

discussed in many of the works on the ecclesiastical history of the age (see Select Bibliography to Part III).

In the sphere of local administration the characteristic achievement of the Norman monarchy was to utilise the existing institutions of the shire and hundred. The evolution and functions of these are considered in vol. I of this series,<sup>1</sup> and they have been exhaustively treated in the works of Stubbs and Maitland, and also in H. M. Chadwick, *Anglo-Saxon Institutions* (Cambridge, 1905). W. A. Morris, *The Frankpledge System* (Harvard, 1910), is also interesting in this connection. The essential link between the monarchy and the institutions of local government, and also between the financial and jurisdictional administration of the crown, was the sheriff, whose functions are therefore fully discussed in all the general constitutional histories of England at this time. W. A. Morris, *The Medieval English Sheriff to 1300* (Manchester, 1927), is indispensable for this topic.

<sup>1</sup> ed. Whitelock, 2nd edn (1979)

## A. ROYAL ADMINISTRATION<sup>1</sup>

### 18. "The Laws of William the Conqueror" (1070-87)

This document appears in its earliest form in the *Textus Roffensis*, ed. T. Hearne (1720), a manuscript of the earlier half of the twelfth century. It is probably a compilation of legal enactments made at various times by the Conqueror, apart from his confirmations of earlier laws and customs. The document is thus very miscellaneous in content. Note the introduction of trial by battle, in cases where Normans were concerned, as an alternative to the Anglo-Saxon system of wager-at-law and ordeal. The Latin text is printed in F. Liebermann, *Die Gesetze der Angelsachsen*, I, 486; and in W. Stubbs, *Select Charters* (1913 edn), pp. 98-9. An English translation is in E. F. Henderson, *Select Historical Documents of the Middle Ages* (1896), pp. 7-8.

Here is set down what William, king of the English, established in consultation with his magnates after the conquest of England:

- 1.<sup>2</sup> First that above all things he wishes one God to be revered throughout his whole realm, one faith in Christ to be kept ever inviolate, and peace and security to be preserved between English and Normans.
2. We decree also that every freeman shall affirm by oath and compact that he will be loyal to King William both within and without England, that he will preserve with him his lands and honour with all fidelity and defend him against all his enemies.
3. I will, moreover, that all the men whom I have brought with me, or who have come after me, shall be protected by my peace and shall dwell in quiet. And if any one of them shall be slain, let the lord of his murderer seize him within five days, if he can; but if he cannot, let him begin to pay me 46 marks of silver so long as his substance avails. And when his substance is exhausted, let the whole hundred in which the murder took place pay what remains in common.
4. And let every Frenchman who, in the time of King Edward, my kinsman, was a sharer in the customs of the English, pay what they call "scot and lot", according to the laws of the English. This decree was ordained in the city of Gloucester.
5. We forbid also that any live cattle shall be bought or sold for money except within cities, and this shall be done before three faithful witnesses; nor even anything old without surety and warrant. But if anyone shall do otherwise, let him pay once, and afterwards a second time for a fine.
6. It was also decreed there that if a Frenchman shall charge an Englishman with perjury or murder or theft or homicide or "ran", as the English call open rapine which cannot be denied, the Englishman may defend himself, as he shall prefer, either by the ordeal of hot iron<sup>3</sup> or by wager of battle. But if the Englishman be infirm, let him find another who will take his place. If one of

<sup>1</sup> see above, p. 423

<sup>2</sup> For various ordeals, see No. 58, pp. 510-11

<sup>3</sup> Paragraphs are not numbered in the original.

them shall be vanquished, he shall pay a fine of 40 shillings to the king. If an Englishman shall charge a Frenchman and be unwilling to prove his accusation either by ordeal or by wager of battle, I will, nevertheless, that the Frenchman shall acquit himself by a valid oath.

7. This also I command and will, that all shall have and hold the law of King Edward in respect of their lands and all their possessions, with the addition of those decrees I have ordained for the welfare of the English people.

8. Every man who wishes to be considered a freeman shall be in pledge<sup>1</sup> so that his surety shall hold him and hand him over to justice if he shall offend in any way. And if any such shall escape, let his sureties see to it that they pay forthwith what is charged against him, and let them clear themselves of any complicity in his escape. Let recourse be had to the hundred and shire courts as our predecessors decreed. And those who ought of right to come and are unwilling to appear, shall be summoned once; and if for the second time they refuse to come, one ox shall be taken from them, and they shall be summoned a third time. And if they do not come the third time, a second ox shall be taken from them. But if they do not come at the fourth summons, the man who was unwilling to come shall forfeit from his goods the amount of the charge against him – "ceapgeld" as it is called – and in addition to this a fine to the king.

9. I prohibit the sale of any man by another outside the country on pain of a fine to be paid in full to me.

10. I also forbid that anyone shall be slain or hanged for any fault, but let his eyes be put out and let him be castrated. And this command shall not be violated under pain of a fine in full to me.

### 19. "The Coronation Charter" of Henry I (5 August 1100)

This famous charter was issued by Henry I at the beginning of his reign, and since in the surviving copies the address and witnesses vary, it is probable that it was circulated to every shire. It can best be regarded as a bid for support by the new king, who here makes promises which he hopes will be acceptable to various sections of the community and in particular to the lay magnates. Its contemporary significance may thus easily be over-emphasised, but it was later to be cited as an important precedent. It is particularly informative as evidence of feudal custom and especially of the relations between the Anglo-Norman kings and their tenants-in-chief. Its testimony respecting the "feudal incidents" is also noteworthy, as is also its illustration of the manner in which feudal rights might be abused. It has been many times printed. The best edition is probably in F. Liebermann, *Die Gesetze der Angelsachsen*, I, 521. It is also printed in C. Bémont, *Chartes des Libertés anglaises* (1892), pp. 3–6; and in W. Stubbs, *Select Charters* (ed. 1913), pp. 117–19.

**H**enry, king of the English, to Samson the bishop, and Urse of Abbetot, and to all his barons and faithful vassals, both French and English, in Worcestershire, greeting.

1.<sup>2</sup> Know that by the mercy of God and by the common counsel of the barons of the whole kingdom of England I have been crowned king of this realm.

<sup>1</sup> frankpledge, see No. 57, p. 493, n. 2

<sup>2</sup> Paragraphs are not numbered in the original.

And because the kingdom has been oppressed by unjust exactions, I now, being moved by reverence towards God and by the love I bear you all, make free the Church of God; so that I will neither sell nor lease its property; nor on the death of an archbishop or a bishop or an abbot will I take anything from the demesne of the Church or from its vassals during the period which elapses before a successor is installed. I abolish all the evil customs by which the kingdom of England has been unjustly oppressed. Some of those evil customs are here set forth.

2. If any of my barons or of my earls or of any other of my tenants shall die, his heir shall not redeem his land as he was wont to do in the time of my brother, but he shall henceforth redeem it by means of a just and lawful "relief". Similarly the men of my barons shall redeem their lands from their lords by means of a just and lawful "relief".<sup>1</sup>

3. If any of my barons or of my tenants shall wish to give in marriage his daughter or his sister or his niece or his cousin, he shall consult me about the matter; but I will neither seek payment for my consent, nor will I refuse my permission, unless he wishes to give her in marriage to one of my enemies. And if, on the death of one of my barons or of one of my tenants, a daughter should be his heir, I will dispose of her in marriage and of her lands according to the counsel given me by my barons. And if the wife of one of my tenants shall survive her husband and be without children, she shall have her dower and her marriage portion, and I will not give her in marriage unless she herself consents.<sup>2</sup>

4. If a widow survives with children under age, she shall have her dower and her marriage portion, so long as she keeps her body chaste; and I will not give her in marriage except with her consent. And the guardian of the land, and of the children, shall be either the widow or another of their relations, as may seem more proper. And I order that my barons shall act likewise towards the sons and daughters and widows of their men.

5. I utterly forbid that the common mintage,<sup>3</sup> which has been taken from the towns and shires, shall henceforth be levied, since it was not so levied in the time of King Edward. If any moneyer or other person be taken with false money in his possession, let true justice be visited upon him.

6. I forgive all pleas and all debts which were owing to my brother, except my own proper dues, and except those things which were agreed to belong to the inheritance of others, or to concern the property which justly belonged to others. And if anyone had promised anything for his heritage, I remit it, and I also remit all "reliefs" which were promised for direct inheritance.

7. If any of my barons or of my men, being ill, shall give away or bequeath his movable property, I will allow that it shall be bestowed according to his desires. But if, prevented either by violence or through sickness, he shall die intestate as far as concerns his movable property, his widow or his children or

<sup>1</sup> see below, p. 445, n. 3

<sup>2</sup> see No. 268, p. 1008

<sup>3</sup> *monetagium*: mintage in the sense of a forced levy to prevent loss to the king from depreciation of the coinage.