

Original Documents.

ANGLO-SAXON DOCUMENT RELATING TO LANDS AT SEND AND SUNBURY, IN MIDDLESEX, IN THE TIME OF EADGAR: AND THE WRIT OF CNUT, ON THE ACCESSION OF ARCHBISHOP ÆTHELNOTH TO THE SEE OF CANTERBURY, A.D. 1020.

THE very remarkable document which I here print with a translation, is one of the title deeds of Westminster. It relates how certain lands at Send and Sunbury, in Middlesex, came into the hands of Archbishop Dúnstan, and by what series of events their ancient owners became divested of their property. The light which it incidentally throws upon the Anglo-Saxon forms of law, and the state of society, is very great; and it may be considered one of the most instructive monuments which we possess. As it is written in a rather barbarous way, though not by any means a confused one, our readers may possibly like to see a compendious account of the transactions described. It appears that a female serf, named Thurwif, was stolen from Ælfsige: he detected his property in the hands of Wulfsige, who teamed it over to Æðelstan, in Sunbury, i.e., vouched him as the person from whom he acquired it. It was now Æðelstan's business to produce his voucher, which he undertook to do; but when the term came, he did not hold it, and consequently admitted the wrongful possession. Ælfsige now claimed, and got back his property, and two pounds damages. But there was a public consideration besides the private one; the sheriff in the king's name demanded Æðelstan's wergyld, which he had forfeited to the king by not vouching his warranty as he undertook to do. Æðelstan having no means, his brother, Eadweard, who possessed the charter of Sunbury, although Æðelstan held the land, proposed to pay the fine for him, if he would give up the land to him. This Æðelstan refused, and consequently both lost it. The sheriff turned Æðelstan out of it, and seized it no doubt to the king's hand, the old proprietor taking refuge as a tenant upon Wulfgar's land. But Eadred dying, Æðelstan took advantage, probably of a change of sheriff, to return to his land, "*ungebetra þinga*," *without having mended matters*,—without having made amends. But Eadwig learning this, granted the land to Beornric, who turned Æðelstan out and took possession. In the mean while the revolution in Mercia took place, and Eadgar was elected king in the countries north of the Thames. Æðelstan now seems to have had some hope that he might find some favour with the new king, and brought his case before him. But the law was clear enough; Eadgar's witan decided as Eadwig's had done, and Æðelstan was condemned to pay his wergyld for the Teambyrste, or forfeit his land. On this occasion, as before, he had not wherewithal to pay, and obstinately refused to let his brother do it, and consequently again *both* lost it. The king now granted it to Æðelstán, one of his ealdormen, and gave him a book or charter, on which occasion it is certain that the old charter, in Eadweard's possession, was annulled. From this time, the old

owners, Æðelstan and Eadweard, vanish altogether, the property is in Æðelstan the ealdorman, and his devisees. It now appears that one Ecgferð bought the land of him in full and entire property, and enjoyed it till his death. He made it over in trust to Archbishop Dúnstan, as it appears, to the use of his widow and child. This act he is described to have executed "halre tungan," *with a whole tongue*, i.e. with a sound, unimpeached right to bequeath; but after this he appears to have died under circumstances of suspicion, and the witan believing him to have been *felo de se*, confiscated all his property, and delivered it as an escheat to the king. He gave it now to Ælfheah, the ealdorman. And when Dúnstan, on behalf of the widow and child, claimed the land of Eadgar, he received for answer, that the man was a suicide, and that the estates were escheated. Dúnstan now offered to redeem the escheat by payment of Ecgferð's wergylð; but the king rejoined, that if he paid that, Ecgferð might perhaps be allowed to lie *in a clean grave*, i.e., in consecrated ground, but, for the rest, that the whole matter was handed over to Ælfheah. Under these circumstances, the Archbishop made up his mind to pay a large sum for the two estates, amounting in all to thirty hides, or nearly 1000 acres, and Ælfheah made him a clear title, upon the warranty of the king's grant, and the authorisation of the witan thereto. I may mention, that in addition to several interesting examples of what may be called the *symbolism* of the Anglo-Saxon law, this charter contains the only evidence we have of escheat for suicide, in the Anglo-Saxon period.¹

EADGAR (AFTER A.D. 962).

SE fruma waes ðæt mon forstæl ænne wímmān æt Icceslea Ælfsige Byrhtsiges suna: Ðurwíf hatte se wímmān. Ða befeng Ælfsige ðone mann æt Wulfstāne Wulfgāres fader. Ða tymde Wulfstān hine tō Æðelstāne æt Sunnanbyrg. Ða cende he tem. let ðone forberstan. forbeh ðone andagen. Æfter ðam bād Ælfsige ægiftes his mannes. and he hine ágif and forgeald him mid twām pundum. Ða bād Byrhtferð ealdormann Æþelstān hys wer for ðam tēmbyrste. Ða cwæð Æþelstān ðæt he næfde him tō syllane. Ða cleopode Eadweard Æþel-

THE beginning was that some one stole away a woman at Icceslea from Ælfsig, Byrhtsige's son: the woman's name was Thurwif. Then Ælfsige detected the person in the possession of Wulfstan, Wulfgar's father. And Wulfstan *teamed* her to Æðelstan at Sunbury. Then he gave notice of *Team*, but let it go by default, and did not appear at the term. After that Ælfsige claimed his property, and he gave it up, and paid him damages with two pounds. Then Byrhtferð the ealdorman sued Æðelstan for his wergylð, for making default of *team*. Then said Æðelstan that he had no means to pay with. Then called out Eadweard, Æðelstan's brother, and

¹ I will also take this opportunity of announcing that I propose, D. V. to publish a new edition of the Codex Diplomaticus, which is no longer to be obtained except at an extravagant price, with very material improvements, and a great addition

of important matter. The principal features of the new edition will be, the translation into English of all the Saxon passages in the work, and a complete series of the Regal and Episcopal Fasti.

stānes brōðor, and cwæð, ic hæbbe Sunnanburges bōc ðe uncre ylðran me læfdon, læt me ðæt land tō handa ic āgife þinne wer ðam cyng. Ða cwæð Æðelstān ðæt him leofre wære ðæt hit to fyre oððe flōde gewurde. ðonne he hit æfre gebīde: Ða cwæð Eādweard hit is wyrse ðæt uncer nāðor hit næbbe: Ða wæs Ða swā. and forbeað Byrhtferð ðæt land Æðelstāne. and he offerde and gebēh under Wulfgāre æt Norð healum. Binnan ðam wēndun gewyrda. and gewāt Eādred cyng: and feng Eadwig tō rice. and wende Æðelstān hine eft into Sunnanbyrg. ungebetra þinga. Ða geāhsode ðæt Eadwig cyng and gesealde ðæt land Byrnrice. and he feng tō and wearf Æðelstān ut. gemang ðām getiðde ðæt Myrce gecuran Eadgar tō cyng. and him anweald gesealdan ealra cyneriht. Ða gesōhte Æðelstān Eadgar cyng and bæd dōmes. Ða ætdeðdon him Myrena witan land buton he his wer agulde ðām cyng swā he óðrum ær sceolde. Ða næfde he hwanon. ne he hit Eadwearde his brēðer geðafian nolde. Ða gesealde se cyng. and gebēcte ðæt land Æðelstāne ealdormenn. tō hæbhenne. and tō syllanne for life and for legere ðām him leofost wære. æfter ðām getiðde ðæt Ecgferð gebohte bōc and land æt Æðelstāne ealdormenn. on cinges gewitnesse and his witenas swā his gemedo wæron. hæfde and breac oð his ende. Ða betæhte Ecgferð on hāle tungan. land and bōc on cinges gewitnesse Dūnstāne arcebisceope tō mundgenne his lāfe and his

said: "I have the charter of Sunbury, which my ancestors left me; give me the possession of the land into my hand, and I will pay the king your wergild." Then said Æðelstān that he would rather it should all sink in fire or flood, than that he should ever abide that. Then said Eadweard, "It would be worse, that neither of us should have it." Then was it so, and Byrhtferð forbade Æðelstān the land, and he decamped, and took service under Wulfgar at Northhale. Meanwhile fortune changed, and king Eadred died, and Eadwig succeeded to his kingdom, and Æðelstān returned to Sunbury, without having mended the matter. Then Eadwig the king discovered that, and gave the land to Beornric, and he took possession and cast Æðelstān out. Meanwhile it happened that the Mercians elected Eadgar king, and gave him the power to exercise all the rights of royalty. Then Æðelstān sought king Eadgar, and demanded judgment: and the witan of Mercia condemned him to forfeit the land, unless he paid his wergild to the king, as he should have done to the other, before. Then had he no means, nor would he allow his brother Eadweard to do it. Then the king gave and booked the land to Æðelstān the ealdorman, to have and to give, in life and in death, to whom he best pleased. After that it befell that Ecgferð bought the charter and land from Æðelstān the ealdorman, by witness of the king and his witan, as his covenants were, he had and enjoyed it to his end. Then did Ecgferð *with a whole tongue* bequeath land and book to Archbishop Dūnstān, by witness of the king, in trust for his widow and

bearne. Ða he geendod wæs ða rad se bisceop tó ðam cyng. myngude ðære munde and his gewitnesse. Ða cwæð se cyng him tó andsware. míne witan habbað ætreeð Ecgferðe ealle his are. þurh ðæt swyrd ðe him on hype hangode ða he ádranc. nam ða se cyng ða are ðe he áhte. xx. hýða æt Sendan. x. æt Sunnanbyrg. and forgef Ælfhége earldormenn. Ða beað se bisceop his wer ðam cyng. Ða cwæð se cyng. ðæt mihte beón geboden him wið clænum legere. ac ic hæbbe ealle ða spæce to Ælfhége læten. Ðæs on syxtan gere gebóhte se arcebisceop æt Ælfhége ealdormenn. ðæt land æt Sendan. mid xc. pundum. and æt Sunnanbyrg mid cc. mancussan goldes. unbecwedene. and unforbodene. wið ælcne mann tó ðære ðægtide and he him swá ða land geagnian derr. swá him se sealde ðe tó syllene áhte. and hí ðam se cyng sealde. swá he him his witan gerehton.

child. And when he was dead, the bishop rode to the king and put him in mind of the trust and of his testimony; then did the king give him this answer, "My witan have deprived Ecgferð of all his estate, by the sword that hung on his hip when he was drowned." Then the king took all the estate he had, twenty hides at Send, ten at Sunbury, and gave them to Ælfheah the ealdorman. Then did the bishop tender his wergild to the king; then said the king, that that might be offered him, in consideration of a grave in consecrated ground: but he had given over the whole discussion to Ælfheah. In the sixth year after this, the archbishop bought the land at Send of Ælfheah the ealdorman, for ninety pounds, and that at Sunbury for two hundred mancusses of gold, unclaimed and unforbid, against every man soever up to that date, and he warranted him the land as his property, even as he had given it him that had it to give, and as the king had granted them to him, even as his witan had adjudged.

We are indebted to Mr. J. O. Westwood for bringing the following document under our notice. It was found by him in the MS. Evangelary of Mac Durnan, in the library at Lambeth; and he observes that it is written in the same hand as the two grants preserved in the Cotton MS. Tiberius, B. iv. He has given a facsimile of it in his "*Palæographia Sacra*." ²

CNUT (A.D. 1020).

✠ Cnut cynig gret ealle mine bisceopas, and mine eorlas, and mine gerefan on ælcere scire, þe Æþelnoð arcebisceop and se hired æt Cristes cyrcean land inne habbað, freondlice. And ic cyðe eow þat ic hæbbe ge

✠ I, Canute the king, greet all my bishops, and my earls, and my reeves, in each shire, in which Archbishop Æthelnoth and the brotherhood at Christchurch have land, friendly. And I do you to know that I have granted him his

² Five other grants of the time of Cnut are found, as Mr. Westwood informs us, in the Mac Durnan Gospels at Lambeth. These have been printed from transcripts

in Add. MS. in Mus. Brit. No. 14907, and may be found in the "*Codex Diplomaticus Ævi Saxonici*," Nos. 314, 1321, 1328 1336, and 1363.

unnen him þat he beo his saca and socne wyrðe, and griðbryces, and ham socne, and forstealles, and infangenes þeofes, and flymena fyrnðe, ofer his agene menn binnan byrig and butan, and ofer Cristes cyrcean, and ofer swa feala þegna swa ic him toletan hæbbe. And ic nelle þat ænig mann aht þær on teo, buton he and his wicneras: for þam ic hæbbe Criste þas gerihta forgyfen, minre sawle to ecere alysendnesse; and ic nelle þat æfre ænig mann þis abrece, be minum freondscipe.

privilege of Sac and Sócn, and Grithbryce and Hamsócn, and Forstall, and Infangthief, and Flymena-firmth, in town and out of town, and over Christchurch, and as many thanes as I have allowed him. And I will not that any man shall meddle in aught therein, save himself and his stewards: seeing that I have granted these rights unto Christ, for the eternal salvation of my soul; and it is my will that no man break this,—on my friendship: (i.e., on pain of losing it).

The foregoing writ of Cnut is probably the earliest we possess, of this form. It is possible that they were in use at all periods of the Anglo-Saxon rule, but till the time of Cnut, we have no instance of them. Under Eadweard the Confessor they became common. I look upon these instruments as the natural consequence of, and as the public announcement of the investiture in the temporalities of the see. Upon the election of a prelate and confirmation by the crown, he no doubt made suit for all the seignorial and other privileges attached to his barony, and this I presume is the *patent* by which his jurisdictions, &c., are secured to him. It is addressed to the usual administrative officers, and it removes their jurisdiction from all the bishop's lands and tenements. He is to have his own Sac and Sócn, i.e., right to hold plea, and his infangenne þeof, or thief taken on his manors, i.e., the criminal jurisdiction. As Æðelnoð became Archbishop in A.D. 1020, and these letters patent must have been issued very shortly after the event, we have a tolerable certainty as to the date of the document. The formulary continued to be repeated in the charters of the Norman kings long after its meaning was entirely forgotten.

J. M. KEMBLE.

Whilst this,—the last communication of our lamented friend, was in the printer's hands, and the proof had not even received his final revision, the sad intelligence reached us of his decease, at the very moment when he had well-nigh realised that great project in connexion with the Manchester Exhibition, to which all his energies had for some weeks been devoted. The announcement made, for the first time, in the note on the foregoing observations (p. 59), will be read with painful interest and regret. It is left as he had written it: the deep sense of the uncertainty of life seems to have been present to his thoughts amidst the earnestness of purpose with which he contemplated so many intellectual achievements, now alas! so suddenly frustrated.