

THE LAWS
OF THE
EARLIEST ENGLISH KINGS

EDITED AND TRANSLATED

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THE KENTISH LAWS

Three series of Kentish laws have been preserved. The earliest are those of King Æthelberht I, who was reigning at the time when the mission from Pope Gregory the Great, under Augustine, arrived in the year 597.

To these laws Bede refers in the following passage (*Hist. Eccl.* II. 5): *Qui inter cetera bona, quae genti suae consulendo conferebat, etiam decreta illi iudiciorum, iuxta exempla Romanorum, cum consilio sapientium constituit; quae conscripta Anglorum sermone hactenus habentur, et observantur ab ea. In quibus primitus posuit, qualiter id emendare deberet, qui aliquid rerum uel ecclesiae, uel episcopi, uel reliquorum ordinum furto auferret; uolens scilicet tuitionem eis, quos et quorum doctrinam susceperat, praestare.*

The exact date at which the laws were issued is not certainly known¹, but it was evidently after Æthelberht's conversion. Æthelberht died on February 24th, 616 (or more probably 617).

King Earconberht, grandson of Æthelberht, is said to have issued laws, enforcing the destruction of images, and the observance of Lent, with penalties for those who refused to obey (*Hist. Eccl.* III. 8); but these laws have not been preserved.

The second series of laws, which is still extant, bears the names of Hlothhere, who reigned from 673 to 685 (or 686), and Eadric, the son of Ecgberht, Hlothhere's brother and predecessor. It is nowhere stated that these two kings reigned jointly. According to Bede (*ib.* IV. 26) Hlothhere died of wounds, received in battle against the South Saxons, whom Eadric had brought against him. Eadric succeeded to the throne and reigned a year and a half. It is uncertain, therefore, whether Eadric had been associated with his uncle for some time before the quarrel took place, or whether he merely confirmed laws previously issued by him.

The third code bears the name of Wihtred, brother of Eadric, who succeeded to the throne after a few years, during which the kingdom was ruled by *reges dubii uel externi* (*ib.* IV. 26). Among these we know the names of two, Oswine and Swefheard, the

¹ Liebermann, III. p. 2, gives 602-3. This is partly dependent on the date 604 for Augustine's death, for which cf. Plummer, *Baedae Opera Historica*, II. p. 81.

atter of whom was, according to Birch, *Cart. Sax.* 42, a son of Sebbe, king of Essex. The time was evidently one of great disturbance in the south east of England. The Mercian power seems to have temporarily broken down, and the kings of Essex, Wessex, Sussex and Kent were all struggling for the mastery. Wihtréd succeeded in the autumn of 690 (cf. *Hist. Eccl.* v. 23), though Swefheard continued to reign along with him at least until 692, and perhaps a year or two later (cf. *Cart. Sax.* 86, if any reliance can be placed on this document). The laws appear to have been issued in the autumn of 695, probably on September 6 (cf. Liebermann, III. p. 24). Peace was made with Ine, king of Wessex, in the preceding year, according to the Saxon Chronicle (*ann.* 694); and it is worth noting that one of Wihtréd's laws (28) is practically identical with one of Ine's (20)—which points to communication between the two courts.

The Kentish laws are preserved only in the *Textus Roffensis* (H), which was written more than four centuries after the promulgation of Wihtréd's Laws, and at least five centuries after the time of Æthelberht. There is no Latin version in existence, in the *Quadripartitus* or elsewhere, though translations of some passages occur in the 'Laws of Henry I.'

Owing to the lateness of the MS the language of the laws has been much modernised. But this process has not been carried out consistently; the text presents a mixture of forms of various periods from the seventh to the twelfth century. Many archaic words occur, some of which are unknown elsewhere in English (e.g. *læt*), while others are found only in poetry or with specialised meanings (e.g. *dryhten*, in other prose works applied only to God, or *eorl*, in other prose works used only as a translation of the Scandinavian term *jarl*). The construction of the sentences too, especially in Æthelberht's Laws, is of a primitive character.

The Laws of Æthelberht are of special interest as being the earliest document written in the English language. Some poems indeed, such as *Beowulf*, may have a longer history behind them, but it is highly improbable that they were committed to writing till a much later period. No other Teutonic language possesses any original records of equal antiquity, apart from short inscriptions. The remains of Gothic literature are indeed much older, but they consist entirely of translations, while the laws of the Continental Teutonic peoples, though they begin more than a century before Æthelberht's reign, are written in Latin down to comparatively late times.

ÆTHELBERHT

þis syndon þa domas, þe Æðelbirht cyning asette on Augustinus dæge.

- 1¹. Godes feoh 7 ciricean XII gylde. Biscopes feoh XI gylde. Preostes feoh IX gylde. Diacones feoh VI gylde. Cleroces feoh III gylde. Ciricfriþ II gylde. Mæthl friþ² II gylde.
2. Gif cyning his leode to him gehateþ, 7 heom mon þær yfel gedo, II bóte 7 cyninge L scillinga.
3. Gif cyning æt mannes ham drincæþ, 7 ðær man lyswæs hwæt gedo, twibote gebete.
4. Gif frigman cyninge stele, IX gylde forgyld.
5. Gif in cyninges tune man mannan ofslea, L scill' gebete.
6. Gif man frigne mannan ofsleahþ, cyninge L scill' to drihtinbeage.
7. Gif cyninges ambihtsmið oþþe laadrincmannan³ ofslehð, meduman leodgelde forgelde.
8. Cyninges mundbyrd L scillinga.
9. Gif frigman freum stelþ, III gebete, 7 cyning age þæt wite 7 ealle þa æhtan.
10. Gif man wið cyninges mægdenman geligeþ, L scillinga gebete.
11. Gif hio grindende þeowa sio, XXV scillinga gebete. Sio þridde XII scillingas.

¹ The numbers of the chapters are not found in the MS.

² *M...friþ*. H. Letters between *M* and *f* erased. *Mæthl frið* is found in a copy of H (Cotton Julius C II) made in 1589. [Liebermann].

³ So Hickes. Written as three words. H.

ÆTHELBERHT

These^{1*} are the decrees which King Æthelberht established in the lifetime of Augustine.

1. [Theft of] God's property and the Church's shall be compensated twelve fold; a bishop's property eleven fold; a priest's property nine fold; a deacon's property six fold; a clerk's property three fold. Breach of the peace shall be compensated doubly when it affects a church or a meeting place.
2. If the king calls his lieges¹ to him, and anyone molests them there, he shall pay double compensation, and 50 shillings to the king.
3. If the king is feasting at anyone's house, and any sort of offence is committed there, twofold compensation shall be paid.
4. If a freeman robs the king, he shall pay back a nine fold¹ amount.
5. If one man slays another on the king's premises, he shall pay¹ 50 shillings compensation².
6. If a man slays a free man, he shall pay 50 shillings to the king for infraction of his seignorial rights¹.
7. If [he] slays a smith in the king's service, or a messenger¹ belonging to the king, he shall pay an ordinary wergeld².
8. The king's *mundbyrd*¹ shall be 50 shillings.
9. If a freeman robs a freeman, he shall pay a three fold compensation, and the king shall take the fine, or¹ all [the man's] goods.
10. If a man lies with a maiden belonging to the king, he shall pay 50 shillings¹ compensation.
11. If she is a grinding slave, he shall pay 25 shillings compensation. [If she is of the] third [class], [he shall pay] 12 shillings compensation.

* The reference numbers in the translation refer to notes at the end of the book

12. Cyninges fedesl xx scillinga forgelde.
13. Gif on eorles tune man mannan ofslæhþ, xii scill' gebete.
14. Gif wið eorles birele man geligeþ, xii scill' gebete.
15. Ceorles mundbyrd vi scillingas.
16. Gif wið ceorles birelan man geligeþ, vi scillingum gebete; aet þære oþere ðeowan l scætta; aet þare þridan xxx scætta.
17. Gif man in mannes tún ærest geirneþ, vi scillingum gebete; se þe æfter irneþ iii scillingas; siððan gehwylc scilling.
18. Gif man mannan wepnum bebyreþ, ðær ceas weorð, 7 man nænig yfel ne gedeþ, vi scillingum gebete.
19. Gif wegreafe sy gedón, vi scillingum gebete.
20. Gif man þone man ofslæhð, xx scillingum gebete.
21. Gif man mannan ofslæhð, medume leodgeld c scillinga gebete.
22. Gif man mannan ofslæhð, æt openum græfe xx scillinga forgelde, 7 in xl nihta ealne leod forgelde.
23. Gif bana of lande gewiteþ, ða magas healfne leod forgelden.
24. Gif man frigne man gebindeþ¹, xx scill' gebete.
25. Gif man ceorlæs hlafetan ofslæhð, vi scillingum gebete.
26. Gif læt ofslæhð, þone selestan lxxx scill' forgelde; gif þane oþerne ofslæhð, lx scillingum forgelde; ðane þridan xl scillinḡ forgelde².

¹ em. Hickes. *gebi...eð*. H.

² em. Thorpe. *forgelden*. H.

12. 20 shillings shall be paid for killing a *fedesl*¹ belonging to the king.
13. If one man slays another on the premises of a nobleman², he shall pay 12 shillings¹ compensation.
14. If a man lies with a nobleman's serving maid, he shall pay 12 shillings compensation.
15. A commoner's² *mundbyrd*¹ shall be 6 shillings.
16. If a man lies with a commoner's serving maid, he shall pay 6 shillings compensation; [if he lies] with a slave of the second class, [he shall pay] 50 sceattas¹ [compensation]; if with one of the third class, 30 sceattas.
17. If a man is the first to make [forcible] entry into another man's premises, he shall pay 6 shillings compensation. He who comes next shall pay 3 shillings compensation; and afterwards each one shall pay a shilling.
18. If one man supplies another with weapons when a quarrel is taking place, no injury however being inflicted¹, he [the lender] shall pay 6 shillings compensation.
19. If highway robbery is perpetrated [with the aid of those weapons], [the lender] shall pay 6 shillings compensation.
20. If the man¹ is slain, [the lender of the weapons] shall pay 20 shillings compensation.
21. If one man slays another, the ordinary¹ wergeld to be paid as compensation shall be 100 shillings.
22. If one man slays another, he shall pay 20 shillings¹ before the grave is closed, and the whole of the wergeld within 40 days.
23. If a homicide departs¹ from the country², his relatives shall pay half the wergeld.
24. If a man lays bonds on a freeman, he shall pay 20 shillings compensation.
25. If a man slays the dependant¹ of a commoner, he shall pay [the commoner] 6 shillings² compensation.
26. If he slays a *let*¹ of the best class, he shall pay 80 shillings; if he slays one of the second class, he shall pay 60 shillings; [for slaying one of] the third class, he shall pay 40 shillings.