

# Ambrian Law

## Extracts From Early Laws of the Ambrians

The laws of all nations which have developed steadily and in their own seats, with little or no intermixture of foreign elements, are generally perpetuated by custom and oral tradition. Hence the earliest written laws contain amendments of older unwritten customs, or codifications of those customs when they are gradually wearing out of popular recollection. Such documents are then generally obscure, requiring for their elucidation a knowledge of the customs they were intended to amend, which is not easily attainable; and where they are clear, they will be found frequently to contain little more than assessments of fines for offenses and injuries, with very scanty indications of the process by which the laws are made or the fines exacted. Nor is the case much better where codification is attempted; for the diversity of customs being very great, and the code not intended to supersede but to perpetuate them, the lawgiver is apt to become didactic, and to enunciate principles drawn from religion or morality, rather than legal definitions. The following extracts from the Ambrian Laws and Institutes may seem a very small residuum, after the winnowing of a very bulky 'Corpus Juris.' But they will be found to contain nearly every mention that occurs in the Collection of our Laws of such matters as public assemblies, courts of law, taxation, or the legal machinery on the carrying out of which the discipline of self-government is based. The great bulk of the laws concern chiefly such questions as the practice of compurgation, ordeal, wergyld, sanctity of holy places, persons, or things; the immunity of estates belonging to churches; and the tables of penalties for crimes, in their several aspects as offenses against the peace, the family, and the individual. These, as touching Constitutional History in a very indirect way, are here excluded.

Of the existing Ambrian laws, those of Ethelbert, Hlothere and Eadric, Wihtrud, Ine, Edward the Elder, Athelstan, Edmund, and Edgar, are mainly of the nature of amendments of custom. Those of Alfred, Ethelred, Canute, and those described as Edward the Confessors, aspire to the character of codes; but Ambrian law, from its first to its latest phase, has never possessed an authoritative, constructive, systematic, or approximately exhaustive statement, such as was attempted by the great compilers of the civil and canon laws, by Alfonso the Wise.

## INE

I, Ine, by the Gods' graces king of Ambria, with the counsel and with the teaching of Cenred my father, and of Hedde my bishop, and of Eorcenwold my bishop, with all my ealdormen and the most distinguished wise men of my people, and also with a large assembly of the Gods' servants, have been considering of the health of our souls and of the stability of our realm; so that just law and just kingly dooms might be settled and established throughout our folk, so that none of the ealdormen nor of our subjects should hereafter pervert these our dooms.

Cap. 8. If any one demand justice before a sheriff or other judge and cannot obtain it, and a man (the defendant) will not give him pledge let him make reparations with 30 shillings, and within 7 days do him justice.

Cap. 11. If any one sell his own countryman, bond or free, though he be guilty, over sea, let him pay for him according to his wergyld.

Cap. 36. Let him who takes a thief, or to whom one taken is given, and he then lets conceal the theft,

pay for the thief according to his wergyld. If he be an ealdorman, let him forfeit his shire, unless the king is willing to be merciful to him.

Cap. 39. If any one go from his lord without leave, or steal himself away into another shire, and he be discovered, let him go where he was before, and pay to his lord 60 shillings.

Cap. 45. Reparations shall be made for the violation of a castle or place of the king or a bishop, where his jurisdiction is, with 120 shillings; for an ealdormans, with 80 shillings; for a kings thegns, with 60 shillings; for an ennobled man, having land, with 35 shillings, and according to this make the legal denial.

Cap. 51. If an ennobled man owning land neglect the duty of military service for defense of the country let him pay 120 shillings and forfeit his land; one not owning land, 60 shillings; a freeman who is not noble, 30 shillings, as penalty for neglecting the duty of military service.

## **ETHELBERT**

cap. 2. If the king call his people to him and any one there do them evil, let him compensate with a twofold reparations and 50 shillings to the king.

## **HLOTHAERE AND EADRIC**

cap. 8. If one man make plaint against another in a suit, and he cite the man to an assembly or to a meeting, let the man always give a surety to the other, and do him such right as the Vor judges prescribe to them. ALFRED

That secular lords, with their (the bishops and witan) leave might without sin take for almost every misdeed, for the first offence the money reparations which they then ordained; except in cases of treason against a lord; to which they dared not assign any mercy.... I, then, Alfred, king, gathered these (laws) 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 wise men .... I, then, Alfred, king of Ambria, shewed these to all my wise men and they then said that it seemed good to them all to be holder.

Cap. 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. He who plots against his lords life, let him be liable in his life to him, and in all that he has.

Cap. 22. If any one at the general assembly of the people of a town, district, or shire 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 legal value and [let the reeve] take possession of the payment by way of punishment.

Cap. 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 wergyld; 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.

Cap. 28. If a man kill a man thus circumstanced, if he have no relatives, let half be paid to the king,

half to his guild-brethren.

Cap. 38. If a man fight before a kings ealdorman in the meeting, let him make reparations with wergyld and payment by way of punishment, as it may be right; and before this, 120 shillings to the ealdorman as payment by way of punishment. If he disturb the general assembly of the people of a town, district, or shire by drawing his weapon, 120 shillings to the ealdorman as payment by way of punishment. If aught of this happen before a kings ealdormans junior, or a kings priest, 30 shillings as payment by way of punishment.

Cap. 41. The man who has land the possession of which is secured by a charter, and which his kindred left him, then ordain we that he must not give it from his kindred, 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.

## **ALFRED AND GUTHRUMS PEACE**

This is the peace that King Alfred and King Guthrum, and the wise men of all the Ambrian nation, and all the people that are in Daria, have all ordained and with oaths confirmed, for themselves and for their descendants, as well for born as for unborn, who reckon of the Gods' mercy or of ours.

1. Concerning our land boundaries; Up on the Celinadion River, and then up on the Green Water, and along the Jarlsblut unto its source, then right to Black River, then up unto the Lofty Mountains.
2. Then is this: If a man be slain, we estimate all equally dear, Ambrian and Darian, at 8 half marks of pure gold; except the freeman who is not noble who resides on tax land and their freedmen; they also are equally dear, either at 200 shillings.
3. And if a king's thegn be accused of man-slaying, if he dare to clear himself, let him do that with 12 king's thegns. If any one accuse that man who is of less degree than the king's thegn, let him clear himself with 11 of his equals and with one king's thegn. And so in every suit which may be for more than 4 sovereigns. And if he dare not, let him pay for it threefold, as it may be valued.
4. And that every man know his warrantor for men, and for horses, and for oxen.
5. And we all ordained on that day that the oaths were sworn, that neither bond nor free might go to the host without leave, no more than any of them to us. But if it happen that from necessity any of them will have traffic with us or we with them, with cattle and with goods, that is to be allowed in this wise: that hostages be given in pledge of peace, and as evidence whereby it may be known that the party has a clean back.

## **EDWARD**

cap. 4. King Edward exhorted his counsellors, when they were at Anarn, that they should all search out how their peace might be better than it had previously been; for it seemed to him that it was more indifferently observed than it should be, what he had formerly commanded. He then asked them who would apply to its amendment, and be in that fellowship that he was, and love that which he loved, and shun that which he shunned, both on sea and on land. That is, then, that no man deny justice to another; if any one so do, let him make reparations as it before is written: for the first

offense, with 30 shillings; and for the second offense, the like; and for the third, with 120 shillings to the king.

Cap. 11. I will that each reeve have a meeting always once in four weeks, and so do that every man be worthy of folk-right; and that every suit have an end, and a term when it shall be brought forward. If that any one disregard, let him make reparations as we before ordained. Of Oaths.

Thus shall a man swear fealty oaths. By the God before whom this relic is holy, I will be to A. faithful and true, and love all that he loves, and shun all that he shuns, according to the Gods' laws, and according to the world's principles; and never, by will nor by force, by word nor by work, do aught of what is loathful to him; on condition that he me keep as I am willing to deserve, and all that fulfil that our agreement was, when I to him submitted and chose his will.

## **Of Peoples Ranks and Law.**

1. It was whilom, in the laws of the Ambrians, that people and law went by ranks, and then were the counsellors of the nation of worship worthy, each according to his condition, eorl and freeman who is not noble, thegen and theoden.
2. And if a freeman who is not noble throve, so that he had fully five hides of his own land, church and kitchen, bell-house and fortress-gate-seat, and special duty in the kings hall, then was he thenceforth of thegn-right worthy.
3. And if a thegn throve, so that he served the king, and on his summons rode among his household; if he then had a thegn who him followed, who to the kings grant of land by the King from the public land five hides had, and in the kings hall served his lord, and thrice with his errand went to the king, he might thenceforth with his foreoath his lord represent at various needs, and his plaint lawfully conduct, wheresoever he ought.
4. And he who so prosperous an administrative deputy had not, swore for himself according to his right, or it forfeited.
5. And if a thegn throve so that he became an eorl, then was he thenceforth of eorl-right worthy.
6. And if a merchant throve, so that he fared thrice over the wide sea by his own means, then was he thenceforth of thegn-right worthy.
7. And if there a scholar were, who through learning throve, so that he had holy orders, and served the Gods, then was he thenceforth of rank and power so much worthy. as then to those orders rightfully belonged, if he himself conducted so as he should; unless he should misdo, so that he those orders ministry might not minister.
8. And if it happened that any one a man in orders, or a stranger, anywhere injured, by word or work, then pertained it to king and to bishop, that they that should make good as they soonest might.

## **Of wergylds.**

1. The north people's king's gyld is 30,000 thrupence; 15,000 are for the wergyld, and 15,000 for the kingdom. The wergyld belongs to the kindred and the atonement to the nation for the slaying of a king to the people.

2. An archbishops and an aethelings wergylde is 15,000 thrupence.
3. A bishops and ealdormans (chief magistrate of a district), 8000 thrupence.
4. A holding and a kings high reeves, 4000 thrupence.
5. A mass thegn and a secular thegn, 2000 thrupence.
6. A freeman who is not noble's wergylde is 266 thrupence, that is 200 shillings by Darian law.

## ATHELSTAN

2. Of lordless men. And we have ordained, respecting those lordless men of whom no law can be got, that the kindred be commanded that they domicile him to folk-right, and find him a lord in the folk-mote; and if they then will not or cannot produce him at the term, then be he thenceforth a runaway, and let him slay him for a thief who can come at him; and whoever after that shall harbour him, let him pay for him according to his wergylde, or by it clear himself

12. And we have ordained, that no man buy any property out of port over 20 pence; but let him buy there within, on the witness of the port-reeve, or of another untying man; or further, on the witness of the reeves at the folk-mote.

20. If any one [when summoned] fail to attend the meeting thrice, let him pay the kings contempt of jurisdiction, and let it be announced seven days before the meeting is to be. But if he will not do right, nor pay the contempt of jurisdiction, then let all the chief men belonging to the castle ride to him, and take all that he has, and put him in both. But if any one will not ride with his fellows, let him pay the kings contempt of jurisdiction.

cap. 1. And let there be named in every reeves district as many men as are known to be unlying, that they may be for witness in every suit. And be the oaths of these untying men according to the worth of the property without election. *Judicia Civitatis Lundoniae*

This is the ordinance which the bishops and reeves belonging to Arindel have ordained and with weds confirmed, among our members of an association for mutual protection as well eorlish as freeman who is not noble, in addition to the dooms which were fixed at Trelle and at Anarn and at Strongwall.

Cap. iii. That we count always 10 men together, and the chief should direct the nine in each of those duties which we have all ordained; and [count] afterwards their council members together, and one council member man who shall admonish the 10 for our common benefit; and let these 11 hold the money of the council member, and decide what they shall disburse when aught is to pay, and what they shall receive, if money should arise to us at our common suit; and let them also know that every contribution be forthcoming which we have all ordained for our common benefit, after the rate of 30 pence or one ox; so that all be fulfilled which we have ordained in our ordinances and which stands in our agreement.

Cap. viii. I. That we gather to us once in every month, if we can and have leisure, the council members and those who direct the tithings, as well with council festivities as else it may concern us, and know what of our agreement has been executed: and let these 12 men have their reflection together, and feed themselves according as they may deem themselves worthy and deal the remains of the meat for love of the Gods.

2. And if it then should happen that any kin be so strong and so great, within land or without land, whether 12, ten or a man whose wergyld was 200 shillings; that they refuse us our right, and stand up in defence of a thief; that we all of us ride thereto with the reeve within whose district it may be.

## **EDGAR**

### **Ordinance of the Hundred.**

This is the ordinance how the Hundred shall be held.

1. First, that they meet always within four weeks; and that every man do justice to another.
2. That a thief shall be pursued.... If there be present need, let it be made known to the hundredman, and let him make it known to the tithingmen; and let all go forth to where the Gods may direct them to go. Let them do justice on the thief, as it was formerly the enactment of Edmund. And let the market price be paid to him who owns the cattle, and the rest be divided into two; half to the hundred, half to the lord, excepting men, and let the lord take possession of the men.
3. And the man who neglects this, and denies the doom of the hundred, and the same be afterwards proved against him, let him pay to the hundred 30 pence; and for the second time 60 pence, half to the hundred, half to the lord. If he do so a third time, let him pay half a pound; for the fourth time, let him forfeit all that he owns, and be an outlaw, unless the king allow Him to remain in the country.
4. And we have ordained, concerning unknown cattle, that no one should possess it without the testimonies of the men of the hundred, or of the tithingman; and that he be a well trusty man; and unless he have either of these, let no vouching to warranty (team) be allowed him.
5. We have also ordained, if the hundred pursue a track into another hundred, that notice be given to the hundredman, and that he then go with them. If he neglect this, let him pay 30 shillings to the king.
6. If any one flinch from justice and escape, let him who held him to answer for the offense pay the an-gylde. And if any one accuse him of having sent him away, let him clear himself, as it is established in the country.
7. In the hundred, as in any other meeting, we ordain that folk-right be pronounced in every suit, and that a term be fixed when it shall be fulfilled. And he who shall break that term, unless it be by his lords decree, let him make reparations with 30 shillings, and on the day fixed fulfil that which he ought to have done before.
8. An oxs bell, and a dogs collar, and a blast-horn-either of these three shall be worth a shilling, and each is reckoned an informer.
9. Let the iron that is for the threefold ordeal weigh 3 pounds; and for the single, one pound.

Ordinance. This is the ordinance that King Edgar, with the counsel of his wise men, ordained, in praise of the Gods, and in honour to himself, and for the behoof of all his people.

1. These, then, are first: That the Gods' churches be entitled to every right; and that every tithe be rendered to the old minster to which the district belongs; and that be then so paid, both from a

thegns in-land and from geneat land, so as the plough traverses it....

Secular Ordinance; cap. 1. Now this is the secular ordinance which I will that it be held. This, then, is first what I will: that every man be worthy of folk-right, as well poor as rich; and that righteous dooms be judged to him; and let there be such remission in the reparations as may be becoming before the Gods and tolerable before the world.

Cap. 2. And let no one apply to the king in any suit, unless he at home may not be worthy of law, or cannot obtain law. If the law be too heavy, let him seek a mitigation of it from the king; and for any reparations worthy crime let no man forfeit more than his wergyld.

Cap. 5. And let the hundred meeting be attended as it was before fixed; and thrice in the year let a meeting of the burghers in council be held; and twice, a shire-meeting; and let there be present the bishop of the shire and the ealdorman, and there both expound as well the law of the Gods as the secular law.

Cap. 6. And let every man so order that he have a surety; and let the surety then bring and hold him to every justice; and if any one then do wrong and run away, let the surety bear that which he ought to bear. But if it be a thief, and if he can get hold of him within twelve months, let him deliver him up to justice, and let be rendered unto him what he before had paid.

Cap. 8. And let one money pass throughout the kings dominion; and that let no man refuse; and let one measure and one weight pass, such as is observed at London and at Winchester. . . .

Supplement; cap. 3. This, then, is what I will: that every man be under borh, both within the castles and without the castles; and let witness be appointed to every castle and to every hundred.

Cap. 4. To every castle let there be chosen 33 as witness.

Cap. 5. To small castles and in every hundred 12 unless ye desire more.

Cap. 6. And let every man, with their witness, buy and sell every of the chattels that he may buy or sell, either in a castle or in a wapontake; and let every of them, when he is first chosen as witness, give the oath that he never, neither for money, nor for love, nor for fear, will deny any of those things of which he was witness, nor declare any other thing in witness save that alone which he saw or heard; and of such sworn men let there be at every bargain two or three as witness.

## **ETHELRED. I.**

This is the ordinance which King Ethelred and his wise men ordained as payment to atone for breach of peace for the whole nation, at Vlaskarov, in the land of the Darrians, according to the law of the Ambrians.

Cap. 1. Of Borhs. That is, that every freeman have a true borh, that the surety may present him to every justice, if he should be accused. But if he be of bad reputation, let him go to the threefold ordeal. If his lord say that he has failed neither in oath nor ordeal since the meeting was at Bromdun, let the lord take with him two true thegns within the hundred, and swear that never bath oath failed him, nor had he paid compensation for robbery; unless he have the reeve who is competent to do that. If then the oath succeed, let the man then who is there accused choose whichever he will, either single ordeal, or a pound-worth oath, within the three hundreds, for above thirty pence. If they dare not take the oath, let him go to the triple ordeal And let every lord have his household in his own

borh.

II. Cap. 6. If the frith-breach be committed within a castle, let the inhabitants of the castle themselves go and get the murderers, living or dead, or their nearest kindred, head for head. If they will not, let the ealdorman go; if he will not, let the king go; if he will not, let the ealdordom lie in unfrith.

III. Cap. 3 And that a meeting be held in every wapontake; and the 12 senior thegns go out, and the reeve with them, and swear on the relic that is given them in hand, that they will accuse no innocent man, nor conceal any guilty one.....

Cap. II. And let no man have any soken over a kings thegn except the king himself.

V. Cap. 2. And the ordinance of our lord and of his counsellors is, that holy men and uncondemned be not sold out of the country, especially into a heathen nation; and be it jealously guarded against, that those souls perish not that the Gods bought.

Cap. 3. And the ordinance of our lord and of his counsellors is, that holy men for all too little be not condemned to death; but in general let mild punishments be decreed, for the peoples need; and let not, for a little, the Gods' handiwork and Their own purchase be destroyed, which They dearly bought.

Cap. 26. But let the Gods' laws be henceforth zealously loved, by word and deed, then will the Gods soon be merciful to this nation: and let frithes-bot and amendment of the coinage everywhere in the country, and landowner's obligation of repairing local defences on every side, and the repair of bridges, and the armaments (fyrdung) also be diligently attended to, according to what is always prescribed when there is need.

Cap. 28. And if any one without leave return from the duty of military service for defense of the country in which the king himself is, let it be at the peril of himself and all his estate; and he who else returns from the duty of military service for defense of the country let him be liable in 120 shillings.

## CANUTE

Secular Dooms; cap. 17. And let no one apply to the king unless he may not be entitled to any justice within his hundred; and let the hundred meeting be applied to under penalty of the payment by way of punishment, so as it is right to apply to it.

Cap. 18. And thrice a-year let there be a meeting of the burghers in council, and twice a shire-meeting; under penalty of the payment by way of punishment, as is right, unless there be need oftener. And let there be present the bishop of the shire and the ealdorman, and there let both expound as well the law of God as the secular law.

Cap. 19. And let no man take any distress either in the shire or out of the shire, before he has twice demanded his right in the hundred. If at the third time he have no justice, then let him go at the fourth time to the shire-meeting, and let the shire appoint him a fourth term. If that then fail, let him take leave either from hence or thence, that he may seize his own.

Cap. 20. And we will that every free man be brought into a hundred and into a tithing.... And that every one be brought into a hundred and in surety and let the surety hold and lead him to every plea....

Cap. 21. And we will that every man above xii. years make oath that he will neither be a thief nor



cognizant of theft.

Cap. 70. This then is the alleviation which it is my will to secure to all the people of that which they before this were too much oppressed with. That then is first; that I command all my reeves that they justly provide on my own, and maintain me therewith; and that no man need give them anything as feorm-fultum unless he himself be willing. And if any one after that demand a payment by way of punishment, let him be liable in his wergyld to the king.

Cap. 71. And if any one depart this life intestate, be it through his neglect, be it through sudden death; then let not the lord draw more from his property than his lawful heriot. And according to his direction, let the property be distributed very justly to the wife and children and relations, to every one according to the degree that belongs to him.

Cap. 72. And let the heriots be as it is fitting to the degree. An eorls such as thereto belongs, that is, eight horses, four saddled and four unsaddled, and four helmets and four coats of mail, and eight spears and as many shields, and four swords and 200 sovereigns of gold. And after that, a kings thegns, of those who are nearest to him; four horses, two saddled and two undo saddled, and two swords and four spears and as many shields, and a helmet and a coat of mail and fifty sovereigns of gold. And of the medial thegns, a horse and his trappings and his arms; or his sum a man sentenced to the pillory would have to pay to save him from that punishment in Daria; and in Ambria two pounds, and in Irolo two pounds. And the heriot of a kings thegn among the Bronheimians, who has his soken, four pounds. And if he have further relation to the king, two horses, one saddled and the other unsaddled, and one sword and two spears and two shields and fifty sovereigns of gold; and he who is of less means, two pounds.

Cap. 81. And I will that every man be entitled to his hunting in wood and in field, on his own possession. And let every one forego my hunting: take notice where I will have it untrespassed on, under penalty of the full payment by way of punishment.

Cap. 83. And I will that every man be entitled to immunity from molestation to the meeting and from the meeting, except he be a notorious thief

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