

THE
SAXONS IN ENGLAND.

A HISTORY OF
THE ENGLISH COMMONWEALTH

TILL THE PERIOD OF
THE NORMAN CONQUEST.

BY

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“Nobilis et strenua, iuxtaque dotem naturae sagacissima gens Saxonum, ab antiquis etiam
scriptoribus memorata.”

A NEW EDITION, REVISED BY

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VOLUME I.

TO
THE QUEEN'S MOST EXCELLENT MAJESTY,
THIS HISTORY
OF THE PRINCIPLES WHICH HAVE GIVEN HER EMPIRE
ITS PREEMINENCE
AMONG THE NATIONS OF EUROPE,
IS,
WITH HER GRACIOUS PERMISSION,
INSCRIBED BY
THE MOST HUMBLE AND DEVOTED
OF HER SERVANTS.

P R E F A C E .

THE following pages contain an account of the principles upon which the public and political life of our Anglosaxon forefathers was based, and of the institutions in which those principles were most clearly manifested. The subject is a grave and solemn one : it is the history of the childhood of our own age,—the explanation of its manhood.

On every side of us thrones totter, and the deep foundations of society are convulsed. Shot and shell sweep the streets of capitals which have long been pointed out as the chosen abodes of order : cavalry and bayonets cannot control populations whose loyalty has become a proverb here, whose peace has been made a reproach to our own mis-called disquiet. Yet the exalted Lady who wields the sceptre of these realms, sits safe upon her throne, and fearless in the holy circle of her domestic happiness, secure in the affections of a people whose institutions have given to them all the blessings of an equal law.

Those institutions they have inherited from a period so distant as to excite our admiration, and have preserved amidst all vicissitudes with an en-

lightened will that must command our gratitude. And with the blessing of the Almighty, they will long continue to preserve them; for our customs are founded upon right and justice, and are maintained in a subjection to His will who hath the hearts of nations as well as of kings in His rule and governance.

It cannot be without advantage for us to learn how a State so favoured as our own has set about the great work of constitution, and solved the problem, of uniting the completest obedience to the law with the greatest amount of individual freedom. But in the long and chequered history of our State, there are many distinguishable periods: some more and some less well known to us. Among those with which we are least familiar is the oldest period. It seems therefore the duty of those whose studies have given them a mastery over its details, to place them as clearly as they can before the eyes of their fellow-citizens.

There have never been wanting men who enjoyed a distinct insight into the value of our earliest constitutional history. From the days of Spelman, and Selden and Twisden, even to our own, this country has seen an unbroken succession of laborious thinkers, who, careless of self-sacrifice, have devoted themselves to record the facts which were to be recovered from the darkness of the past, and to connect them with the progress of our political and municipal laws. But peculiar advantages over these men, to whom this country owes a large debt of gratitude, are now enjoyed by ourselves.

It is only within eight years that the "Ancient Laws and Ecclesiastical Institutes" of the Anglo-saxons have been made fully accessible to us¹: within nine years only, upwards of fourteen hundred documents containing the grants of kings and bishops, the settlements of private persons, the conventions of landlords and tenants, the technical forms of judicial proceedings, have been placed in our hands²; and to this last quarter of a century has it been given to attain a mastery never before attained over the language which our Anglosaxon ancestors spoke. To us therefore it more particularly belongs to perform the duty of illustrating that period, whose records are furnished to us so much more abundantly than they were to our predecessors; and it seemed to me that this duty was especially imposed upon him whom circumstances had made most familiar with the charters of the Anglosaxons.

The history of our earliest institutions has come down to us in a fragmentary form: in a similar way

¹ Ancient Laws and Institutes of England; comprising Laws enacted under the Anglosaxon Kings from Æðelbirht 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 Anglosaxon Laws. With a copious Glossary, etc. (By B. Thorpe, Esq.). Printed by command of his late Majesty, King William the Fourth, under the direction of the Commissioners on the Public Records of the Kingdom. MDCCCXL.

² Codex Diplomaticus Aevi Saxonici. Opera J. M. Kemble, M.A., vol. i. London, 1839; vol. ii. 1840; vol. iii. 1845; vol. iv. 1846; vol. v. 1847; vol. vi. 1848. Published by authority of the Historical Society of England.

has it here been treated,—in chapters, or rather essays, devoted to each particular principle or group of facts. But throughout these fragments a system is distinctly discernible: accordingly the chapters will be found also to follow a systematic plan.

It is my intention, at a future period, to lay before my countrymen the continuation of this History, embracing the laws of descent and purchase, the law of contracts, the forms of judicial process, the family relations, and the social condition of the Saxons as to agriculture, commerce, art, science and literature. I believe these things to be worthy of investigation, from their bearing upon the times in which we live, much more than from any antiquarian value they may be supposed to possess. We have a share in the past, and the past yet works in us; nor can a patriotic citizen better serve his country than by devoting his energies and his time to record that which is great and glorious in her history, for the admiration and instruction of her neighbours.

J. M. K.

London, December 2nd, 1848.

PREFACE

TO THE NEW EDITION.



THE original edition of this monumental work having for a long time been out of print and of enhanced value, a great demand has arisen for the issue of a new edition; and the welcome opportunity of amending a number of oversights and typographical errors, and of verifying a large number of references, has not been neglected. The book itself is of so standard a character, and was so well digested in the first place, that no apology is needed for its re-publication now—more than a quarter of a century after its first appearance.

The principles laid down, the deductions gathered from the array of recorded facts and examples, are as true and incontrovertible to-day as they ever were. The work, therefore, does not labour under the disadvantage of becoming obsolete, inasmuch as the researches which have since been made in this branch of literary and historical enquiry have not tended to weaken or destroy, but rather to support and strengthen, the arguments applied by the author to the gradual unfolding of his theories of the growth and consolidation of the Anglosaxon Commonwealth, and the Royal Authority in England.

It is worthy of remembrance that one of the chief authorities for the views advanced in this History is the celebrated *Codex Diplomaticus*, the printing of which occupied nine years of the author's life. The re-editing of that great work, under new arrangement, with collations, and incorporation of a large quantity of newly found material, has now so clearly become a necessity, that steps should be taken to re-publish the enormous collection of documents relating to Anglosaxon times and Anglosaxon history.

No one can read the summary of Kemble's investigations, which is contained in the concluding chapter to the First Volume, without feeling bound to acknowledge that its pages contain the heartfelt convictions of one who has spared no pains to mature his own knowledge of the inner springs which actuated the conduct of our forefathers' lives and advanced their culture, nor failed in his endeavour to impart to his readers a correct view of these important elements of our own manners and customs;—in Kemble's own words, “the history of our childhood, the explanation of our manhood.”

W. DE G. B.

London,
September 11th, 1876.

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THE
SAXONS IN ENGLAND.

BOOK I.

THE ORIGINAL SETTLEMENT OF THE ANGLO-SAXON
COMMONWEALTH.

CHAPTER I.

SAXON AND WELSH TRADITIONS.

ELEVEN centuries ago, an industrious and conscientious historian, desiring to give a record of the establishment of his forefathers in this island, could find no fuller or better account than this: "About the year of Grace 445-446, the British inhabitants of England, deserted by the Roman masters who had enervated while they protected them, and exposed to the ravages of Picts and Scots from the extreme and barbarous portions of the island, called in the assistance of heathen Saxons from the continent of Europe. The strangers faithfully performed their task, and chastised the Northern invaders; then, in scorn of the weakness of their employers, subjected them in turn to the yoke, and after various vicissitudes of fortune, established their own

power upon the ruins of Roman and British civilization." The few details which had reached the historian taught that the strangers were under the guidance of two brothers, Hengest and Horsa: that their armament was conveyed in three ships or keels: that it consisted of Jutes, Saxons and Angles: that their successes stimulated similar adventurers among their countrymen: and that in process of time their continued migrations were so large and numerous, as to have reduced Anglia, their original home, to a desert¹.

Such was the tale of the victorious Saxons in the eighth century: at a later period, the vanquished Britons found a melancholy satisfaction in adding details which might brand the career of their conquerors with the stain of disloyalty. According to these hostile authorities, treachery and fraud prepared and consolidated the Saxon triumph. The wiles of Hengest's beautiful daughter² subdued the mind of the British ruler; a murderous violation of the rights of hospitality, which cut off the chieftains of the Britons at the very table of their hosts, delivered over the defenceless land to the barbarous invader³; and the miraculous intervention of

¹ Beda, Hist. Eccl. i. 14, 15. Gildas, Hist. § 14. Nennius, Hist. § 38.

² It is uncertain from the MSS. whether this lady is to be called Rouwen or Ronwen. The usual English tradition gives her name as Rowena; if this be accurate, I presume our pagan forefathers knew something of a divine personage—Hröðwén—possibly a dialectical form of the *great and glorious* goddess Hréðe; for whom refer to Chapter X. of this Book.

³ The story of the treacherous murder perpetrated upon the Welsh chieftains does not claim an English origin. It is related of the Old-saxons upon the continent, in connexion with the conquest of the Thuringians. See Widukind.

Germanus, the spells of Merlin and the prowess of Arthur, or the victorious career of Aurelius Ambrosius, although they delayed and in part avenged, yet could not prevent the downfall of their people¹. Meagre indeed are the accounts which thus satisfied the most enquiring of our forefathers; yet such as they are, they were received as the undoubted truth, and appealed to in later periods as the earliest authentic record of our race. The acuter criticism of an age less prone to believe, more skilful in the appreciation of evidence, and familiar with the fleeting forms of mythical and epical thought, sees in them only a confused mass of traditions borrowed from the most heterogeneous sources, compacted rudely and with little ingenuity, and in which the smallest possible amount of historical truth is involved in a great deal of fable. Yet the truth which such traditions do nevertheless contain, yields to the alchemy of our days a golden harvest: if we cannot undoubtingly accept the details of such legends, they still point out to us at least the course we must pursue to discover the elements of fact upon which the Mythos and Epos rest, and guide us to the period and the locality where these took root and flourished.

From times beyond the records of history, it is certain that continual changes were taking place in the position and condition of the various tribes that peopled the northern districts of Europe. Into this great basin the successive waves of Keltic, Teutonic

¹ Conf. Nennius, Hist. 37 *seq.*, 46 *seq.* Beda, Hist. Ecc. i. 14, 15. Gildas, Hist. § 25.

and Slavonic migrations were poured, and here, through hundreds of years, were probably reproduced convulsions, terminated only by the great outbreak which the Germans call *the wandering of the nations*. For successive generations, the tribes, or even portions of tribes, may have moved from place to place, as the necessities of their circumstances demanded; names may have appeared, and vanished altogether from the scene; wars, seditions, conquests, the rise and fall of states, the solemn formation or dissolution of confederacies, may have filled the ages which intervened between the first settlement of the Teutons in Germany, and their appearance in history as dangerous to the quiet of Rome. The heroic lays¹ may possibly preserve some shadowy traces of these events; but of all the changes in detail we know nothing: we argue only that nations possessing in so preeminent a degree as the Germans, the principles, the arts and institutions of civilization, must have passed through a long apprenticeship of action and suffering, and have learnt in the rough school of practice the wisdom they embodied in their lives.

Possessing no written annals, and trusting to the

¹ The Anglosaxon Traveller's Song contains a multitude of names which cannot be found elsewhere. Paulus Diaconus and Jornandes have evidently used ancient poems as the foundation of their histories. The lays of the various Germanic cycles still furnish details respecting Hermanaric, Otachar, Theodoric, Hiltibrant and other heroes of this troubled period. But the reader who would judge of the fragmentary and unsatisfactory result of *all* that the ancient world has recorded of the new, had better consult that most remarkable work of Zeuss, *Die Deutschen und die Nachbarstämme*. Munich, 1837. He will there see how the profoundest science halts after the reality of ancient ages, and strives in vain to reduce their manifold falsehood to a truth.

poet the task of the historian, our forefathers have left but scanty records of their early condition¹. Nor did the supercilious or unsuspecting ignorance of Italy care to enquire into the mode of life and habits of the barbarians until their strong arms threatened the civilization and the very existence of the empire itself. Then first, dimly through the twilight in which the sun of Rome was to set for ever, loomed the Colossus of the German race, gigantic, terrible, inexplicable; and the vague attempt to define its awful features came too late to be fully successful. In Tacitus, the city possessed indeed a thinker worthy of the exalted theme; but his sketch, though vigorous beyond expectation, is incomplete in many of the most material points: yet this is the most detailed and fullest account which we possess, and nearly the only certain source of information till we arrive at the moment when the invading tribes in every portion of the empire entered upon their great task of reconstructing society from its foundations. Slowly, from point to point, and from time to time, traces are recognized of powerful struggles, of national movements, of destructive revolutions: but the definite facts which emerge from the darkness of the first three centuries are rare and fragmentary.

Let us confine our attention to that portion of the race which settled on our own shores.

The testimony of contemporaneous history assures us that about the middle of the fifth century,

¹ "Celebrant carminibus antiquis, quod unum apud illos memoriae et annalium genus est." Tac. Mor. Germ. cap. ii.

a considerable movement took place among the tribes that inhabited the western coasts of Germany and the islands of the Baltic sea. Pressed at home by the incursions of restless neighbours, and the urgency of increasing population, or yielding to the universal spirit of adventure, Angles, Saxons and Frisians crossed a little-known and dangerous ocean to seek new settlements in adjacent lands. Familiar as we are with daring deeds of maritime enterprise, who have seen our flag float over every sea, and flutter in every breeze that sweeps over the surface of the earth, we cannot contemplate without astonishment and admiration, these hardy sailors, swarming on every point, traversing every ocean, sweeping every æstuary and bay, and landing on every shore which promised plunder or a temporary rest from their fatigues. The wealth of Gaul had already attracted fearful visitations, and the spoils of Roman cultivation had been displayed before the wondering borderers of the Elbe and Eyder, the prize of past, and incentive to future activity. Britain, fertile and defenceless, abounding in the accumulations of a long career of peace, deserted by its ancient lords, unaccustomed to arms¹, and accustomed to the yoke,

¹ This is asserted both by Gildas and Nennius, and it is not in itself improbable. The Romans did sometimes attempt to disarm the nations they subdued: thus Probus with the Alamanni. Vopisc. cap. 14. Malmesbury's account of the defenceless state of Britain was probably not exaggerated. He says: "Ita cum tyranni nullum in agris præter semibarbaros, nullum in urbibus præter ventri deditos reliquissent, Britannia omni patrocínio iuvenilis vigoris viduata, omni exercitio artium exinanita, conterminarum gentium inhiationi diu obnoxia fuit." Gest. Reg. lib. i. § 2.

at once invited attack and held out the prospect of a rich reward: and it is certain that at that period, there took place some extensive migration of Germans to the shores of England¹. The expeditions known to tradition as those of Hengest, Ælli, Cissa, Cerdic and Port, may therefore have some foundation in fact; and around this meagre nucleus of truth were grouped the legends which afterwards served to conceal the poverty and eke out the scanty stock of early history. But I do not think it at all probable that this was the earliest period at which the Germans formed settlements in England.

It is natural to believe that for many centuries a considerable and active intercourse had prevailed between the southern and eastern shores of this island, and the western districts of Gaul. The first landing of Julius Caesar was caused or justified by the assurance that his Gallic enemies recruited their armies and repaired their losses, by the aid of their British kinsmen and allies²; and the merchants of the coast, who found a market in Britain, reluctantly furnished him with the information upon which the plan of his invasion was founded³. When

¹ Prosper Tyro, A.D. 441, says, "Theodosii xviii. Britanniae usque ad hoc tempus variis cladibus eventibusque latae [p. laceratae] in ditionem Saxonum rediguntur." See also Procop. Bel. Got. iv. 20. The former of these passages might however be understood without the assumption of an immigration, which the movements of Attila render probable.

² Bell. Gal. iii. 8. 9; iv. 20.

³ Especially the Veneti: ἔτοιμοι γὰρ ἦσαν κωλύειν τὸν εἰς τὴν βρετανικὴν πλοῦν, χρώμενοι τῷ ἐμπορίῳ. Strabo, bk. iv. p. 271. Conf. Bell. Gall. iv. 20.

When Cwicheim of Wessex sent an assassin to cut off Eáduuni of Northumberland, that prince was saved by the devotion of his thane Lilla, who threw himself between, and received the blow that was destined for his master; in the words of Beda¹: “Quod cum videret Lilla minister regis amicissimus, non habens scutum ad manum quo regem a nece defenderet, mox interposuit corpus suum ante ictum pungentis; sed tanta vi hostis ferrum infixit, ut per corpus militis occisi etiam regem vulneraret.” Again we learn that in the year 786, Cyneheard, an ætheling of Wessex, who had pretensions to the crown, surprised the king Cynewulf at the house of a paramour at Merton, and there slew him. He proffered wealth and honours to the comites of the king, which they refused, and with small numbers manfully held out till every one had fallen. On the following morning a superior force of the king’s thanes came up: to them again the ætheling offered land and gold, but in vain: he was slain on the spot with all his own comites, who refused to desert him in his extremity. This is the account given of these facts in the words of the Saxon Chronicle itself²:

And þá gebeád he him heora ágenne dóm feos and londes, gif hie him ðæs rices úðon, and him cýðde, ðæt heora mægum him mid wæron, ða ðe him from noldon. And þá cwædon hie, ðæt him nænig mæg leófra nære ðonne heora hláford, and hie næfre his banan

And then he offered them their own desire of money and land, if they would grant him the kingdom, and he told them that their own relatives were with him, who would not desert him. Then said they, that no relative was dearer to them than their lord, and that

¹ Hist. Ecc. ii. 9.

² Chron. Sax. an. 755.

folgian noldon. And þá budon hie heora mægum ðæt hie him gesunde from eódon. And hie cwædon, ðæt ðæt ilce heora geferum geboden wære ðe ær mid ðám cyninge wæron; ðæt hie hie ðæs ne onmunden, ðon má ðe eówre geferan ðe mid ðám cyninge ofslægene wæron.

they never would follow his murderer. And then they offered their relatives that they should leave him, with safety for themselves: but they said, that the same offer had been made to their own comrades who at first were with the king: that they paid no more attention to it, than your comrades who were slaughtered with the king.

Æthelweard, Florence of Worcester, and Henry of Huntingdon all follow the chronicle, which in some details they apparently translate. William of Malmesbury seems to adopt the same account, but adds a few words which have especial reference to this portion of the argument¹: “quorum (*i. e.* comitum) qui maximus aevo et prudentia Osricus, caeteros cohortatus ne necem domini sui in insignem et perpetuam suam ignominiam inultam dimitterent, districtis gladiis coniuratos irruit.”

It is obvious that from this intimate relation between the prince and the gesið must arise certain reciprocal rights and duties, sanctioned by custom, which would gradually form themselves into a code of positive law, and ultimately affect the state and condition of the freemen. In the earliest development of the Comitatus, it is clear that the idea of freedom is entirely lost; it is replaced by the much more questionable motive of *honour*, or to speak more strictly, of rank and station. The comes may indeed have become the possessor of land, even of very large tracts², by gift from his

¹ Gest. Reg. i. § 42.

² Beowulf, l. 5984 *seq.*

