholar, first theologian, and first historian. He wrote poetry, theological books, homilies, and textbooks on grammar, rhetoric [public speaking and debating], arithmetic, and astronomy. He adhered to the doctrine that death entered the world by the sin of Adam, the first man. He began the practice of dating years from the birth of Christ and believed that the earth was round. Over the earth was a fiery spherical firmament. Above this were the waters of the heavens. Above this were the upper heavens, which contained the angels and was tempered with ice. He declared that comets portend downfalls of kingdoms, pestilence, war, winds, or heat. This reflected the church's view that a comet was a ball of fire flung from the right hand of an angry God as a warning to mankind, usually for disbelief. Storms were begun by the devil.

A famous poem, the oral legend of Beowulf, a hero who led his men into adventures and performed great feats and fought monsters and dragons, was put into writing with a Christian theme. In it, loyalty to one's lord is a paramount virtue. Also available in writing was the story of King Arthur's twelve victorious battles against the pagan Saxons, authored by Nennius.

There were professional story tellers attached to great men. Others wandered from court to court, receiving gifts for their story telling. Men usually told oral legends of their own feats and those of their ancestors after supper.

Alfred had monasteries rebuilt with learned and moral men heading them. He built a nunnery which was headed by his daughter as prioress. He built a strong wall with four gates around London, which he had taken into his control. He appointed his son-in-law, who was one of his eorldormen, to be alderman [older man] to govern London and to be the shire's earl. A later king built a palace in London, although Winchester was still the royal capital town. When the king traveled, he and his retinue were fed by the local people at their expense.

After Alfred's death, his daughter Aethelflared ruled the country for seven years. She had more fortified burhs built and led soldiers to victories.

Under the royalty were the nobles. An earl headed each shire as representative of the King. The term "earl" came to denote an office instead of a nobleman. He led the array of his shire to do battle if the shire was attacked. He executed all royal commands. An earl received grants of land and could claim hospitality and maintenance for himself, his officers, and his servants. He presided over the shire court. He received one-third of the fines from the profits of justice and collected as well a third of the revenues derived from tolls and duties levied in the boroughs of his shire. The office tended to be hereditary. Royal

representatives called "reeves" started to assist them. The reeve took security from every person for the maintenance of the public peace. He also tracked cattle thieves, brought suspects to court, gave judgments according to the doom books, and delivered offenders to punishment.

Under the earls were the thegns. By service to the King, it was possible for a coerl to rise to become a thegn and to be given land by the King. Other thegns performed functions of magistrates. A thegn was later identified as a person with five hides of land, a kitchen, a church, a bell house, a judicial place at the burh-gemot [a right of magistracy], and an appointment in the King's hall. He was bound to to service in war by virtue of his landholding instead of by his relationship to the king. Nobility was now a territorial attribute, rather than one of birth. The wergeld of a thegn was 1200s. when that of a ceorl or ordinary freeman was 200s. The wergeld of an earl or bishop was four times that of a thegn: 5800s. The wergeld of a king or archbishop was six times that of a thegn: 7200s. The higher a man's wergeld, the higher was his legal status in the scale of punishment, giving credible evidence, and participation in legal proceedings. The sokemen were freemen who had inherited their own land, chose their own lord, and attended and were subject to their lord's court. That is, their lord has soke [soc] jurisdiction over them. A ceorl typically had a single hide of land. A smallholder rented land of about 30 acres from a landlord, which he paid by doing work on the lord's demesne [household or messuage] land, paying money rent, or paying a food rent such as in eggs or chickens. Smallholders made up about two fifths of the population. A cottager had one to five acres of land and depended on others for his living. Among these were shepherds, ploughmen, swineherds, and blacksmiths. They also participated in the agricultural work, especially at harvest time.

It was possible for a thegn to become an earl, probably by the possession of forty hides. He might even acquire enough land to qualify him for the witan. Women could be present at the witenagemot and shire-gemot [meeting of the people of the shire]. They could sue and be sued in the courts. They could independently inherit, possess, and dispose of property. A wife's inheritance was her own and under no control of her husband.

Marriage required the consent of the lady and her friends. The man also had to arrange for the foster lean, that is, remuneration for rearing and support of expected children. He also declared the amount of money or land he would give the lady for her consent, that is, the morgengift, and what he would bequeath her in case of his death. It was given to her on the morning after the wedding night. The family of the bride was paid a "mund" for transferring the rightful protection they possessed over her to the family of the husband. If the husband died and his kindred did not accept the terms sanctioned by law, her kindred could repurchase the rightful protection. If she remarried within a year of his death, she had to forfeit the morgengift and his nearest kin received the lands and possessions she had. The word for man was "waepnedmenn" or weaponed person. A woman was "wifmenn" or wife person, with "wif" being derived from the word for weaving.

Great men and monasteries had millers, smiths, carpenters, architects, agriculturists, fishermen, weavers, embroiders, dyers,

and illuminators.

For entertainment, minstrels sang ballads about heroes or Bible stories, harpers played, jesters joked, and tumblers threw and caught balls and knives. There was gambling, dice games, and chasing deer with hounds.

Fraternal guilds were established for mutual advantage and protection. A guild imposed fines for any injury of one member by another member. It assisted in paying any murder fine imposed on a member. It avenged the murder of a member and abided by the consequences. It buried its members and purchased masses for his soul.

Mercantile guilds in seaports carried out commercial speculations not possible by the capital of only one person.

There were some ale houses, probably part of certain dwellings.

- The Law -

Alfred issued a set of laws to cover the whole country, which were drawn from the best laws of each region. There was no real distinction between the concepts of law, morals, and religion.

The importance of telling the truth and keeping one's word are expressed by this law: "1. At the first we teach that it is most needful that every man warily keep his oath and his wed. If any one be constrained to either of these wrongfully, either to treason against his lord, or to any unlawful aid; then it is juster to belie than to fulfil. But if he pledge himself to that which is lawful to fulfil, and in that belie himself, let him submissively deliver up his weapon and his goods to the keeping of his friends, and be in prison forty days in a King's tun: let him there suffer whatever the bishop may prescribe to him?" Let his kinsmen feed him, if he has no food. If he escapes, let him be held a fugitive and be excommunicate of the church.

The word of a bishop and of the king were incontrovertible without an oath.

The Ten Commandments were written down as this law:

"The Lord spake these words to Moses, and thus said: I am the Lord thy God. I led thee out of the land of the Egyptians, and of their bondage.

1. Love thou not other strange gods above me.

2. Utter thou not my name idly, for thou shalt not be guiltless towards me if thou utter my name idly.

3. Remember that thou hallow the rest day. Work for yourselves six days, and on the seventh rest. For in six days, Christ wrought the heavens and the earth, the seas, and all creatures that are in them, and rested on the seventh day: and therefore the Lord hallowed it.

4. Honor thy father and thy mother whom the Lord hath given thee, that thou mayst be the longer living on earth.

5. Slay thou not.

6. Commit thou not adultery.

7. Steal thou not.

8. Say thou not false witness.

9. Covet thou not thy neighbor's goods unjustly.

10. Make thou not to thyself golden or silver gods."

If any one fights in the king's hall, or draws his weapon, and he be taken; be it in the king's doom, either death, or life, as he may be willing to grant him. If he escape, and be taken again, let him pay for himself according to his wergeld, and make bot for the offence, as well wer as wite, according as he may have wrought.

If a man fights before a king's ealdorman in the gemot, let him make bot with wer and wite as it may be right; and before this 120s. to the ealdorman as wite. If he disturbs the folkmote by drawing his weapon, 120s. to the ealdorman as wite. If any of this happens before a king's ealdorman's junior, or a king's priest, 30s. as wite.

If any one fights in a ceorlish man's dwelling, let him make bot of 6s.to the ceorl. If he draws his weapon but doesn't fight, let it be half of that. If, however, either of these happens to a man with a wergeld of 600s., let it increase threefold of the ceorlish bot; and if to a man with a wergeld of 1200s., let it increase twofold of the bot of the man with a wergeld of 600s. Breach of the king's dwelling [breaking and entering] shall be 120s.; an archbishop's, 90s.; any other bishop's, and an ealdorman's, 60s.;. a 1200s. wergeld man's, 30s.; a 600s. wergeld man's, 15s.; and a ceorl's 5s.

If any one plot against the king's life, of himself, or by harbouring of exiles, or of his men; let him be liable with his life and in all that he has; or let him prove himself according to his lord's wer.

If any one with a band or gang of men slays an unoffending man, let him who acknowledges the death-blow pay wer and wite. If the slain man had a wergeld of 200s, let every one who was of the gang pay 30s. as gang-bot. If he had a wergeld of 600s., let every one pay 60s. as gang-bot. If he had a wergeld of 1200s., let every one pay 120s. If a gang does this, and afterwards denies it on oath, let them all be accused, and let them then all pay the wer in common; and all, one wite, such as shall belong to the wer.

If any one lends his weapon to another so he may kill some one with it, they may join together if they will in the wer. If they will not join together, let him who lent the weapon pay of the

wer a third part, and of the wite a third part.

With his lord a man may fight free of liability for homicide, if any one attack the lord: thus may the lord fight for his man. Likewise, a man may fight with his born kinsman, if a man attack him wrongfully, except against his lord. And a man may fight free of liability for homicide, if he finds another with his lawful wife, within closed doors, or under one covering, or with his lawfully-born daughter, or with his lawfully-born sister, or with his mother, who was given to his father as his lawful wife. If a man knows his foe is sitting at his home, he may not fight with him before he demands justice of him. If he has such power that he can beset his foe, and besiege him within, let him keep him within for seven days, and not attack him if he will remains within. And, then, after seven days, if he surrenders, and gives up his weapons, let him be kept safe for thirty days, and let notice of him be given to his kinsmen and his friends. But if he does not have sufficient power to besiege him within, let him ride to the ealdorman, and beg aid of him. If he will not aid him, let him ride to the king before he fights. In like manner also, if a man come upon his foe, and he did not know beforehand that he was staying at his home; if he is willing to give up his weapons, let him be kept for thirty days, and let notice of him be given to his friends; if he will not give up his weapons, then he may attack him. If he is willing to surrender, and to give up his weapons, and any one after that attack him, let him pay as well wer as wound, as he may do, and wite, and let him have forfeited his compensation to his kin. Every church shall have this peace: if a fugitive flee to one for sanctuary, no one may drag him out for seven days. If he is willing to give up his weapons to his foes, let him stay thirty days, and then let notice of him be given to his kinsmen. If any man confess in church any offences which had not been before revealed, let him be half forgiven.

If a man from one holdgetael wishs to seek a lord in another holdgetael, let him do it with the knowledge of the ealdorman whom he before followed in his shire. If he does it without his knowledge, let him who treats him as his man pay 120s. as wite, one-half to the king in the shire where he before followed and one-half in that into which he comes. If he has done anything wrong where he was before, let him make bot for it who has there received him as his man; and to the king 120s. as wite.

"If any one steals so that his wife and children don't know it, he shall pay 60 shillings as wite. But if he steals with the knowledge of all his household, they shall all go into slavery. A boy of ten years may be privy to a theft."

"If one who takes a thief, or holds him for the person who took him, lets the thief go, or conceals the theft, he shall pay for the thief according to his wer. If he is an eorldormen, he shall forfeit his shire, unless the king is willing to be merciful to him."

If any one steal in a church, let him pay the lawful penalty and the wite, and let the hand be struck off with which he did it. If he will redeem the hand, and that be allowed him, let him pay

as may belong to his wer.

If a man slanders another, the penalty is no lighter thing than that his tongue be cut out; which must not be redeemed at any cheaper rate than it is estimated at according to his wer.

If one deceives an unbetrothed woman and sleep with her, he must pay for her and have her afterwards to wife. But if her father not approve, he should pay money according to her dowry.

"If a man seize hold of the breast of a ceorlish woman, let him make bot to her with 5 shillings. If he throw her down and do not lie with her, let him make bot with 10 shillings. If he lie with her, let him make bot with 60 shillings. If another man had before lain with her, then let the bot be half that. ... If this befall a woman more nobly born, let the bot increase according to the wer."

"If any one, with libidinous intent, seize a nun either by her raiment or by her breast without her leave, let the bot be twofold, as we have before ordained concerning a laywoman."

"If a man commit a rape upon a ceorl's female slave, he must pay bot to the ceorl of 5 shillings and a wite [fine to the King] of 60 shillings. If a male theow rape a female theow, let him make bot with his testicles."

For the first dog bite, the owner pays 6 shillings, for the second, 12 shillings, for the third, 30 shillings.

An ox which gores someone to death shall be stoned.

If one steals or slays another's ox, he must give two oxen for it.

The man who has land left to him by his kindred must not give it away from his kindred, if there is a writing or witness that such was forbidden by those men who at first acquired it, and by those who gave it to him; and then let that be declared in the presence of the king and of the bishop, before his kinsmen.

- Judicial Procedure -

Cases were held at monthly meetings of the hundred court. The king or one of his reeves, conducted the trial by compurgation.

In compurgation, the one complaining, called the "plaintiff", and the one defending, called the "defendant", each told their story and put his hand on the Bible and swore "By God this oath is clean and true". A slip or a stammer would mean he lost the case. Otherwise, community members would stand up to swear on behalf of the plaintiff or the defendant as to their reputation for veracity. The value of a man's oath was commensurate with his value or wergeld. A man's brothers were usually his compurgators. If these "compurgators" were too few, usually twelve in number, or recited poorly, their party lost. If this process was inconclusive, the parties could bring witnesses to declare such knowledge as they had as neighbors. These witnesses, male and female, swore to particular points determined by the court.

If the witnesses failed, the defendant was told to go to church and to take the sacrament only if he or she were innocent. If he or she took the sacrament, he or she was tried by the process of "ordeal", which was administered by the church. In the ordeal by cold water, he was given a drink of holy water and then bound hand and foot and thrown into water. If he floated, he was guilty. If he sank, he was innocent. It was not necessary to drown to be deemed innocent. In the ordeal by hot water, he had to pick up a stone from inside a boiling cauldron. If his hand was healing in three days, he was innocent. If it was festering, he was guilty. A similar ordeal was that of hot iron, in which one had to carry in his hands a hot iron for a certain distance. The results of the ordeal were taken to indicate the will of God. Presumably a person convicted of murder, i.e. killing by stealth, or robbery [taking from a person's robe, that is, his person or breaking into his home to steal] would be hung and his possessions confiscated. A bishop's oath was incontrovertible. Accused archbishops and bishops could clear themselves with an oath that they were guiltless. Lesser ranks could clear themselves with the oaths of three compurgators of their rank or, for more serious offenses, undergo the ordeal of the consecrated morsel. For this, one would swallow a morsel; if he choked on it, he was guilty.

Any inanimate or animate object or personal chattel which was found by a court to be the immediate cause of death was forfeited as "deodand", for instance, a tree from which a man fell to his death, a beast which killed a man, a sword of a third party not the slayer that was used to kill a man. The deodand was to go to the dead man's kin so they could wreak their vengeance on it, which in turn would cause the dead man to lie in peace.

This is a lawsuit regarding rights to feed pigs in a certain woodland:

"In the year 825 which had passed since the birth of Christ, and in the course of the second Indiction, and during the reign of Beornwulf, King of Mercia, a council meeting was held in the famous place called Clofesho, and there the said King Beornwulf and his bishops and his earls and all the councilors of this nation were assembled. Then there was a very noteworthy suit about wood pasture at Sinton, towards the west in Scirhylte. The reeves in charge of the pigherds wished to extend the pasture farther, and take in more of the wood than the ancient rights permitted. Then the bishop and the advisors of the community said that they would not admit liability for more than had been appointed in AEthelbald's day, namely mast for 300 swine, and that the bishop and the community should have two thirds of the wood and of the mast. The Archbishop Wulfred and all the councilors determined that the bishop and the community might declare on oath that it was so appointed in AEthelbald's time and that they were not trying to obtain more, and the bishop immediately gave security to Earl Eadwulf to furnish the oath before all the councilors, and it was produced in 30 days at the bishop's see at Worcester. At that time Hama was the reeve in charge of the pigherds at Sinton, and he rode until he reached Worcester, and watched and observed the oath, as Earl Eadwulf bade him, but did not challenge it.
Here are the names and designations of those who were assembled at the council meeting ..."

- - - Chapter 3 - - -

- The Times: 900-1066 -

There were many large landholders such as the King, earls, and bishops. Earls were noblemen by birth, and often relatives of the King. They were his army commanders and the highest civil officials, each responsible for a shire. A breach of the public peace of an earl would occasion a fine. Lower in social status were freemen: sokemen, and then, in decreasing order, villani [villeins], bordarii, and cottarii. The servi were the slaves. Probably all who were not slaves were freemen.

Kings typically granted land in exchange for services of military duties, maintaining fortresses, and repairing bridges. Less common services required by landlords include equipping a guard ship and guarding the coast, guarding the lord, military watch, maintaining the deer fence at the King's residence, alms giving, and church dues. Since this land was granted in return for service, there were limitations on its heritability and often an heir had to pay a heriot to the landlord to obtain the land. A heriot was originally the armor of a man killed, which went to the King. The heriot of a thegn who had soken came to be about 80s.; of a kings' thegn about four lances, two coats of mail, two swords, and 125s.; of an earl about eight horses, four saddled and four unsaddled, eight lances, four coats of mail, four swords, and 500s.

There were several thousand thegns, rich and poor, who held land directly of the King. Some thegns had soken or jurisdiction over their own lands and others did not. Free farmers who had sought protection from thegns in time of war now took them as their lords. A freeman could chose his lord, following him in war and working his land in peace. All able-bodied freemen were liable to military service in the fyrd [national militia], but not in a lord's private wars. In return, the lord would protect him against encroaching neighbors, back him in the courts of law, and feed him in times of famine. But often, lords raided each other's farmers, who fled into the hills or woods for safety. Often a lord's fighting men stayed with him at his large house, but later were given land with inhabitants on it, who became his tenants. The lords were the ruling class and the greatest of them sat in the King's council along with bishops, abbots, and officers of the King's household. The lesser lords were local magnates, who officiated at the shire and hundred courts.

Stag-hunting, fox-hunting, and hawking were reserved for lords who did not work with their hands. Every free born person had the right to hunt other game.

There was a great expansion of arable land. Some land had been specifically allocated to certain individuals. Some was common land, held by communities. If a family came to pay the dues and

fines on certain common land, it could become personal to that family and was then known as heir-land. Most land came to be privately held from community-witnessed allotments or inheritance. Book-land was those holdings written down in books. This land was usually land that had been given to the church or monasteries because church clerics could write. So many thegns gave land to the church, usually a hide, that the church held 1/3 of the land of the realm. Folk-land was that land that was left over after allotments had been made to the freemen and which was not common land. It was public land and a national asset and could be converted to heir-land or book-land only by action of the king and witan. It could also be rented by services to the state via charter. A holder of folk-land might express a wish, e.g. by testamentary action, for a certain disposition of it, such as an estate for life or lives for a certain individual. But a distinct act by the king and witan was necessary for this wish to take effect. Small private transactions of land could be done by "livery of seisin" in the presence of neighbors. All estates in land could be let, lent, or leased by its holders, and was then known as "loenland".

Ploughs and wagons could be drawn by four or more oxen or horses in sets of two behind each other. Oxenshoes and horseshoes prevented lameness due to cracked hooves. Horse collars especially fitted for horses, replaced oxen yoke that had been used on horses.

A free holder's house was wood, perhaps with a stone foundation, and roofed with thatch or tiles. There was a main room or hall, with bed chambers around it. Beyond was the kitchen, perhaps outside under a lean-to. These buildings were surrounded by a bank or stiff hedge.

Simple people lived in huts made from wood and mud, with one door and no windows. They slept around a wood-burning fire in the middle of the earthen floor. They wore shapeless clothes of goat hair and unprocessed wool from their sheep. They ate rough brown bread, vegetable and grain broth, ale from barley, bacon, beans, milk, cabbage, onion, apples, plums, cherries, and honey for sweetening or mead. Vegetables grown in the country included onions, leeks, celery, lettuce, radish, carrots, garlic, shallots, parsnip, dill, chevil, marigold, coriander, and poppy. In the summer, they ate boiled or raw veal and wild fowl such as ducks, geese, or pigeons, and game snared in the forest. Poultry was a luxury food, but recognized as therapeutic for invalids, especially in broth form [chicken soup]. Venison was highly prized. There were still some wild boar, which were hunted with long spears, a greyhound dog, and hunting horns. They sometimes mated with the domestic pigs which roamed the woodlands. In September, the old and infirm pigs were slaughtered and their sides of bacon smoked in the rafters for about a month. Their intestines provided skin for sausages. In the fall, cattle were slaughtered and salted for food during the winter because there was no more pasture for them. However, some cows and breed animals were kept through the winter.

For their meals, people used wooden platters, sometimes earthenware plates, drinking horns, drinking cups from ash or alderwood turned on a foot-peddled pole lathe, and bottles made of

leather. Their bowls, pans, and pitchers were made by the potter's wheel. Water could be boiled in pots made of iron, brass, lead, or clay. Water could be carried in leather bags because leather working preservative techniques improved so that tanning prevented stretching or decaying. At the back of each hut was a hole in the ground used as a latrine, which flies frequented. Moss was used for toilet-paper. Parasitical worms in the stool were ubiquitous.

Most of the simple people lived in villages of about 20 homes circling a village green or lining a single winding lane. There were only first names, and these were usually passed down family lines. To grind their grain, the villagers used hand mills with crank and gear, or a communal mill, usually built of oak, driven by power transmitted through a solid oak shaft, banded with iron as reinforcement, to internal gear wheels of elm. Almost every village had a watermill. It might be run by water shooting over or flowing under the wheel.

Clothing for men and women was made from coarse wool, silk, and linen and was usually brown in color. Only the wealthy could afford to wear linen or silk. Men also wore leather clothing, such as neckpieces, breeches, ankle leathers, shoes, and boots. Boots were worn when fighting. They carried knives or axes under metal belts. They could carry items by tying leather pouches onto their belts with their drawstrings. They wore leather gloves for warmth and for heavy working with their hands.

People were as tall, strong and healthy as in the late 1900s, not having yet endured the later malnourishment and overcrowding that was its worst in the 1700s and 1800s. Their teeth were very healthy. Most adults died in their 40s, after becoming arthritic from hard labor. People in their 50s were deemed venerable. Boys of twelve were considered old enough to swear an oath of allegiance to the king. Girls married in their early teens, often to men significantly older.

The lands of the large landholding lords were administered by freemen. They had wheat, barley, oats, and rye fields, orchards, vineyards for wine, and bee-keeping areas for honey. On this land lived not only farm laborers, cattle herders, shepherds, goatherds, and pigherds, but craftsmen such as goldsmiths, hawkkeepers, dogkeepers, horsekeepers, huntsmen, foresters, builders, weaponsmiths, embroiders, bronze smiths, blacksmiths, watermill wrights, wheelwrights, wagon wrights, iron nail makers, potters, soap makers, tailors, shoemakers, salters (made salt at the "wyches", which later became towns ending with '-wich'), bakers, cooks, and gardeners. Most men did carpentry work. Master carpenters worked with ax, hammer, and saw to make houses, doors, bridges, milk buckets, washtubs, and trunks. Blacksmiths made gates, huge door hinges, locks, latches, bolts, and horseshoes. The lord loaned these people land on which to live for their life, called a "life estate", in return for their services. The loan could continue to their widows or children who took up the craft. Mills were usually powered by water. Candles were made from beeswax, which exuded a bright and steady light and pleasant smell, or from mutton fat, which had an unpleasant odor. The wheeled plough and iron-bladed plough made the furrows. One man hald the plough and another walked with the oxen, coaxing them forward with a stick and shouts. Seeds were held in an apron for

seeding. Farm implements included spades, shovels, rakes, hoes, buckets, barrels, flails, and sieves. Plants were pruned to direct their growth and to increase their yield. Everyone got together for feasts at key stages of the farming, such as the harvest. Easter was the biggest feast. When the lord was in the field, his lady held their estate. There were common lands of these estates as well as of communities. Any proposed new settler had to be admitted at the court of this estate.

The land of some lords included fishing villages along the coasts. From the sea were caught herrings, salmon, porpoises, sturgeon, oysters, crabs, mussels, cockels, winkeles, plaice, flounder, and lobsters. Sometimes whales were driven into an inlet by many boats. River fish included eels, pike, minnows, burbo, trout, and lampreys. They were caught by brushwood weirs, net, bait, hooks, and baskets. Oysters were so numerous that they were eaten by the poor. The king's peace extended over the waterways. If mills, fisheries, weirs, or other structures were set up to block them, they were to be destroyed and a penalty paid to the king.

Other lords had land with iron-mining industries. Ore was dug from the ground and combined with wood charcoal in a shaft furnace to be smelted into liquid form. Wood charcoal was derived from controlled charring of the wood at high temperatures without using oxygen. This burned impurities from it and left a purer carbon, which burned better than wood. The pure iron was extracted from this liquid and formed into bars. To keep the fire hot, the furnaces were frequently placed at windswept crossings of valleys or on the tops of hills.

Some lords had markets on their land, for which they charged a toll [like a sales tax] for participation. There were about fifty markets in the nation. Cattle and slaves (from the word "slav") were the usual medium of exchange. An ox still was worth about 30d. Shaking hands was symbolic of an agreement for a sale, which had to be carried out in front of witnesses at the market for any property worth over 20d. The higher the value of the property, the more witnesses were required. Witnesses were also required for the exchange of property and to vouch for cattle having being born on the property of a person claiming them. People traveled to markets on deep, sunken roads and narrow bridges kept in repair by certain men who did this work as their service to the King. The king's peace extended to a couple of high roads, i.e. highways, running the length of the country and a couple running its width.

Salt was used throughout the nation to preserve meat over the winter. Inland saltworks had an elaborate and specialized organization. The chief one used saltpans and furnaces to extract salt from natural brine springs. They formed little manufacturing enclaves in the midst of agricultural land, and they were considered to be neither large private estates headed by a lord nor appurtenant to such. They belonged jointly to the king and the local earl, who shared, at a proportion of two to one, the proceeds of the tolls upon the sale of salt and methods of carriage on the ancient salt ways according to cartload, horse load, or man load. Sometimes there were investors in a portion of the works who lived quite at distance away. The sales of salt were mostly retail, but some bought to resell. Peddlers carried salt to

sell from village to village.

Some smiths traveled for their work, for instance, stonewrights building arches and windows in churches, and lead workers putting lead roofs on churches.

An example of a grant of hides of land is: "[God has endowed King Edred with England], wherefore he enriches and honors men, both ecclesiastic and lay, who can justly deserve it. The truth of this can be acknowledged by the thegn AElfsige Hunlafing through his acquisition of the estate of 5 hides at Alwalton for himself and his heirs, free from every burden except the repair of fortifications, the building of bridges and military service; a prudent landowner church dues, burial fees and tithes. [This land] is to be held for all time and granted along with the things both great and small belonging to it."

A Bishop gave land to a faithful attendant for his life and two other lives as follows: "In 904 A.D., I, Bishop Werfrith, with the permission and leave of my honorable community in Worcester, grant to Wulfsige, my reeve, for his loyal efficiency and humble obedience, one hide of land at Aston as Herred held it, that is, surrounded by a dyke, for three lives and then after three lives the estate shall be given back without any controversy to Worcester."

At seaports on the coast, goods were loaded onto vessels owned by English merchants to be transported to other English seaports. London was a market town on the north side of the Thames River and the primary port and trading center for foreign merchants. Streets that probably date from this time include Milk, Bread, and Wood Streets, and Honey Lane. There were open-air markets such as Billingsgate. There were wooden quays over much of the riverfront. Houses were made of wood, with one sunken floor, or a ground floor with a cellar beneath. Some had central stone hearths and earth latrines. There were crude pottery cooking pots, beakers and lamps, wool cloth, a little silk, simple leather shoes, pewter jewelry, looms, and quernstones (for grinding flour). Wool, skins, hides, wheat, meal, beer, lead, cheese, salt, and honey were exported. Wine (mostly for the church), fish, timber, pitch, pepper, garlic, spices, copper, gems, gold, silk, dyes, oil, brass, sulphur, glass, slaves, and elephant and walrus ivory were imported. Goods from the continent were sold at open stalls in certain streets. Furs and slaves were traded. There was a royal levy on exports by foreigners merchants. Southwark was reachable by a bridge. It contained sleazy docks, prisons, gaming houses, and brothels.

Guilds in London were first associations of neighbors for the purposes of mutual assistance. They were fraternities of persons by voluntary compact to assist each other in poverty, including their widows or orphans and the portioning of poor maids, and to protect each other from injury. Their essential features are and continue to be in the future: 1) oath of initiation, 2) entrance fee in money or in kind and a common fund, 3) annual feast and mass, 4) meetings at least three times yearly for guild business, 5), obligation to attend all funerals of members, to bear the body if need be from a distance, and to provide masses for the dead, 6) the duty of friendly help in cases of sickness, imprisonment,

house burning, shipwreck, or robbery, 7) rules for decent behavior at meetings, and 8) provisions for settling disputes without recourse to the law. Both the masses and the feast were attended by the women. Frequently the guilds also had a religious ceremonial to affirm their bonds of fidelity. They readily became connected with the exercise of trades and with the training of apprentices. They promoted and took on public purposes such as the repairing of roads and bridges, the relief of pilgrims, the maintenance of schools and almshouses, and the periodic performance of pageants and miracle plays telling scriptural history, which could last for several days. The devil often was prominent in miracle plays.

Many of these London guilds were known by the name of their founding member. There were also Frith Guilds (peace guilds) and a Knights' Guild. The Frith Guild's main object was to enforce the King's laws, especially the prevalent problem of theft. They were especially established by bishops and reeves. Members met monthly and contributed about 4d. to a common fund, which paid a compensation for items stolen. They each paid 1s. towards the pursuit of the thief. The members were grouped in tens. Members with horses were to track the thief. Members without horses worked in the place of the absent horseowners until their return. When caught, the thief was tried and executed. Overwhelming force was used if his kindred tried to protect him. His property was used to compensate the victim for his loss and then divided between the thief's wife, if she was innocent, the King, and the guild. Owners of slaves paid into a fund to give one half compensation to those who lost slaves by theft or escape, and recaptured slaves were to be stoned to death or hanged. The members of the peace guild also feasted and drank together. When one died, the others each sang a song or paid for the singing of fifty psalms for his soul and gave a loaf.

The Knights' Guild was composed of thirteen military persons to whom King Edgar granted certain waste land in the east of London, toward Aldgate, and also Portsoken, which ran outside the eastern wall of the city to the Thames, for prescribed services performed, probably defense of the vulnerable east side of the city. This concession was confirmed by King Edward the Confessor in a charter at the suit of certain citizens of London, the successors of these knights. Edward granted them sac and soke [cause and suit] jurisdiction over their men.

Edward the Confessor made these rules for London:

1. Be it known that within the space of three miles from all parts outside of the city a man ought not to hold or hinder another, and also should not do business with him if he wish to come to the city under its peace. But when he arrives in the city, then let the market be the same to the rich man as to the poor.

2. Be it also known that a man who is from the court of the king or the barons ought not to lodge in the house of any citizen of London for three nights, either by privilege or by custom, except by consent of the host. For if he force the host to lodge him in his house and there be killed by the host, let the host choose six from his relatives and let

him as the seventh swear that he killed him for the said cause. And thus he will remain quit of the murder of the deceased towards the king and relatives and lords of the deceased.

3. And after he has entered the city, let a foreign merchant be lodged wherever it please him. But if he bring dyed cloth, let him see to it that he does not sell his merchandise at retail, but that he sell not less than a dozen pieces at a time. And if he bring pepper, or cumin, or ginger, or alum, or brasil wood, or resin, or incense, let him sell not less than fifteen pounds at a time. But if he bring belts, let him sell not less than a thousand at a time. And if he bring cloths of silk, or wool or linen, let him see that he cut them not, but sell them whole. But if he bring wax, let him sell not less than one quartanum. Also a foreign merchant may not buy dyed cloth, nor make the dye in the city, nor do any work which belongs by right to the citizens.

4. Also no foreign merchant with his partner may set up any market within the city for reselling goods in the city, nor may he approach a citizen for making a bargain, nor may he stop longer in the City.

Every week in London there was a folkmote at St. Paul's churchyard, where majority decision was a tradition. By 1032, it had lost much of its power to the husting [household assembly in Danish] court. The folkmoot then had responsibility for order and was the sole authority for proclaiming outlaws. It met three times a year at St. Paul's churchyard and there acclaimed the sheriff and justiciar, or if the king had chosen his officer, heard who was chosen and listened to his charge. It also yearly arranged the watch and dealt with risks of fire. It was divided into wards, each governed by an alderman who presided over the ward-mote, and represented his ward at the folk-mote. Each guild became a ward. The chief alderman was the portreeve. London paid one-eighth of all the taxes of England.

Later in the towns, merchant guilds grew out of charity associations whose members were bound by oath to each other and got together for a guild feast every month. Some traders of these merchant guilds became so prosperous that they became landholders. Many market places were dominated by a merchant guild, which had a monopoly of the local trade. In the great mercantile towns all the land and houses would be held by merchants and their dependents, all freeholders were connected with a trade, and everyone who had a claim on public office or magistry would be a member of the guild. The merchant guild could admit into their guild country villeins, who became freemen if unclaimed by their lords for a year and a day. Every merchant who had made three long voyages on his own behalf and at his own cost ranked as a thegn. There were also some craft guilds composed of handicraftsmen or artisans. Escaped bonded agricultural workers, poor people, and traders without land migrated to towns to live, but were not citizens.

Towns were largely self-sufficient, but salt and iron came from a distance. The King's established in every shire at least one town with a market place where purchases would be witnessed and a mint

where reliable money was coined by a moneyer. There were eight moneyers in London. Coins were issued to be of value for only a couple of years. Then one had to exchange them for newly issued ones at a rate of about 10 old for 8 or 9 new. The difference constituted a tax. Roughly 10% of the people lived in towns. Some took surnames such as Tanner, Weaver, or Carpenter. Some had affectionate or derisive nicknames such as clear-hand, fresh friend, soft bread, foul beard, money taker, or penny purse. Craftsmen in the 1000s included goldsmiths, embroiderers, illuminators of manuscripts, and armorers.

Edward the Confessor, named such for his piety, was a king of 24 years who was widely respected for his intelligence, resourcefulness, good judgment, and wisdom. His educated Queen Edith, whom he relied on for advice and cheerful courage, was a stabilizing influence on him. They were served by a number of thegns, who had duties in the household, which was composed of the hall, the courtyard, and the bedchamber. They were important men - thegns by rank. They were landholders, often in several areas, and held leading positions in the shires. They were also priests and clerics, who maintained the religious services and performed tasks for which literacy was necessary. Edward was the first king to have a "Chancellor". He kept a royal seal and was the chief royal chaplain. He did all the secretarial work of the household and court, drew up and sealed the royal writs, conducted the king's correspondence, and kept all the royal accounts. The word "chancellor" signified a screen behind which the secretarial work of the household was done. He had the special duty of securing and administering the royal revenue from vacant benefices. The most important royal officers were the chamberlains, who took care of the royal bedchamber and adjoining wardrobe used for dressing and storage of valuables, and the priests. These royal officers had at first been responsible only for domestic duties, but gradually came to assume public administrative tasks.

Edward wanted to avoid the pressures and dangers of living in the rich and powerful City of London. So he rebuilt a monastic church, an abbey, and a palace at Westminster about two miles upstream. He started the growth of Westminster as a center of royal and political power; kings' councils met there. Royal coronations took place at the abbey. Since Edward traveled a lot, he established a storehouse-treasury at Winchester to supplement his traveling wardrobe. At this time, Spanish stallions were imported to improve English horses. London came to have the largest and best-trained army in England.

The court invited many of the greatest magnates and prelates [highest ecclesiastical officials, such as bishops] of the land to the great ecclesiastical festivals, when the king held more solemn courts and feasted with his vassals for several days. These included all the great earls, the majority of bishops, some abbots, and a number of thegns and clerics. Edward had a witan of wise men to advise him, but sometimes the King would speak in the hall after dinner and listen to what comments were made from the mead-benches. As the court moved about the country, many men came to pay their respects and attend to local business. Edward started the practice of King's touching people to cure them of scrofula, a disease which affected the glands, especially in the head and neck. It was done in the context of a religious ceremony.

The main governmental activities were: war, collection of revenue, religious education, and administration of justice. For war, the shires had to provide a certain number of men and the ports quotas of ships with crews. The king was the patron of the English church. He gave the church peace and protection. He presided over church councils and appointed bishops. As for the administration of justice, the public courts were almost all under members of Edward's court, bishops, earls, and reeves. Edward's mind was often troubled and disturbed by the threat that law and justice would be overthrown, by the pervasiveness of disputes and discord, by the raging of wicked presumption, by money interfering with right and justice, and by avarice kindling all of these. He saw it as his duty to courageously oppose the wicked by taking good men as models, by enriching the churches of God, by relieving those oppressed by wicked judges, and by judging equitably between the powerful and the humble. He was so greatly revered that a comet was thought to accompany his death.

The king established the office of the Chancery to draft documents and keep records. It created the writ, which was a small piece of parchment addressed to a royal official or dependent commanding him to perform some task for the King. By the 1000s A.D., the writ contained a seal: a lump of wax with the impress of the Great Seal of England which hung from the bottom of the document. Writing was done with a sharpened goose-wing quill. Ink was obtained from mixing fluid from the galls made by wasps for their eggs on oak trees, rainwater or vinegar, gum arabic, and iron salts for color.

A King's grant of land entailed two documents: a charter giving boundaries and conditions and a writ, usually addressed to the shire court, listing the judicial and financial privileges conveyed with the land. These were usually sac and soke [possession of jurisdiction of a private court of a noble or institution to execute the laws and administer justice over inhabitants and tenants of the estate], toll [right to have a market and to collect a payment on the sale of cattle and other property on the estate] and team [probably the right to hold a court to determine the honesty of a man accused of illegal possession of cattle or of buying stolen cattle by inquiring of the alleged seller or a warrantor, even if an outsider], and infangenetheof [the authority to hang and take the chattels of a thief caught on the estate].

The town of Coventry consisted of a large monastery estate and a large private estate headed by a lord. The monastery was granted by Edward the Confessor full freedom and these jurisdictions: sac and soke, toll and team, hamsocne [the authority to fine a person for breaking into and making entry by force into the dwelling of another], forestall [the authority to fine a person for robbing others on the road], bloodwite [the authority to impose a forfeiture for assault involving bloodshed], fightwite [the authority to fine for fighting], weordwite [the authority to fine for manslaughter, but not for willful murder], and mundbryce [the authority to fine for any breach of the peace, such as trespass on lands].

Every man was expected to have a lord to whom he gave fealty. He swore by this fealty oath: "By the Lord, before whom this relic is

holy, I will be to ------ faithful and true, and love all that he loves, and shun all that he shuns, according to God's law, and according to the world's principle, and never, by will nor by force, by word nor by work, do ought of what is loathful to him; on condition that he keep me as I am willing to deserve, and all that fulfill that our agreement was, when I to him submitted and chose his will." If a man was homeless or lordless, his brothers were expected to find him such, e.g. in the folkmote. Otherwise, he as to be treated as a fugitive, and could be slain as for a thief, and anyone who had harbored him would pay a penalty. Brothers were also expected to protect their minor kinsmen.

Marriages were determined by men asking women to marry them. If a woman said yes, he paid a sum to her kin for her "mund" [jurisdiction or protection over her] and gave his oath to them to maintain and support the woman and any children born. As security for this oath, he gave a valuable object or "wed". The couple were then betrothed. Marriage ceremonies were performed by priests in churches. The groom had to bring friends to his wedding as sureties to guarantee his oath to maintain and support his wife and children. Those who swore to take care of the children were called their "godfathers". The marriage was written into church records. After witnessing the wedding, friends ate the great loaf, or first bread made by the bride. This was the forerunner of the wedding cake. They drank special ale, the "bride ale" (from hence the work "bridal"), to the health of the couple.

Women could own land, houses, and furniture and other property. They could even make wills that disinherited their sons. This marriage agreement with an Archbishop's sister provides her with land, money, and horsemen:

"Here in this document is stated the agreement which Wulfric and the archbishop made when he obtained the archbishop's sister as his wife, namely he promised her the estates at Orleton and Ribbesford for her lifetime, and promised her that he would obtain the estate at Knightwick for her for three lives from the community at Winchcombe, and gave her the estate at Alton to grant and bestow upon whomsoever she pleased during her lifetime or at her death, as she preferred, and promised her 50 mancuses of gold and 30 men and 30 horses.

The witnesses that this agreement was made as stated were Archbishop Wulfstan and Earl Leofwine and Bishop AEthelstan and Abbot AElfweard and the monk Brihtheah and many good men in addition to them, both ecclesiastics and laymen. There are two copies of this agreement, one in the possession of the archbishop at Worcester and the other in the possession of Bishop AEthelstan at Hereford."

This marriage agreement provided the wife with money, land, farm animals and farm laborers; it also names sureties, the survivor of whom would receive all this property:

"Here is declared in this document the agreement which Godwine made with Brihtric when he wooed his daughter. In the first place he gave her a pound's weight of gold, to induce her to accept his suit, and he granted her the estate at Street with all that belongs to it, and 150 acres at Burmarsh and in addition 30 oxen

and 20 cows and 10 horses and 10 slaves.

This agreement was made at Kingston before King Cnut, with the cognizance of Archbishop Lyfing and the community at Christchurch, and Abbot AElfmaer and the community at St. Augustine's, and the sheriff AEthelwine and Sired the old and Godwine, Wulfheah's son, and AElfsige cild and Eadmaer of Burham and Godwine, Wulfstan's son, and Carl, the King's cniht. And when the maiden was brought from Brightling AElfgar, Sired's son, and Frerth, the priest of Forlstone, and the priests Leofwine and Wulfsige from Dover, and Edred, Eadhelm's son, and Leofwine, Waerhelm's son, and Cenwold rust and Leofwine, son of Godwine of Horton, and Leofwine the Red and Godwine, Eadgifu's son, and Leofsunu his brother acted as security for all this. And whichever of them lives the longer shall succeed to all the property both in land and everything else which I have given them. Every trustworthy man in Kent and Sussex, whether thegn or commoner, is cognizant of these terms.

There are three of these documents; one is at Christchurch, another at St. Augustine's, and Brihtric himself has the third."

Nuns and monks lived in segregated nunneries and monasteries on church land and grew their own food. The local bishop usually was also an abbot of a monastery. The priests and nuns wore long robes with loose belts and did not carry weapons. Their life was ordered by the ringing of the bell to start certain activities, such as prayer; meals; meetings; work in the fields, gardens, or workshops; and copying and illuminating books. They chanted to pay homage and to communicate with God or his saints. They taught justice, piety, chastity, peace, and charity; and cared for the sick. Caring for the sick entailed mostly praying to God as it was thought that only God could cure. They bathed a few times a year. They got their drinking water from upstream of where they had located their latrines over running water. The large monasteries had libraries, dormitories, guesthouses, kitchens, butteries to store wine, bakehouses, breweries, dairies, granaries, barns, fishponds, orchards, vineyards, gardens, workshops, laundries, lavatories with long stone or marble washing troughs, and towels. Slavery was diminished by the church by excommunication for the sale of a child over seven. The clergy taught that manumission of slaves was good for the soul of the dead, so it became frequent in wills. The clergy were to abstain from red meat and wine and were to be celibate. But there were periods of laxity. Punishment was by the cane or scourge.

The Archbishop of Canterbury began anointing new kings at the time of coronation to emphasize that the king was ruler by the grace of God. As God's minister, the king could only do right. From 973, the new king swore to protect the Christian church, to prevent inequities to all subjects, and to render good justice, which became a standard oath.

There was a celestial hierarchy, with heavenly hosts in specific places. God intervened in daily life, especially if worshipped. Saints such as Bede and Hilda performed miracles, especially ones of curing. Their spirits could be contacted through their relics, which rested at the altars of churches. When someone was said to have the devil in him, people took it quite literally. A real Jack Frost nipped noses and fingers and made the ground too hard to

work. Little people, elves, trolls, and fairies inhabited the fears and imaginings of people. The forest was the mysterious home of spirits. People prayed to God to help them in their troubles and from the work of the devil. Since natural causes of events were unknown, people attributed events to wills like their own. Illness was thought to be caused by demons. People hung charms around their neck for cure and treatments of magic and herbs were given. Some had hallucinogenic effects, which were probably useful for pain. For instance, the remedy for "mental vacancy and folly" was a drink of "fennel, agrimony, cockle, and marche". Blood-letting by leeches and cautery were used for most maladies, which were thought to be caused by imbalance of the four bodily humors: sanguine, phlegmatic, choleric, and melancholic. These four humors reflected the four basic elements of the world articulated by Aristotle: air, water, fire, and earth. Blood was hot and moist like air; phlegm was cold and moist like water; choler or yellow bile was hot and dry like fire; and melancholy or black bile was cold and dry like earth. Bede had explained that when blood predominates, it makes people joyful and glad, sociable, laughing, and talking a great deal. Phlegm renders them slow, sleepy, and forgetful. Red cholic makes them thin, though eating much, swift, bold, wrathful, and agile. Black cholic makes them serious of settled disposition, even sad. To relieve brain pressure and/or maybe to exorcise evil spirits, holes were drilled into skulls by a drill with a metal tip that was caused to turn back and forth by a strap wrapped around a wooden handle. A king's daughter Edith inspired a cult of holy wells, whose waters were thought to alleviate eye conditions. Warmth and rest were also used for illness. Agrimony boiled in milk was thought to relieve impotence in men.

It was known that the liver casted out impurities in the blood. The stages of fetal growth were known. The soul was not thought to enter a fetus until after the third month, so presumably abortions within three months were allowable.

The days of the week were Sun day, Moon day, Tiw's day (Viking god of war), Woden's day (Viking god of victory, master magician, calmer of storms, and raiser of the dead), Thor's day (Viking god of thunder), Frig's day (Viking goddess of fertility and growing things), and Saturn's day (Roman god). Special days of the year were celebrated: Christmas, the birthday of Jesus Christ; the twelve days of Yuletide (a Viking tradition) when candles were lit and houses decorated with evergreen and there were festivities around the burning of the biggest log available; Plough Monday for resumption of work after Yuletide; February 14th with a feast celebrating Saint Valentinus, a Roman bishop martyr who had married young lovers in secret when marriage was forbidden to encourage men to fight in war; New Year's Day on March 25th when seed was sown and people banged on drums and blew horns to banish spirits who destroy crops with disease; Easter, the day of the resurrection of Jesus Christ; Whitsunday, celebrating the descent of the Holy Spirit on the apostles of Jesus and named for the white worn by baptismal candidates; May Day when flowers and greenery was gathered from the woods to decorate houses and churches, Morris dancers leapt through their villages with bells, hobby horses, and waving scarves, and people danced around a May pole holding colorful ribbons tied at the top so they became entwined around the pole; Lammas on August 1st, when the first

bread baked from the wheat harvest was consecrated; Harvest Home when the last harvest load was brought home while an effigy of a goddess was carried with reapers singing and piping behind, and October 31st, the eve of the Christian designated All Hallow Day, which then became known as All Hallow Even, or Halloween. People dressed as demons, hobgoblins, and witches to keep spirits away from possessing them. Trick or treating began with Christian beggars asking for "soul cake" biscuits in return for praying for dead relatives. Ticktacktoe and backgammon were played. There were riddles such as:

I am a strange creature, for I satisfy women ...
I grow very tall, erect in a bed.
I'm hairy underneath. From time to time
A beautiful girl, the brave daughter
Of some fellow dares to hold me
Grips my reddish skin, robs me of my head
And puts me in the pantry. At once that girl
With plaited hair who has confined me
Remembers our meeting. Her eye moistens.
What am I?
An onion.

A man came walking where he knew
She stood in a corner, stepped forwards;
The bold fellow plucked up his own
Skirt by hand, stuck something stiff
Beneath her belt as she stood,
Worked his will. They both wiggled.
The man hurried; his trusty helper
Plied a handy task, but tired
At length, less strong than she,
Weary of the work. Thick beneath
Her belt swelled the thing good men
Praise with their hearts and purses.
What am I?
A milk churn.

The languages of invaders had produced a hybrid language that was roughly understood throughout the country. The existence of Europe, Africa, Asia, and India were known. Jerusalem was thought to be at the center of the world. There was an annual tax of a penny on every hearth, Peter's pence, to be collected and sent to the pope in Rome. Ecclesiastical benefices were to pay church-scot, a payment in lieu of first fruits of the land, to the pope.

- The Law -

The king and witan deliberated on the making of new laws, both secular and spiritual, at the regularly held witanagemot. There was a standard legal requirement of holding every man accountable, though expressed in different ways, such as the following three:

Every freeman who does not hold land must find a lord to answer for him. The act of homage was symbolized by holding his hands together between those of his lord. Every lord shall be personally responsible as surety for the men of his household. [This included

female lords.] (King Athelstan)

"And every man shall see that he has a surety, and this surety shall bring and keep him to [the performance of] every lawful duty.

1. And if anyone does wrong and escapes, his surety shall incur what the other should have incurred.

2. If the case be that of a thief and his surety can lay hold of him within twelve months, he shall deliver him up to justice, and what he has paid shall be returned to him." (King Edgar)

Every freeman who holds land, except lords with considerable landed property, must be in a local tithing, usually ten to twelve men, in which they serve as personal sureties for each other's peaceful behavior. If one of the ten landholders in a tithing is accused of an offense, the others have to produce him in court or pay a fine plus pay the injured party for the offense, unless they could prove that they had no complicity in it. If the man is found guilty but can not pay, his tithing must pay his fine. The chief officer is the "tithing man" or "capital pledge". There were probably ten tithings in a hundred. (King Edward the Confessor).

Everyone was to take an oath not to steal, which one's surety would compel one to keep.

No one may receive another lord's man without the permission of this lord and only if the man is blameless towards every hand. The penalty is the bot for disobedience. No lord was to dismiss any of his men who had been accused, until he had made compensation and done right.

"No woman or maiden shall be forced to marry a man she dislikes or given for money."

"Violence to a widow or maiden is punishable by payment of one's wergeld."

No man may have more wives than one.

No man may marry among his own kin within six degrees of relationship or with the widow of a man as nearly related to him as that, or with a near relative of his first wife's, or his god-mother, or a divorced woman. Incest is punishable by payment of one's wergeld or a fine or forfeiture of all his possessions.

Grounds for divorce were mutual consent or adultery or desertion. Adultery was prohibited for men as well as for women. The penalty was payment of a bot or denial of burial in consecrated ground. A law of Canute provided that if a wife was guilty of adultery, she forfeited all her property to her husband and her nose and ears, but this law did not survive him.

Laymen may marry a second time, and a young widow may again take a husband, but they will not receive a blessing and must do penance for their incontinence.

Prostitutes were to be driven out of the land or destroyed in the

land, unless they cease from their wickedness and make amends to the utmost of their ability.

Neither husband nor wife could sell family property without the other's consent.

If there was a marriage agreement, it determined the wife's "dower", which would be hers upon his death. Otherwise, if a man who held his land in socage [owned it freely and not subject to a larger landholder] died before his wife, she got half this property. If there were minor children, she received all this property.

Inheritance of land to adult children was by the custom of the land held. In some places, the custom was for the oldest son to take it and in other places, the custom was for the youngest son to take it. Usually, the sons each took an equal portion by partition, but the eldest son had the right to buy out the others as to the chief messuage [manor; dwelling and supporting land and buildings] as long as he compensated them with property of equal value. If there were no legitimate sons, then each daughter took an equal share when she married.

In London, one-third of the personal property of a decedent went to his wife, one-third went to his children in equal shares, and one-third he could bequeath as he wished.

"If a man dies intestate [without a will], his lord shall have heriot [horses, weapons, shields, and helmets] of his property according to the deceased's rank and [the rest of] the property shall be divided among his wife, children, and near kinsmen."

A man could justifiably kill an adulterer in the act with the man's wife, daughter, sister, or mother. In Kent, a lord could fine any bondswoman of his who had become pregnant without his permission [childwyte].

A man could kill in defense of his own life, the life of his kinsmen, his lord, or a man whose lord he was. The offender was "caught red-handed" if the blood of his victim was still on him. Self-help was available for hamsocne [breaking into a man's house to assault him].

Murder is punished by death as follows: "If any man break the King's peace given by hand or seal, so that he slay the man to whom the peace was given, both his life and lands shall be in the King's power if he be taken, and if he cannot be taken he shall be held an outlaw by all, and if anyone shall be able to slay him he shall have his spoils by law." The king's peace usually extended to important designated individuals, churches, assemblies, those traveling to courts or assemblies, and particular times and places. Often a king would extend his peace to fugitives from violent feuds if they asked the king, earls, and bishops for time to pay compensation for their misdeeds. From this came the practice of giving a portion of the "profits of justice" to such men who tried the fugitive. The king's peace came to be extended to those most vulnerable to violence: foreigners, strangers, and kinless persons.

"If anyone by force break or enter any man's court or house to slay or wound or assault a man, he shall pay 100s. to the King as fine."

"If anyone slay a man within his court or his house, himself and all his substance are at the King's will, save the dower of his wife if he have endowed her."

If a person fights and wounds anyone, he is liable for his wer. If he fells a man to death, he is then an outlaw and is to be seized by raising the hue and cry. And if anyone kills him for resisting God's law or the king's, there will be no compensation for his death.

A man could kill a thief over twelve years in the act of carrying off his property over 8d., e.g. the thief hand-habbende [a thief found with the stolen goods in his hand] or the thief back-berend [a thief found carrying stolen goods on his back].

Cattle theft could be dealt with only by speedy pursuit. A person who had involuntarily lost possession of cattle is to at once raise the hue and cry. He was to inform the hundred-man, who then called the tithing-men. All these neighbors had to then follow the trail of the cow to its taker, or pay 30d. to the hundred for the first offense, and 60d. for the second offense, half to the hundred and half to the lord, and half a pound [10s.] for the third offense, and forfeiture of all his property and declared outlaw for the fourth offense. If the hundred pursued a track into another hundred, notice was to be given to that hundred-man. If he did not go with them, he had to pay 30s. to the king.

If a thief was brought into prison, he was to be released after 40 days if he paid his fine of 120s. His kindred could become his sureties, to pay according to his wer if he stole again. If a thief forfeited his freedom and gave himself up, but his kindred forsook him, and he does not know of anyone who will make bot for him; let him then do theow-work, and let the wer abate for the kindred.

Measures and weights of goods for sale shall be correct.

Every man shall have a warrantor to his market transactions and no one shall buy and sell except in a market town; but he shall have the witness of the portreeve or of other men of credit, who can be trusted.

Moneyers accused of minting money outside a designated market were to go to the ordeal of the hot iron with the hand that was accused of doing the fraud. If he was found guilty, his hand that did the offense was to be struck off and be set up on the money-smithy.

No marketing, business, or hunting may be done on Sundays.

No one may bind a freeman, shave his head in derision, or shave off his beard. Shaving was a sign of enslavement, which could be incurred by not paying one's fines for offenses committed.

No clergy may gamble or participate in games of chance.

The Laws for London were:

"1. The gates called Aldersgate and Cripplegate were in charge of guards.

2. If a small ship came to Billingsgate, one half-penny was paid as toll; if a larger ship with sails, one penny was paid.

1) If a hulk or merchantman arrives and lies there, four pence is paid as toll.

2) From a ship with a cargo of planks, one plank is given as toll.

3) On three days of the week toll for cloth [is paid] on Sunday and Tuesday and Thursday.

4) A merchant who came to the bridge with a boat containing fish paid one half-penny as toll, and for a larger ship one penny."

5 - 8) Foreigners with wine or blubber fish or other goods and their tolls.

Foreigners were allowed to buy wool, melted sheep fat [tallow], and three live pigs for their ships.

"3. If the town-reeve or the village reeve or any other official accuses anyone of having withheld toll, and the man replies that he has kept back no toll which it was his legal duty to pay, he shall swear to this with six others and shall be quit of the charge.

1) If he declares that he has paid toll, he shall produce the man to whom he paid it, and shall be quit of the charge.

2) If, however, he cannot produce the man to whom he paid it, he shall pay the actual toll and as much again and five pounds to the King.

3) If he vouches the tax-gatherer to warranty [asserting] that he paid toll to him, and the latter denies it, he shall clear himself by the ordeal and by no other means of proof.

4. And we [the king and his counselors] have decreed that a man who, within the town, makes forcible entry into another man's house without permission and commits a breach of the peace of the worst kind ... and he who assaults an innocent person on the King's highway, if he is slain, shall lie in an unhonored grave.

1) If, before demanding justice, he has recourse to violence, but does not lose his life thereby, he shall pay five pounds for breach of the King's peace.

2) If he values the good-will of the town itself, he shall pay us thirty shillings as compensation, if the King will grant us this concession."

5. No base coin or coin defective in quality or weight, foreign or

English, may be used by a foreigner or an Englishman. (In 956, a person found guilty of illicit coining was punished by loss of a hand.)

- Judicial Procedure -

There were courts for different geographical communities. The arrangement of the whole kingdom into shires was completed by 975 after being united under King Edgar.

A shire was a larger area of land, headed by an earl. A shire reeve or "sheriff" represented the royal interests in the shires and in the shire courts. This officer came to be selected by the king and earl of the shire to be a judicial and financial deputy of the earl and to execute the law. The office of sheriff, which was not hereditary, was also responsible for the administration of royal lands and royal accounts. The sheriff summoned the freemen holding land in the shire, four men selected by each community or township, and all public officers to meet twice a year at their "shire-mote". Actually only the great lords - the bishops, earls, and thegns - attended. The shire court was primarily concerned with issues of the larger landholders. Here the freemen interpreted the customary law of the locality. The earl declared the secular law and the bishop declared the spiritual law. They also declared the sentence of the judges. The earl usually took a third of the profits, such as fines and forfeits, of the shire court, and the bishop took a share. In time, the earls each came to supervise several shires and the sheriff became head of the shire and assumed the earl's duties there, such as heading the county fyrd. The shire court also heard cases which had been refused justice at the hundred-mote and cases of keeping the peace of the shire.

The hundred was a division of the shire, having come to refer to a geographical area rather than a number of households. The monthly hundred-mote could be attended by any freeman holding land (or a lord's steward), but was usually attended only by reeve, thegns, parish priest, and four representatives selected by each agrarian community or village - usually villeins. Here transfers of land were witnessed. A reeve, sometimes the sheriff, presided over local criminal and peace and order issues ["leet jurisdiction", which derived from sac and soc jurisdiction] and civil cases at the hundred court. All residents were expected to attend the leet court. The sheriff usually held each hundred court in turn. The suitors to these courts were the same as those of the shire courts. They were the judges who declared the law and ordered the form of proof, such as compurgatory oath and ordeal. They were customarily thegns, often twelve in number. They, as well as the king and the earl, received part of the profits of justice. Summary procedure was followed when a criminal was caught in the act or seized after a hue and cry. Every freeman over age twelve had to be in a hundred and had to follow the hue and cry.

"No one shall make distraint [seizure of personal property out of the possession of an alleged wrong-doer into the custody of the party injured, to procure a satisfaction for a wrong committed] of property until he has appealed for justice in the hundred court

and shire court".

In 997, King Ethelred in a law code ordered the sheriff and twelve leading magnates of each shire to swear to accuse no innocent man, nor conceal any guilty one. This was the germ of the later assize, and later still the jury.

The integrity of the judicial system was protected by certain penalties: for swearing a false oath, bot as determined by a cleric who has heard his confession, or, if he has not confessed, denial of burial in consecrated ground. Also a perjurer lost his oath-worthiness. Swearing a false oath or perjury was also punishable by loss of one's hand or half one's wergeld. A lord denying justice, as by upholding an evil-doing thegn of his, had to pay 120s. to the king for his disobedience. Furthermore, if a lord protected a theow of his who had stolen, he had to forfeit the theow and pay his wer, for the first offense, and he was liable for all he property, for subsequent offenses. There was a bot for anyone harboring a convicted offender. If anyone failed to attend the gemot thrice after being summoned, he was to pay the king a fine for his disobedience. If he did not pay this fine or do right, the chief men of the burh were to ride to him, and take all his property to put into surety. If he did not know of a person who would be his surety, he was to be imprisoned. Failing that, he was to be killed. But if he escaped, anyone who harbored him, knowing him to be a fugitive, would be liable pay his wer. Anyone who avenged a thief without wounding anyone, had to pay the king 120s. as wite for the assault.

"And if anyone is so rich or belongs to so powerful a kindred, that he cannot be restrained from crime or from protecting and harboring criminals, he shall be led out of his native district with his wife and children, and all his goods, to any part of the kingdom which the King chooses, be he noble or commoner, whoever he may be - with the provision that he shall never return to his native district. And henceforth, let him never be encountered by anyone in that distric

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