

## Appendix

## THE LAWS OF KING ALFRED

The following translation of the Dooms of Alfred is taken from *Ancient Laws and Institutes of England; comprising Laws enacted under the Anglo-Saxon Kings from Æthelbirt to Cnut, With an English Translation of the Saxon; The Laws called Edward the Confessor's; The Laws of William the Conqueror, and those ascribed to Henry the First; also, Monumenta Ecclesiastica Anglicana, from the seventh to the tenth century; and the Ancient Latin Version of the Anglo-Saxon Laws, with a Compendious Glossary, &c. (Volume the First; containing the Secular Laws.) Printed by command of His late Majesty King William IV under the direction of the Commissioners on the Public Records of the Kingdom. MDCCCXL, pp. 45-101.* This translation was made from a manuscript in the library of Corpus Christi College, Cambridge, marked in the catalogue 173 (designated E), with variant readings from the manuscript numbered 383 in the same library (B), the Cottonian manuscript Nero A.1 (G), and the Textus Roffensis (H). E is the earliest and best manuscript available, dating from c. 925 (see Attenborough, *op. cit.*, p. 35).

Clauses 1 to 48 are taken from Exodus 10:1-17 (the Decalogue, though the order is different: the second commandment, following the custom of the church, is omitted, but significantly Ex. 20:23 appears as clause 10 thereby replacing it with a law carrying the same import; the tenth commandment appears as clause 9, the ninth commandment as clause 8 etc.) and Exodus 21:1 to 23:13 (the Book of the Covenant). In many places these biblical laws are condensed and paraphrased rather than translated verbatim from the Vulgate and often they are stated in a modified form to take account of contemporary Anglo-Saxon society. I have added references to the biblical texts in square brackets and supplied explanations in footnotes for some of the more archaic expressions and terms.—S.C.P.

## ALFRED'S DOOMS

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. [Ex. 20:1-2]

1. Love thou not other strange gods above me. [Ex. 20:3]
2. Utter thou not my name idly, for thou shalt not be guiltless towards

me if thou utter my name idly. [Ex. 20:7]

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 heaven and the earth, the seas, and all creatures that are in them, and rested on the seventh day: and therefore the Lord hallowed it. [Ex. 20:8-11]

4. Honour thy father and thy mother whom the Lord hath given thee, that thou mayest be the longer living on earth. [Ex. 20:12]

5. Slay thou not. [Ex. 20:13]

6. Commit thou not adultery. [Ex. 20:14]

7. Steal thou not. [Ex. 20:15]

8. Say thou not false witness. [Ex. 20:16]

9. Covet thou not thy neighbour's goods unjustly. [Ex. 20:17]

10. Make thou not to thyself golden or silver gods. [Ex. 20:23]

11. These are the dooms which thou shalt set for them. If anyone buy a Christian "theow,"<sup>1</sup> let him serve vi. years; the seventh he shall be free without purchase. With such raiment as he went in, with such go he out. If he have a wife of his own, go she out with him. If, however, the lord have given him a wife, be she and her child the lord's. But if the "theow" should say: "I will not from my lord, nor from my wife, nor from my child, nor from my goods;" let his lord then bring him to the door of the Temple, and bore his ear through with an awl, in token that he ever after shall be a "theow." [Ex. 21:1-6]

12. Though any one sell his daughter to servitude, let her not be altogether such a "theow"<sup>2</sup> as other female slaves are. He ought not to sell her away among a strange folk. But if he who bought her reck<sup>3</sup> not of her; let her go free among a strange folk. If, however, he allow his son to cohabit with her, let him marry her: and let him see that she have raiment, and that which is the worth of her maid-hood, that is, the dowry; let him give her that. If he do unto her none of these things, then let her be free. [Ex. 21:7-11]

13. Let the man who slayeth another wilfully perish by death. Let him who slayeth another of necessity or unwillingly, as God may have sent him into his hands, and for whom he has not lain in wait, be worthy of his life, and of lawful "bot,"<sup>4</sup> if he seek an asylum. If, however, any one presumptuously and wilfully slay his neighbour through guile, pluck thou him from my altar, to the end that he may perish by death. [Ex. 21:12-14]

14. He who smiteth his father or his mother, he shall perish by death. [Ex. 21:15]

15. He who stealeth a freeman, and selleth him, and it be proved against him so that he cannot clear himself; let him perish by death. He who curseth his father or his mother, let him perish by death. [Ex. 21:16-17]

1. A slave, bondman.
2. Female slave, bondwoman.
3. Care about.
4. Compensation paid by a wrongdoer to the injured party as damages.

16. If any one smite his neighbour with a stone or with his fist, and he nevertheless can go out with a staff, let him get a leech, and work his work the while that himself may not. [Ex. 21:18-19]

17. He who smiteth his own "theow-esne"<sup>5</sup> or his female slave, and he die not on the same day; though he live [but] two or three nights, he is not altogether so guilty, because it was his own property; but if he die the same day, then let the guilt rest on him. [Ex. 21:20-21]

18. If any one, in strife, hurt a breeding women, let him make "bot" for the hurt, as the judges shall prescribe to him. If she die, let him give soul for soul. [Ex. 21:22-23]

19. If any one thrust out another's eye, let him give his own for it; tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe. [Ex. 21:24-25]

20. If any one smite out the eye of his "theow" or of his "theowen,"<sup>6</sup> and he then make them one-eyed; let him free them on this account. And if he smite out a tooth, let him do the like. [Ex. 21:26-27]

21. If an ox gore a man or a woman, so that they die, let it be stoned, and let not its flesh be eaten. The lord shall not be liable, if the ox were wont to push with its horns for two or three days before, and the lord knew it not; but if he knew it, and he would not shut it in, and it then shall have slain a man or a woman, let it be stoned; and let the lord be slain, or the man be paid for, as the "witan" decree to be right. If it gore a son or a daughter, let him be subject to the like judgement. But if it gore a "theow" or a "theow-mennen,"<sup>7</sup> let xxx. shillings of silver be given to the lord, and let the ox be stoned. [Ex. 21:28-32]

22. If any one dig a water-pit, or open one that is shut up, and close it not again; let him pay for whatever cattle may fall therein; and let him have the dead [beast]. [Ex. 21:33-34]

23. If an ox wound another man's ox, and it then die, let them sell the [live] ox, and have the worth in common, and also the flesh of the dead one. But if the lord knew that the ox hath used to push, and he would not confine it, let him give him another ox for it, and have all the flesh for himself. [Ex. 21:35-36]

24. If any one steal another's ox, and slay or sell it, let him give two for it; and four sheep for one. If he have not what he may give, be he himself sold for the cattle. [Ex. 22:1 and 3c]

25. If a thief break into a man's house by night, and he be there slain; the slayer shall not be guilty of manslaughter. But if he do this after sunrise, he shall be guilty of manslaughter; and then he himself shall die, unless he were an unwilling agent. If with him living that be found which he had before stolen, let him pay for it two-fold. [Ex. 22:2-4]

26. If any one injure another man's vineyard, or his field, or aught of his lands; let him make "bot" as it may be valued. [Ex. 22:5]

5. Slave labourer.

6. Female slave.

7. Handmaid, slave.

27. If fire be kindled to burn "ryht,"<sup>8</sup> let him who kindled the fire make "bot" for the mischief. [Ex. 22:6]

28. If any one entrust property to his friend, if he steal it himself, let him pay for it two-fold. If he know not who hath stolen it, let him clear himself that he hath therein committed no fraud. If, however, it were live cattle, and he say, that the "here"<sup>9</sup> hath taken it, or that it perished of itself, and he have witness; he needeth not pay for it. But if he have no witness, and he believe him not, then let him swear. [Ex. 22:7-13]

29. If anyone deceive an unbetrothed woman, and sleep with her; let him pay for her, and have her afterwards to wife. But if the father of the woman will not give her, let him render money according to her dowry. [Ex. 22:16-17]

30. The women who are wont to receive enchanters, and workers of phantasms, and witches, suffer thou not to live. [Ex. 22:18]

31. And let him who lieth with cattle perish by death. [Ex. 22:19]

32. And let him who sacrificeth to gods, save unto God alone, perish by death. [Ex. 22:20]

33. Vex thou not comers from afar, and strangers; for ye were formerly strangers in the land of the Egyptians. [Ex. 22:21]

34. Injure ye not the widows and the step-children, nor hurt them anywhere: for if ye do otherwise, they will cry unto me, and I will hear them, and I will then slay you with my sword; and I will so do that your wives shall be widows, and your children shall be step-children. [Ex. 22:22-24]

35. If you give money in loan to thy fellow who willet to dwell with thee, urge thou him not as a "niedling,"<sup>10</sup> and oppress him not with the increase. [Ex. 22:25]

36. If a man have only a single garment wherewith to cover himself, or to wear, and he give it [to thee] in pledge; let it be returned before sunset. If thou dost not so, then shall he call unto me, and I will hear him; for I am very merciful. [Ex. 22:26-27]

37. Revile thou not thy Lord God: nor curse thou the Lord of the people. [Ex. 22:28]

38. Thy tithes, and thy first-fruits of moving and growing things, render thou to God. [Ex. 22:29-30]

39. All the flesh that wild beasts leave, eat ye not that, but give it to the dogs. [Ex. 22:31]

40. To the word of a lying man reckon<sup>11</sup> thou not to hearken, nor allow thou of his judgements; nor say thou any witness after him. [Ex. 23:1]

41. Turn thou not thyself to the foolish counsel and unjust desire of the people, in their speech and cry, against thine own reason, and according to the teaching of the most unwise; neither allow thou of them. [Ex. 23:2]

42. If the stray cattle of another man come to thy hand, though it be

8. Standing grain.

9. Band of robbers.

10. Captive.

11. Pay heed to.

thy foe, make it known to him. [Ex. 23:4-5]

43. Judge thou very evenly: judge thou not one doom to the rich, another to the poor; nor one to thy friend, another to thy foe, judge thou. [Ex. 23:3, 6; Lev. 19:15]

44. Shun thou ever leasings.<sup>12</sup> [Ex. 23:7a]

45. A just and innocent man, him slay thou never. [Ex. 23:7b]

46. Receive thou never meed-monies;<sup>13</sup> for they blind full oft the minds of wise men, and pervert their words. [Ex. 23:8]

47. To the stranger and comer from afar behave thou not unkindly, nor oppress thou him with any wrongs. [Ex. 23:9]

48. Swear ye never by heathen gods, nor cry ye unto them for any cause. [Ex. 23:13]

49. These are the dooms which the Almighty God himself spake unto Moses, and commanded him to keep: and after the only begotten son of the Lord, our God, that is, our Saviour Christ, came on earth, he said that he came not to break nor to forbid these commandments, but with all good to increase them: and mercy and humility he taught. Then after his Passion, before his Apostles were dispersed throughout all the earth, teaching, and while they were together, many heathen nations they turned to God. When they were all assembled, they sent messengers to Antioch and to Syria, to teach the law of Christ. But when they understood that it speeded them not, then sent they a letter unto them. Now this is the letter which all the Apostles sent to Antioch, and to Syria, and to Cilicia, which now from heathen nations are turned to Christ.

"The Apostles and the elder brethren wish you health: and we make known to you, that we have heard that some of our fellows have come to you with our words, and have commanded you to observe a heavier rule than we commanded them, and have too much misled you with manifold commands, and have subverted more of your souls than they have directed. Then we assembled ourselves concerning that; and it then seemed good to us that we should send Paul and Barnabas, men who desire to give their souls for the name of the Lord. With them we have sent Jude and Silas, that they might say the same to you. It seemed to the Holy Ghost and to us, that we should set no burthen upon you above that which it was needful for you to bear: now that is, that ye forbear from worshiping idols, and from tasting blood or things strangled, and from fornications: and that which ye will that other men do not unto you, do ye not that to other men. ["] [Acts 15:23-29; Mt. 7:12]

From this one doom a man may remember that he judge every one righteously: he need heed no other doom-book. Let him remember that he adjudge to no man that which he would not that he should adjudge to him; if he sought judgement against him. [Mt. 7:12]

After this, then happened it that many nations received the faith of Christ; then were many synods assembled throughout all the earth, and

12. Lies, falsehoods.

13. Rewards unjustly gained, bribes.

also among the English race, after they had received the faith of Christ, of holy bishops, and also of other exalted "witan." They then ordained, out of that mercy which Christ had taught, that secular lords, with their leave, might, without sin, take for almost every misdeed, for the first offence, the money-"bot" which they then ordained; except in cases of treason against a lord, to which they dared not assign any mercy, because God Almighty adjudged none to them who despised him, nor did Christ the son of God adjudge any to him who sold him to death: and he commanded that a lord should be loved as one's self. They then in many synods ordained a "bot" for many human misdeeds; and in many synod-books they wrote, at one place one doom, at another another.

I, then, Alfred, king, gathered these together, and commanded many of those to be written which our forefathers held, those which to me seemed good; and many of those which seemed to me not good I rejected them, by the counsel of my "witan," and in other wise commanded them to be holden; for I durst not venture to set down in writing much of my own, for it was unknown to me what of it would please those who should come after us. But those things which I met with, either of the days of Ine my kinsman, or of Offa king of the Mercians, or of Æthelbryht [*sic*], who first among the English race received baptism, those which seemed to me the rightest, those I have here gathered together, and rejected the others.

I, then, Alfred, King of the West-Saxons, shewed these to all my "witan," and they then said that it seemed good to them all to be holden.

1. At the first we teach, that it is most needful that every man warily keep his oath and his "wed."<sup>14</sup> 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<sup>15</sup> than to fulfil. But if he pledge himself to that which it 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."<sup>16</sup> let him there suffer whatever the bishop may prescribe to him; and let his kinsmen feed him, if he himself have no food. If he have no kinsmen, or have no food, let the king's reeve feed him. If he must be forced to this, and he otherwise will not, if they bind him, let him forfeit his weapons and his property. If he be slain, let him lie uncompensated. If he flee thereout before the time, and he be taken, let him be in prison forty days, as he should before have been. But if he escape, let him be held a fugitive, and be excommunicate of all Christ's churches. If, however, there be another man's "borh,"<sup>17</sup> let him make "bot" for the "borh-bryce,"<sup>18</sup> as the law may direct him, and the "wed-bryce,"<sup>19</sup> as his confessor may prescribe to him.

2. If any one, for whatever crime, seek any of the "mynster-hams"<sup>20</sup> to

14. Pledge, agreement, covenant.

15. Be false to the promise.

16. Manor, i.e. prison (*Lib. Quadr. has ad mansionem regiam*. See Attenborough, p. 194).

17. Pledge, security; i.e. if someone else stands surety for him.

18. Breach of surety.

19. Treachery, breach of faith.

20. Monasteries.

which the king's "feorm"<sup>21</sup> is incident, or other "free-hired"<sup>22</sup> which is worthy of reverence, let him have a space of three days to protect himself, unless he be willing to come to terms. If during this space, any one harm him by blow, or by bond, or wound him, let him make "bot" for each of these according to regular usage, as well with "wer"<sup>23</sup> as with "wite."<sup>24</sup> and to the brotherhood one hundred and twenty shillings, as "bot" for the church-"frith."<sup>25</sup> and let him not have "forfongen"<sup>26</sup> his own.

3. If any one break the king's "borh,"<sup>27</sup> let him make "bot" for the plaint, as the law shall direct him; and for the "borh-bryce" with v. pounds of "mærra"<sup>28</sup> pence. For an archbishop's "borh-bryce," or his "mund-byrd,"<sup>29</sup> let him make "bot" with three pounds: for any other bishop's or an "ealdorman's" "borh-bryce," or "mund-byrd," let him make "bot" with two pounds.

4. If any one plot against the king's life, of himself, or by harbouring of exiles, or of his men; let him be liable in his life and in all that he has. If he desire to prove himself true, let him do so according to the king's "wer-gild." So also we ordain for all degrees, whether "ceorl"<sup>30</sup> or "eorl."<sup>31</sup> He who plots against his lord's life, let him be liable in his life to him and in all that he has; or let him prove himself true according to his lord's "wer."

5. We also ordain to every church which has been hallowed by a bishop, this "frith:"<sup>32</sup> if a "fah-man"<sup>32</sup> flee to or reach one, that for seven days no one drag him out. But if any one do so, then let him be liable in the king's "mund-byrd" and the church-"frith;" more if he there commit more wrong, if, despite of hunger, he can live; unless he fight his way out. If the brethren have further need of their church, let them keep him in another house, and let not that have more doors than the church. Let the church-"ealdor"<sup>33</sup> take care that during this term no one give him food. If he himself be willing to deliver up his weapons to his foes, let them keep him xxx. days, and let them give notice of him to his kinsmen. It is also church-"frith:" if any man seek a church for any of those offences, which had not been before revealed, and there confess himself in God's name, be it half forgiven. He who steals on Sunday, or at Yule, or at Easter, or

21. Food, provisions, rent in kind; i.e. if he flees to a monastery which is a recipient of the king's rents.

22. A community exempt from certain payments to the king.

23. The legal price of a man's life.

24. A fine payable to the king.

25. Refuge, asylum, privilege of special protection and penalty for breach of it.

26. *Forfongen* means to seize, forfeit or prevent. The meaning is most probably that the pursuer's case against the fugitive is not prejudiced by his breach of the church *frith* provided he makes *bot* for the offence. Cf. Attenborough, *op. cit.*, pp. 65, 194.

27. *Borh* here is equivalent to *mund*, i.e. protection, guardianship.

28. Pure, not debased.

29. Protection, fine for breach of protection.

30. Freeman of the lowest class, commoner.

31. Nobleman.

32. Object of a blood feud.

33. Elder, leader, civil or religious authority.

on Holy Thursday, and on Rogation days; for each of these we will that the "bot" be two-fold, as during Lent-fast.

6. If any one thief aught in a church, let him pay the "angylde,"<sup>34</sup> and the "wite," such as shall belong to the "angylde;" 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."

7. If any one fight in the king's hall, or draw 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 "wer-gild," and make "bot" for the offence, as well "wer" as "wite," according as he may have wrought.

8. If any one carry off a nun from a minster, without the king's or the bishop's leave, let him pay a hundred and twenty shillings, half to the king, half to the bishop and to the church-"hlaforð"<sup>35</sup> who owns the nun. If she live longer than he who carried her off, let her not have aught of his property. If she bear a child, let not that have of the property more than the mother. If any one slay her child, let him pay to the king the maternal kindred's share; to the paternal kindred let their share be given.

9. If a man kill a woman with her child, while the child is in her, let him pay for the woman her full "wer-gild," and pay for the child half a "wer-gild," according to the "wer" of the father's kin.

Let the "wite" be always lxx. shillings, until the "angylde" rise to xxx. shillings. After the "angylde" has risen to that let the "wite" be cxx. shillings. Formerly there was [a distinct "wite"] for a gold-thief, and a mare-thief, and a bee-thief, and many "wites," greater than others; now are all alike, except for a man-theft, cxx. shillings.

10. If a man lie with the wife of a twelve-"hynde"<sup>36</sup> man, let him make "bot" to the husband with one hundred and twenty shillings. To a six-"hynde" man, let him make "bot" with one hundred shillings. To a "ceorlish" man, let him make "bot" with forty shillings.

11. If a man seize hold of the breast of a "ceorlish" woman, let him make "bot" to her with v. shillings. If he throw her down and do not lie with her, let him make "bot" with x. shillings. If he lie with her, let him make "bot" with lxx. shillings. If another man had before lain with her, then let the "bot" be half that. If she be charged [therewith], let her clear herself with sixty hides, or forfeit half the "bot." If this befall a woman more nobly born, let the "bot" increase according to the "wer."

12. If a man burn or hew another's wood without leave, let him pay for every great tree with v. shillings, and afterwards for each, let there be as many of them as may be, with v. pence; and xxx. shillings as "wite."

13. If at their common work one man slay another unwilfully, let the

34. The simple value of the stolen property.

35. Lord, master, ruler.

36. Member of a class whose wergeld was 1200 shillings. A six-hynde man had a wergeld of 600 shillings etc.



tree be given to the kindred, and let them have it off the land within xxx. days; or let him take possession of it who owns the wood.

14. If a man be dumb or deaf, so that he cannot acknowledge or confess his offences, let the father make "bot" for his misdeeds.

15. If a man fight before an archbishop or draw his weapon, let him make "bot" with one hundred and fifty shillings. If before another bishop or an ealdorman this happen, let him make "bot" with one hundred shillings.

16. If a man steal a cow or a stud-mare, and drive off the foal or the calf, let him pay with a shilling, and for the mothers according to their worth.

17. If any one commit his infant to another's keeping, and he die during such keeping, let him who feeds him prove himself innocent of treachery, if any one accuse him of aught.

18. 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 lay-woman. If a betrothed woman commit adultery, if she be of "ceorlish" degree, let "bot" be made to the "byrgea"<sup>37</sup> with lx. shillings, and let it be in live stock, cattle goods, and in that let no human being be given: if she be of six-"hynde" degree, let him pay one hundred shillings to the "byrgea:" if she be of xii. "hynde" degree, let him make "bot" to the "byrgea" with cxx. shillings.

19. If any one lend his weapon to another that he may kill some one therewith, they may join together if they will in the "wer." If they will join together, let him who lent of the weapon pay of the "wer" a third part, and of the "wite" a third part. If he be willing to justify himself, that he knew of no ill-design in the loan; that he may do. If a sword-polisher receive another man's weapon to furbish, or a smith a man's material, let them both return it sound as either of them may have before received it: unless either of them had before agreed that he should not hold it "angylde."

20. If a man entrust cattle to another man's monk, without leave of the monk's lord, and it escape from him, let him forfeit it who before owned it.

21. If a priest kill another man, let all in his home that he had bought be delivered up, and let the bishop secularise him: then let him be given up from the minster, unless the lord will compound for his "wer."

22. If any one at the folk-mote<sup>38</sup> make declaration of a debt, and afterwards wish to withdraw it, let him charge it on a righter person, if he can; if he cannot, let him forfeit his "angylde," [and take possession of the "wite."]

23. If a dog tear or bite a man, for the first misdeed let vi. shillings be paid; if he [the owner] give him food; for the second time, xii. shillings; for the third, xxx. shillings. If, after any of these misdeeds, the dog

37. Surety, one who gives surety.

38. General assembly of the people of a town, city or shire.

escape, let this "bot" nevertheless take place. If the dog do more misdeeds, and he keep him; let him make "bot" according to the full "wer," as well wound-"bot" as for whatever he may do.

24. If a neat<sup>39</sup> wound a man, let the neat be delivered up or compounded for.

25. If a man commit a rape upon a "ceorl's" female slave, let him make "bot" to the "ceorl" with v. shillings, and let the "wite" be lx. shillings. If a male "theow" commit a rape upon a female "theow," let him make "bot" with his testicles.

26. If a man commit a rape upon a woman under age, let the "bot" be as that of a full-aged person.

27. If a man, kinless of paternal relatives, fight, and slay a man, and then if he have maternal relatives, let them pay a third of the "wer;" his guild-brethren a third part; for a third let him flee. If he have no maternal relatives, let his guild-brethren pay half, for half let him flee.

28. If any man kill a man thus circumstanced, if he have no relatives, let half be paid to the king; half to his guild-brethren.

29. If any one with a "hloth"<sup>40</sup> slay an unoffending "twy-hynde" man, let him who acknowledges the death-blow pay "wer" and "wite;" and let every one who was of the party pay xxx. shillings as "hloth-bot."

30. If it be a six-"hynde" man, let every man pay lx. shillings as "hloth-bot;" and the slayer, "wer" and full "wite."

31. If he be a twelve-"hynde" man, let each of them pay one hundred and twenty shillings; and the slayer, "wer" and "wite." If a "hloth" do this, and afterwards will deny 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."

32. If a man commit "folk-leasing," and it be fixed upon him, with no lighter thing let him make "bot" 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."

33. If any one accuse another on account of a "god-borh,"<sup>41</sup> and wish to make plain that he has not fulfilled any of those ["god-borhs"] which he gave him, let him make his "fore-ath"<sup>42</sup> in four churches; and if the other will prove himself innocent, let him do so in xii. churches.

34. It is also directed to chapmen,<sup>43</sup> that they bring the men whom they take up with them before the king's reeve at the folk-mote, and let it be stated how many of them there are; and let them take such men with them as they may be able afterwards to present for justice at the folk-mote; and when they have need of more men up with them on their journey, let them always declare it, as often as their need may be, to the king's reeve, in presence of the "gemot."<sup>44</sup>

39. Cattle, ox.

40. Crowd, band of robbers.

42. Preliminary oath of accusation.

44. An assembly for judicial or legislative purposes.

41. Solemn pledge given in church.

43. Pedlars, traders.

35. If any one bind an unoffending "ceorlish" man, let him make "bot" with x. shillings. If any one scourge him, let him make "bot" with twenty shillings. If he lay him in prison, let him make "bot" with xxx. shillings. If, in insult, he shave his head like a "homola,"<sup>45</sup> let him make "bot" with x. shillings. If, without binding him, he shave him like a priest, let him make "bot" with xxx. shillings. If he shave off his beard, let him make "bot" with xx. shillings. If he bind him, and then shave him like a priest, let him make "bot" with lx. shillings.

36. It is moreover decreed: if a man have a spear over his shoulder, and any man stake himself upon it, that he pay the "wer" without the "wite." If he stake himself before his face, let him pay the "wer." If he be accused of wilfulness in the deed, let him clear himself according to the "wite;" and with that let the "wite" abate. And let this be if the point be three fingers higher than the hindmost part of the shaft; if they be both on a level, the point and the hindmost part of the shaft, be that without danger.

37. If a man from one "bold-getæl"<sup>46</sup> wish to seek a lord in another "bold-getæl," let him do it with the knowledge of the "ealdorman" whom he before followed in his shire. If he do it without his knowledge, let him who entertains him as his man pay cxx. shillings as "wite;" let him, however, deal the half to the king in the shire where he before followed, half in that into which he comes. If he has done any wrong where he before was, let him make "bot" for it who has then received him as his man; and to the king cxx. shillings as "wite."

38. If a man fight before a king's "ealdorman" in the "gemot," let him make "bot" with "wer" and "wite," as it may be right; and before this, cxx. shillings to the "ealdorman" as "wite." If he disturb the folk-mote by drawing his weapon, one hundred and twenty shillings to the "ealdorman" as "wite." If aught of this happen before a king's "ealdorman's" junior, or a king's priest, xxx. shillings as "wite."

39. If any one fight in a "ceorlish" man's "flet,"<sup>47</sup> with six shillings let him make "bot" to the "ceorl." If he draw his weapon and fight not, let it be half of that. If, however, either of these happen to a six-"hynde" man, let it increase threefoldly, according to the "ceorlish" "bot;" to a twelve-"hynde" man, twofoldly, according to the six-"hynde's" "bot."

40. The king's "burh-bryce"<sup>48</sup> shall be cxx. shillings. An archbishop's, ninety shillings. Any other bishop's, and an "ealdorman's," lx. shillings. A twelve-"hynde" man's, xxx. shillings. A six-"hynde" man's, xv. shillings. A "ceorl's" edor-bryce,"<sup>49</sup> v. shillings. If aught of this happen when the "fyrd"<sup>50</sup> is out, or in Lent fast, let the "bot" be twofold. If any one in Lent

45. A person with his head shaved. This was a punishment inflicted upon slaves and offenders of the lowest class; it was also a mark of a madman or a fool.

46. District, county.

47. Dwelling, house.

48. Penalty for breaking into a fortified dwelling.

49. Fine for breaking through a commoner's fence.

50. Militia, army.

put down holy law among the people without leave, let him make "bot" with cxx. shillings.

41. The man who has "boc-land,"<sup>51</sup> and which his kindred left him, then ordain we that he must not give it from his "mægburg,"<sup>52</sup> if there be writing or witness that it was forbidden by those men who at first acquired it, and by those who gave it to him, that he should do so; and then let that be declared in the presence of the king and of the bishop, before his kinsmen.

42. We also command: that the man who knows his foe to be home-sitting fight not before he demand justice of him. If he have such power that he can beset his foe, and besiege him within, let him keep him within for vii. days, and attack him not, if he will remain within. And then, after vii. days, if he will surrender, and deliver up his weapons, let him be kept safe for xxx. days, and let notice of him be given to his kinsmen and his friends. If, however, he flee to a church, then let it be according to the sanctity of the church; as we have before said above. But if he have not 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 before know him to be home-staying; if he be willing to deliver up his weapons, let him be kept for xxx. days, and let notice of him be given to his friends; if he will not deliver up his weapons, then he may attack him. If he be willing to surrender, and to deliver 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 "mæg"-ship.<sup>53</sup> We also declare, that with his lord a man may fight "orwige,"<sup>54</sup> if any one attack the lord: thus may the lord fight for his man. After the same wise, a man may fight with his born kinsman, if a man attack him wrongfully, except against his lord; that we do not allow. And a man may fight "orwige," if he find 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.

43. To all freemen let these days be given, but not to "theow"-men and "esne"-workmen:<sup>55</sup> xii. days at Yule, and the day on which Christ overcame the devil, and the commemoration day of St. Gregory, and vii. days before Easter and vii. days after, and one day at St. Peter's tide and St. Paul's, and in harvest the whole week before St. Mary-mass, and one day at the celebration of All-Hallows and the iv. Wednesdays in the iv. Ember weeks. To all "theow"-men be given, to those to whom it may be most desirable to give, whatever any man shall give them in God's name, or they at any of their moments may deserve.

51. Land held by title-deed. 52. Family, tribe. 53. Kinsman's protection.

54. Without being liable to the legal consequences normally incurred for inflicting injury, committing homicide etc.

55. Hired labourers.

44. For head-wound, as "bot;" if the bones be both pierced, let xxx. shillings be given him. If the outer bone be pierced, let xv. shillings be given as "bot."

45. If within the hair there be a wound an inch long, let one shilling be given as "bot." If before the hair there be a wound an inch long, two shillings as "bot."

46. If his other ear be struck off, let xxx. shillings be given as "bot." If the hearing be impaired, so that he cannot hear, let lx. shillings be given as "bot."

47. If a man strike out another's eye, let him pay him lx. shillings, and vi. shillings and vi. pennies and a third part of a penny, as "bot." If it remain in the head, and he cannot see aught therewith, let one third part of the "bot" be retained.

48. If a man strike off another's nose, let him make "bot" with lx. shillings.

49. If a man strike out another's tooth in the front of his head, let him make "bot" for it with viii. shillings: if it be the canine tooth, let iv. shillings be paid as "bot." A man's grinder is worth xv. shillings.

50. If a man smite another's cheeks so that they be broken, let him make "bot" with xv. shillings.

A man's chin-bone, if it be cloven, let xii. shillings be paid as "bot."

51. If a man's wind-pipe be pierced, let "bot" be made with xii. shillings.

52. If a man's tongue be done out of his head by another man's deeds, that shall be like as eye-"bot."

53. If a man be wounded on the shoulder so that the joint-oil flow out, let "bot" be made with xxx. shillings.

54. If the arm be broken above the elbow, there shall be xv. shillings as "bot."

55. If the arm-shanks be both broken, the "bot" is xxx. shillings.

56. If the thumb be struck off, for that shall be xxx. shillings as "bot."

If the nail be struck off, for that shall be v. shillings as "bot."

57. If the shooting [*i.e.* fore] finger be struck off, the "bot" is xv. shillings; for its nail it is iv. shillings.

58. If the middlemost finger be struck off, the "bot" is xii. shillings; and its nail "bot" is ii. shillings.

59. If the gold [*i.e.* ring] finger be struck off, for that shall be xvii. shillings as "bot;" and for its nail iv. shillings as "bot."

60. If the little finger be struck off, for that shall be as "bot" ix. shillings; and for its nail one shilling, if that be struck off.

61. If a man be wounded in the belly, let xxx. shillings be paid him as "bot;" if it be through-wounded, for either orifice twenty shillings.

62. If a man's thigh be pierced, let xxx. shillings be paid him as "bot;" if it be broken, the "bot" is likewise xxx. shillings.

63. If the shank be pierced beneath the knee, there shall be twelve shillings as "bot;" if it be broken beneath the knee, let xx. shillings be paid him as "bot."

64. If the great toe be struck off, let xx. shillings be paid him as "bot;" if it be the second toe, let xv. shillings be paid as "bot;" if the middlemost toe be struck off, there shall be ix. shillings as "bot;" if it be the fourth toe, there shall be vi. shillings as "bot;" if the little toe be struck off, let v. shillings be paid him.

65. If a man be so severely wounded in the genitals that he cannot beget a child, let "bot" be made to him for that with lxxx. shillings.

66. If a man's arm, with the hand, be entirely cut off before the elbow, let "bot" be made for it with lxxx. shillings.

For every wound before the hair, and before the sleeve, and beneath the knee, the "bot" is two parts more.

67. If the loin be maimed, there shall be lx. shillings as "bot;" if it be pierced, let xv. shillings be paid as "bot;" if it be pierced through, then shall there be xxx. shillings as "bot."

68. If a man be wounded in the shoulder, let "bot" be made with lxxx. shillings, if the man be alive.

69. If a man maim another's hand outwardly, let xx. shillings be paid him as "bot;" if he can be healed; if it half fly off, then shall be xl. shillings as "bot."

70. If a man break another's rib within the whole skin, let x. shillings be paid as "bot;" if the skin be broken, and bone be taken out, let xv. shillings be paid as "bot."

71. If a man strike out another's eye, or his hand or his foot off, there goeth like "bot" to all; vi. pennies and vi. shillings and lx. shillings and the third part of a penny.

72. If a man's shank be struck off near the knee, there shall be lxxx. shillings as "bot."

73. If a man fracture another's shoulder, let xx. shillings be paid him as "bot."

74. If it be broken inwardly, and bone be taken out, let xv. shillings [in addition] be paid as its "bot."

75. If a man rupture the great sinew, if it can be healed so that it be sound, let xii. shillings be paid as "bot." If the man be halt on account of the wounded sinew, and he cannot be cured, let xxx. shillings be paid as "bot."

76. If the small sinew be ruptured, let vi. shillings be paid him as "bot."

77. If a man rupture the tendons on another's neck, and wound them so severely that he has no power of them, and nevertheless live so maltreated; let c. shillings be given him as "bot," unless the "witan" shall decree to him one juster, and greater.

## Bibliography

- Attenborough, F. L., ed. and trans., *The Laws of the Earliest English Kings* (Oxford: The Clarendon Press, 1922).
- Baker, J. H., *An Introduction to English Legal History* (London: Butterworths, 1971; Second Edition, 1979; Third Edition, 1990).
- Bede, *Ecclesiastical History of the English People*, edited by B. Colgrave and R. A. B. Mynors (Oxford: Clarendon Press, 1969).
- Berman, Harold J., *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, Massachusetts: Harvard University Press, 1983).
- Bingham, Joseph, *Origines Ecclesiasticae; or, The Antiquities of the Christian Church* (London, 1840).
- Caenegem, R. C. Van, *The Birth of the English Common Law* (Cambridge University Press, [1973] 1988).
- Cassuto, U., *A Commentary on the Book of Exodus* (Jerusalem: The Magnes Press, [1967] 1987).
- Cross, Rupert and Philip Asterley Jones, *An Introduction to Criminal Law* (London: Butterworths, Sixth Edition, 1968).
- Curzon, L. B., *English Legal History* (Plymouth: MacDonald and Evans Ltd, 1968).
- Dicey, A. V., *Introduction to the Study of the Law of the Constitution* (London: MacMillan and Company Ltd, Ninth Edition with Introduction and Appendix by E. C. S. Wade, 1939).
- Hale, Sir Matthew, *The History of the Common Law of England* (Chicago: University of Chicago Press, [1713] 1971).
- Hogue, Arthur R., *Origins of the Common Law* (Indianapolis: Liberty Press, 1966).
- Jackson, R. M., *The Machinery of Justice in England* (Cambridge, Fifth Edition, 1967).
- Kiralfy, A. K. R., *Potter's Historical Introduction to English Law* (London: Sweet and Maxwell Ltd, Fourth Edition, 1958).

- Loyn, H. R., *Anglo-Saxon England and the Norman Conquest* (London: Longman, 1962).
- Milsom, S. F. C., *Historical Foundations of the Common Law* (London: Butterworths, 1969).
- Phillips, O. H., *A First Book of English Law* (London: Sweet and Maxwell, 1970).
- Plucknett, Theodore F. T., *A Concise History of the Common Law* (London: Butterworth and Co. (Publishers) Ltd, 1956).
- Pollock, Frederick and Frederic W. Maitland, *The History of English Law Before the Time of Edward I* (Cambridge, 1898), 2 vols.
- Poole, A. L., *Domesday Book to Magna Carta, 1087-1216* (Oxford: Clarendon Press, [1951] 1955).
- Pullan, Brian, *Sources for the History of Medieval Europe from the Mid-Eighth to the Mid-Thirteenth Century* (Oxford: Basil Blackwell, 1971).
- Robertson, A. J., ed. and trans., *The Laws of the Kings of England from Edmund to Henry I* (Cambridge, 1925).
- Rosenstock-Huessy, Eugen, *Out of Revolution: Autobiography of Western Man* (Norwich, VT: Argo Books, [1938] 1969).
- Rushdoony, R. J., *The Institutes of Biblical Law* (Presbyterian and Reformed Publishing Company, 1973).
- Smith, J. C. and Brian Hogan, *Criminal Law* (London: Butterworths, Second Edition, 1969).
- Stenton, F. M., *Anglo-Saxon England* (Oxford: The Clarendon Press, [1943] 1971).
- Tierney, Brian, *Religion, law and the growth of constitutional thought 1150-1650* (Cambridge, 1982).
- Turk, Milton Haight, *The Legal Code of Ælfred the Great Edited with an Introduction* (Boston: Ginn and Company, Publishers, 1893).
- Walker, R. J. and M. G. Walker, *The English Legal System* (London: Butterworths, 1970).
- Wallace-Handrill, J. M., *Early Germanic Kingship in England and on the Continent* (Oxford: The Clarendon Press, 1971).



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