

UNIVERSITY OF TORONTO



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THE WITENAGEMOT IN THE REIGN
OF EDWARD THE CONFESSOR

A thesis submitted in conformity with the
requirements for the degree of Doctor of
Philosophy in the University of Toronto.

Tryggvi J. Oleson

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Tryggvi J. Olson

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TRYGGVI JULIUS OLESON

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THE WITENAGEMOT IN THE REIGN OF EDWARD THE CONFESSOR

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THESIS

The Witenagemot in the Reign of Edward the Confessor

(Abstract)

The purpose of the thesis is to study the composition, nature and functions of the so-called Anglo-Saxon Witenagemot in the reign of Edward the Confessor. The thesis, therefore, begins with a short examination of the reign; it is emphasised that already England possessed a high degree of national unity—a unity which was to some extent at least, promoted by an obvious extension of royal power. The chief, if not the sole weakness of the Anglo-Saxon state during the eleventh century was the existence of the great earldoms. Yet this weakness, and the importance of the earldoms, must not be exaggerated. In the midst of many discordant forces, still stood firm the ancient political and legal concepts of the Germanic peoples—the belief in the supremacy of law and the supreme obligation of all to maintain it.

In the second chapter are discussed some opinions of various historians as to the nature, composition and functions of the Witenagemot. This discussion will at least prove one fact: that there is no agreement on the subject. In fact, what is probably the most important question is generally left unanswered. That question is: Are we to consider as a Witenagemot almost any occasion on which the king is given advice, counsel, license, etc., or are we to use that name only to describe those occasions when, for reasons of emergency or ceremonial correctness, numerous witan were present?

The next chapter attempts to answer that question in part. Here the question is asked whether there did exist in the reign of the Confessor a "small permanent court council" which the Anglo-Saxons distinguished from a Witenagemot. The evidence seems to show that no such body existed; in fact, seems to point to the conclusion that a Witenagemot is simply an occasion on which the king consults a number of witan.

The most valuable source of information on this matter—apart from the land charters—is the *Anglo-Saxon Chronicle*. This and other chronicles of lesser importance are examined here. The information contained in these sources is very slender, but it does enable one to conclude that the composition of a Witenagemot was "arbitrary and undelimited", and that the Anglo-Saxon had no "official" word for a national assembly. In fact the word *Witenagemot* seems to refer to an offering of counsel by few or numerous witan.

Chapter five deals with what may be termed indirect information about the Witenagemot in the above mentioned sources. Here the argument is to a certain extent in a circle, because meetings must be inferred from the business mentioned, the assumption being that certain types of business must have been dealt with by the king and witan. All such occasions on which the king may have consulted his witan are listed in Appendix O. If the assumption made above is valid, then the evidence here presented further supports the view that the witenagemot was in no sense of the word a corporate body.

Some evidence on this question is to be found in the Anglo-Saxon diplomas, and this evidence is now examined. Both genuine and forged diplomas have been examined, and although the charters themselves—whether genuine or forged—contain little information, the witness lists are of great value in determining the composition of an assembly. The conclusion, here as well, is obvious. A witness list usually contains a full list of the witan present at the meeting in which the charter was attested. In the course of this discussion it is proved that there were not in the habit of attending witan in large numbers, and that such those as did attend were usually members of the king's house.

hold or provincial administrators. The witness lists of both royal and private charters give no support to the view that a Witenagemot was normally anything but an occasion on which the king consulted a number of witan, i.e., the prelates, earls and royal officials who happened to be in attendance on him. Only at a time of crisis were the great magnates from all parts of the country specifically summoned.

The charters are then more closely examined for the information they supply as to the date and place of meetings. On this question one finds practically nothing of importance. On the other hand the witness lists are found to be very valuable for the light they throw on the personnel of the Witenagemot. The queen and queen mother seem to attest very frequently. Kinsmen of the king do not normally attest as such, but several are found designated only by the titles they hold in virtue of their offices. The churchmen are seen to be the weightiest element in the Witenagemot and more fully represented than any other class except the great earls, the majority of whom are very often present. The lower clergy are, however, only rarely in attendance on the king.

On the basis of all this information some general conclusions on the personnel and nature of a Witenagemot are drawn in chapter nine. A large Witenagemot would consist of the king and queen, the two archbishops, the majority of the bishops of England, the abbots of the greater monasteries, and sometimes a royal chaplain or two, and one or two clergy in lower orders. The lay witan would consist of the majority of the earls and from ten to twenty five thegns, almost all of whom would be royal officials. A more ordinary gemot would contain the above classes but in reduced numbers. Normally Witenagemots were only occasions on which the king and such churchmen, nobles, and royal officials as happened to be with him transacted any business. On extraordinary occasions the king summoned magnates from all parts of the kingdom. But constitutionally there is no difference between a large and small (or normal) gathering. There is no evidence that a Witenagemot was a large assembly summoned once or twice a year. On the contrary it was essentially a court council, although the word council should not be taken to mean a corporate body. Strictly speaking there was no council, but only counsel; no councillors, but only counsellors. A wita is one whom the king consults; a Witenagemot the occasion of consultation between king and witan or counsellors. Only in the sense that the king receives counsel is it correct to speak of a Witenagemot. A Witenagemot is not a corporate body. It never does anything; the witan do.

In chapter ten are discussed the geographical and racial distribution of the witan during the Confessor's reign. As far as territorial representation is concerned, all England is represented but the northern shires do not seem to have been represented by many thegns. As a matter of fact, territorial representation was no doubt an unknown concept in Anglo-Saxon times. Scandinavian names are found frequently on the charters and belong to individuals from all parts of the country and all classes.

In chapter eleven an attempt is made to deal with the time and place of meetings of the king and witan. No regularity, such as large, specially summoned meetings would presuppose, is to be met with, although the chroniclers mention meetings on the high feasts of the church more often than at other times. There is no evidence, however, that the witan were always summoned at these times, and no evidence that the Confessor was wont to wear his crown, as William later did, on the three high feasts of the year.

Four chapters are then devoted to a discussion of the functions of the witan. In a society such as that of the Anglo-Saxons there can be no hard and fast definition of these functions. The witan might participate in all acts of the government, in some, or in none. All he can hope to ascertain is how far and in what matters it was customary for an Anglo-Saxon king to act alone, and how far and in what matters it was customary for him to seek the counsel of "all his witan". An Anglo-Saxon king very frequently consulted his witan, but there is nothing to show that they had a *right* to be consulted. They *might* be consulted and often were. In the field of foreign affairs no rule can be laid down. Expediency seems to have determined whether the king acted on the advice of many, few or no witan. The king seems to direct foreign affairs largely as he pleases. Again, a study of the reign of the Confessor throws little light on the witan as legislators. Similarly, there is no evidence that the witan ever formed a genuine electoral college which elected the king. Election seems in most cases to have meant a "recognition

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of lordship", and each individual acted for himself in this matter. Nor do the witan ever apparently constitute a body which may depose a king. Here again each individual has the privilege of renouncing allegiance to an unjust king and of acting for himself, although he may join with others to effect a deposition. Normally succession to the throne seems to have been settled by the reigning monarch during his lifetime. The years 1042-1066 show no examples of the witan acting as a body electing and deposing kings, unless it be the election of Edgar in 1066.

In ecclesiastical business it is concluded that the witan played a subordinate role to that of the king, although the spiritual witan were normally consulted on such matters. In the appointment of earls the king again seems to have been the principal agent, although it may be that some families had come to feel that they had an almost hereditary right to earldoms. It is admitted that the witan had a share in the levying of taxes, but doubt may be cast on the legality of any action—even joint action of king and witan—which resulted in the levying of new taxes. The share of the witan in planning the defence of the realm is admittedly great, but this, in such a state as that of the Anglo-Saxons, is a matter of necessity. At the same time it is an example of that close co-operation of king and folk, which is one of the fundamental principles of Anglo-Saxon society. Whether the consent of the witan was necessary for the booking of land cannot be answered on the basis of our present information, and possibly the question is scarcely valid.

The judicial functions of the witan are examined at some length and several cases examined. From this examination two conclusions emerge. First, it is clear that the witan cannot be said really to perform the functions of a high court of justice in the reign of the Confessor; the king's will is of paramount importance. Secondly, the standing army or *here* had its own assembly, the *hiskarlsteþna*, which was much more truly a court of justice, even though its jurisdiction was only over the members of the *here*.

It is fairly clear, after examination of this evidence, that the Witenagemot is an occasion on which the king consults his witan or counsellors. It is in no sense a corporate body with even vaguely defined rights and functions. Nor is it a national assembly except in the sense that the king and his court are the centre of the government of the country. It is quite clear that any attempt to contrast king and witan is based upon a false assumption, for they were not two antithetical parties. They have one function, and have that function in common—to assist in the maintenance of law. Of course machinery to ensure this is practically non-existent. But the deep-felt and almost implicit idea of the supremacy of law protects the rights of both king and folk. Historians have been led astray in dealing with the witan through attributing an undue importance to machinery. But machinery is of secondary importance. The vitality of certain principles is what is important. The so-called Anglo-Saxon Witenagemot is not, then, a direct ancestor of the English parliament, but the Anglo-Saxon period and the Anglo-Saxon witan are by no means unimportant in the development of the English constitution. The witan and king both exist for the purpose of guaranteeing the fundamental principles on which the well-being of society belongs. Co-operation to this end is the only real duty of both. It is as an embodiment of this co-operative principle of government that the witan are important. It is this principle which they unconsciously handed down to the Conqueror and his successors. Parliament and our present institutions of central government are, as far as machinery is concerned, basically of feudal origin. But much of the spirit of these institutions—the all important factor—is of Anglo-Saxon origin. The fundamental Anglo-Saxon idea of king and witan, king and folk, as partners, not rivals, in the work of government has leavened the whole of English history.

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ABBREVIATIONS

(A) Abbreviations of some works cited.

- AHR - American Historical Review
- ASC - A. J. Robertson, Anglo-Saxon Charters
- ASChr - Anglo-Saxon Chronicle (ed., Thorpe)
- ASEng - F. A. Stenton, Anglo-Saxon England
- ASL - D. Whitelock, Anglo-Saxon wills
- BJHL - Bulletin of the John Rylands Library
- BKN - W. G. Searle, Anglo-Saxon bishops, kings and nobles
- CD - J. M. Kemble, Codex diplomaticus aevi Saxonici
- CH - W. Stubbs, The constitutional history of England
- CHJ - Cambridge Historical Journal
- CHMed - J. H. A. Jolliffe, The constitutional history of medieval England
- CH1216 - W. A. Morris, The constitutional history of England to 1216
- CrawCol - Napier and Stevenson, The Crawford collection of early charters and documents
- CS - W. de Gray Birch, Cartularium Saxonicum
- DB - Farley and Ellis, Domesday Book
- DEPN - S. Exwell, Devon Dictionary of English place names
- HRF - English Historical Review
- FAC - Facsimiles of ancient charters in the British Museum
- FASM - W. G. Sanders, Facsimiles of Anglo-Saxon manuscripts



- FLW - Florentii Wigorniensis monachi chronicon ex chronicis
- GP - H. L. S. A. Hamilton, Willelmi Malmesbiriensis de gestis pontificum Anglorum libri quinque
- GR - F. Stubbs, Willelmi Malmesbiriensis monachi de gestis rerum Anglorum libri quinque
- HLG - J. Earle, A hand-book to the land-charters and other Saxon documents
- IF - Íslenszk fornrit
- LD - Foster and Longley, The Lincolnshire Domesday and the Lindsey Survey
- MGH - Monumenta Germaniae Historica
- MHB - Monumenta Historica Britannica
- NA - F. Liebertmann, the national assembly in the Anglo-Saxon period
- NC - H. A. Freeman, History of the Norman Conquest
- PL - Patrologia Latina
- PNDR - . von Feilitzen, the pre-Conquest personal names of Domesday Book
- RS - Rolls Series (the chronicles and memorials of Great Britain and Ireland)
- THHS - Transactions of the Royal Historical Society (fourth series)
- TSP - Earle and Flummer, Two of the Saxon Chronicles parallel
- VCH - The Victoria history of the counties of England

(b) Other abbreviations.

AS	Anglo-Saxon
Bd	Bedfordshire
Bk	Buckinghamshire
Br	Berkshire
ca.	circa
C	Cambridgeshire
Ch	Cheshire
Co	Cornwall, Cornish
D	Devonshire
Db	Derbyshire
Do	Dorsetshire
E	Essex
EA	East Anglia
ed.	edited by, edition
Gl	Gloucestershire
Ha	Hampshire
He	Herefordshire
Ht	Hertfordshire
Hu	Huntingdonshire
K	Kent
L	Lincolnshire
La	Lancashire
Lei	Leicestershire
Mx	Middlesex
Nb	Northumberland
Nf	Norfolk
Nt	Nottinghamshire
Nth	Northamptonshire
O	Oxfordshire
ob.	obit
Oldcel	Old Icelandic
q. v.	quod vide
Sa	Shropshire
s. a.	sub anno, sub annis
Sf	Suffolk
s. n.	sub nomine
So	Somerset
Sr	Surrey
St	Staffordshire
s. v.	sub voce
Sx	Sussex
W	Wiltshire
Wa	Warwickshire
Wo	Worcestershire
Y	Yorkshire

CHAPTER ONE

The reign of Edward the Confessor

Few problems in English constitutional history have had less serious attention paid to them than has that of the so-called Anglo-Saxon witenagemot. Aside from one study¹ dealing with the witenagemot during the whole of the Anglo-Saxon period, and another² which treats briefly of the relations of king and witan, all discussions of the assembly appear as parts of larger works. On the whole it may be said that the witenagemot has been, and is generally, regarded as the successor of the tribal assemblies of the ancient Germans and/or as the direct or indirect ancestor of the English parliament. Only rarely has it been seen as a small court council.

No attempt has been made to study the composition and function of the assembly at a given moment, although it is admitted that its character may not have been the same throughout the entire Anglo-Saxon period. It therefore seems worthwhile to make an examination of the witenagemot at a specific moment. This will in the main be confined

1. F. Liebermann, The national assembly in the Anglo-Saxon period, Halle, 1913. All references to this work are to the sections (designated A) into which it is divided.

2. F. Furlitz, König und Witegenant bei den Angelsachsen, Bremen, 1892.

to the reign of the last Anglo-Saxon king of the royal line of Godric, Edward the Confessor, both because materials for such a study exist in some abundance from that reign and because the reign is in many ways a period of transition. An attempt will be made especially to determine the personnel of the witenagemot, how far it was a representative assembly and how far it is correct to call it national. It is also hoped that some light will be thrown on the question of the extent to which the witenagemot is to be considered one of the "lineal ancestors of the British Parliament."¹

In a penetrating analysis of the Northumbrian revolt of 1065 the following statement occurs:

The treaty of Olney shows that, only fifty years before the Conquest, ancient ideas of dividing England into two could be revived, under terrible stress. But those fifty years had been years of rapid change, in which national unity had become much more secure. The danger now was that of the assertion of the barons acting within the framework of the national state.²

The italicised words supply a key to an understanding of the reign of Edward the Confessor. One might even qualify them and substitute for "barons" the words "family of Edwin." The ambitions of this house, which stopped at nothing, explain the turbulence of much of the Confessor's reign and the failure of the Anglo-Saxon monarchy to maintain itself against

1. NA, # 1; cf. # 71.
 2. R. Wilkinson, "Northumbrian separatism in 1065 and 1066", RJPL, xxiii, 505. It lies mine.

foreign powers. Again, although paradoxical, it may be true that the ambitions of Godwin and his sons enabled the best in the administrative structure of the Anglo-Saxon state to survive the Conquest. It is interesting to speculate how the Conqueror would have acted had he triumphed over Harold, not as one who had "usurped" the crown of England, but as the champion of the last of the line of Godric, the young, staidling Edgar.

It is indeed true that by the time of the Conquest or "national unity had become much more secure."¹ All the inhabitants of England, or at least the overwhelming majority of them, felt it right and natural that they should have a common king. Racial antagonism between Dane and Anglo-Saxon may be said to be a thing of the past.² This is best shown by the Northumbrian revolt of 1065. Never does it seem to have

1. Cf. AS&NG, p. 537: "...the ideal of political unity was accepted in every part of pre-Conquest England...."
 2. It is true that in the early years of Edward's reign there was some danger that certain influential people would support either Magnús Ólafsson or Sveinn Ólafsson (Strithson) in claiming the English throne. But it seems that such an attempt on the part of these monarchs would have received little support even in the Danelaw. Inut's widow, the mother of Edward, appears to have been the most prominent of those favoring Scandinavian succession (AS&NG, II, 222-223). Among others of like mind may have been Osbern, brother of King Sveinn (II, II, 64); God Clapa (AS&NG, C 1046; FLig, 1046); Munilla, the niece of Cnut (AS&NG, D 1045; FLig, 1044). Godwin no doubt was prepared to support the man he thought he could most easily control. On the whole matter see NJ, II, 64-65; AS&NG, pp. 420-421.

entered the minds of the Northumbrians to renounce their allegiance to Edward or to set up a separate kingdom. ¹

An efficient administrative system, as far as justice and local government are concerned, had been worked out and was to survive the Conquest. The new writs, used so extensively by the Conqueror, made for an extension of royal power. It is true that the system allowed great local diversity in many fields, but this is not to be regarded as a sign of weakness. The principle of co-operation between monarch and folk was as firmly established as ever. ²

1. In this see especially Wilkinson, "Northumbrian separatism".
 2. F. M. Stenton (ibid., p. 582) rightly emphasises that it was not a desire to make themselves independent of Harold, but the defeat at Fulford, that accounts for the failure of Edwin and Godwin to support Harold at Hastings. Cf. also the objection also F. M. Stenton, "The Scandinavian colonies in England and Normandy", THIS, xxvii, 11: "As a political unit the English Danelaw has no history. Its inhabitants were brought to accept West Saxon lordship within fifty years from the original settlement. Henceforth their main concern was to preserve the ways of life which they had found for themselves in the time of their independence. Their allegiance to the West Saxon monarchy was secured, a century after the landing of their ancestors in England, when King Edgar granted them autonomy in all matters of law and social custom. In the wars of the eleventh century their attitude was determined far more effectively by the personal interests of a small group of families than by any general consciousness of an alien origin. Their action at any particular crisis was ineluctable. They were ready to fight at any time for their ancestral liberties, but they continued to regard themselves as members of a united English state."

2. Cf. F. M. Stenton, "English families and the Norman Conquest", THIS, xxvi, 11-12: "One of the cardinal features of English medieval history is the extent to which men of all ranks above serfdom in normal times co-operated with the crown in the work of government. To this co-operation the English administrative system in the middle ages owed the solidarity which enabled it

The great, if not sole, weakness of the Anglo-Saxon state in the middle of the eleventh century lay in the responsibility which the earldoms offered to men greedy for power. In the family of Godwin were men ready and eager to avail themselves of this. Even in the pages of the panegyrist of the family, H. H. Freeman, that ambition cannot be hidden by the patriotic motives which are ascribed to every act of his heroes.¹

It is difficult to avoid the conclusion that the ambitions of the house of Godwin were the greatest disruptive forces in the last years of the Anglo-Saxon state.² None of the other

to survive the recurrent shocks of rebellion and foreign war. In this respect the medieval English state closely resembles the old English order which it replaced. There is an obvious similarity of function between the knights of the shire on whom the Anglo-Norman kings relied in the administration of justice and local government and the thegns who had been expected to obey writs sent down to them by the old English kings. When all allowance has been made for the executive efficiency of the Conqueror's followers and their descendants, there remains an element in the Anglo-Norman scheme of government which can only be due to the English tradition. The means by which it was handed on...can only be dimly seen. But one factor in the process was clearly the transmission of English ideas and practices by Englishmen who retained under the new conditions of the Conqueror's time something of their former interest in local affairs."

1. Cf. for example MC, II, 33: "Again, it is hardly possible to accuit Godwine of being, like most fathers who have the chance, too anxious for the advancement of his own family."
 2. Cf. AS&NG, pp. 410-411: "...the career of a grandizement which he [Godwin] opened to his family accounts in great part for the sense of strain and unrest which colours the reign of Edward the Confessor."

earl's seems to have aspired to rule more than his own earldom or a portion of the kingdom. Godwin and Harold must control the king. Upon the death of Edward Harold seized the crown with unseemly haste. Throughout their lives the father and his sons fought against everything which might limit their power. They supported Edward at first and forced him to marry Godwin's daughter. They attempted to break any other earl who might be an obstacle to their ambition.¹ They acquired earldom after earldom for the family.² They may have been responsible for the dismissal of the permanent navy. They ran amok of the standing army composed of the huscarles. They opposed the new reform movement in the church, seized its lands and thrust their favourites into church offices. They fought desperately against the king's Norman friends and finally expelled them after a crisis that brought the country to the verge of civil war. From 1052 until the end of the reign of Edward the government was dominated by Harold and the king apparently resigned himself to a secondary position.³

1. I can find no other explanation, for example, for the twice repeated outlawing of Ælfgar, 1055 and 1058.

2. See NC, II, 571-585.

3. I am not suggesting that Edward was a weak, incompetent monarch or too otherworldly to handle the government efficiently. On the contrary I agree with P. M. Stenton (ASing, p. 416) that he has probably been underestimated and that he had greater ability than is generally ascribed to him. But I think that after 1052 he recognised defeat and to a very great extent withdrew from an active share in the government.

Some time after that date Harold began to aim at the ending to the throne, although he may at first have been satisfied to remain the power behind the throne rather than the possessor of it. His share in the return of the exiling Edward is obscure. This may have been his work, but on the other hand he may have worked to prevent the succession of the exiling.¹ However that may be, Harold steadily increased his hold on the government so that when Edward died, the crown was easily acquired by the now all powerful earl. But all the carefully laid plans came to naught when within a few months Harold's authority was gone and the crown rested on the head of a Norman bastard, to whom indeed it had previously been promised.

I do not wish to suggest that Harold's path to the throne was an easy one. He had many obstacles to overcome. Of these the greatest was probably the antagonism of his brother earls - an antagonism evidenced in the alliance of those earls with the king in 1051 which almost brought the career of Godwin and Harold to a catastrophic end.² Another opposing force was the reforming party in the church. This was no mean opposition. While in Normandy Edward had probably incited some of the Muliac-Sapa? spirit. His Norman clerics no doubt regarded

1. For reasons I will later discuss I rather incline to the former view. Sir Francis Palgrave (cited in 1, 11, 42²) inclined to the latter. Freeman (loc. cit.) indignantly rejected this charge against "the best of men", "ambitious and bold and impetuous, but ever frank, generous and conciliatory...."

2. It is seen in, Dickinson, "Freeman and the crisis of 1051", JEBL, xxii, 318-357.

the Anglo-Saxon church as corrupt and many of its practices as obsolete; yet at the same time they desired reformation in that church. But they met opposition not only from Godwin and Harold but also from the majority of English churchmen. ¹ Edward was on the side of the reformers until 1052. After that time he seems to have acquiesced in that union of church and state which English ecclesiastics and laymen both seem to have been striving for. The result was that in 1066 the English church, of all the Landeskirchen in Europe, was "die am stärksten versunkene und reformbedürftige." ² In the

1. It must always be remembered that by this time a very large part of the landed wealth of England had passed into the hands of the monasteries and churches of England. Harold, and Godwin before him, had therefore very practical reasons for opposing any movement, such as the Cluniac reform, which tended to free the church from lay control, and for supporting native churchmen who were satisfied with the close interdependence of church and state which existed in England. (See Dom David Knowles, The Monastic Order in England, Cambridge, 1940, pp. 59 and 100-101). In the capacity of Godwin and Harold see AGChr, C 1052; the so-called autobiography of Hise of Wells (J. Hunter, ed., Ecclesiastical documents: I. A brief history of the bishoprick of Somerset, London, 1840, pp. 15-20); and the authorities cited in ESCP, 11, 241.

2. H. Böhmer, Kirche und Staat in England und der Normandie im XI und XII Jahrhundert, Leipzig, 1899, p. 79. Böhmer in this work paints a dark, but on the whole, I think, true, picture of the state of the English church on the eve of the Conquest. Considerable work has been done in recent years on various aspects of the English church in the late Anglo-Saxon period but there is crying need for a full history. Reference may be made to the following works. A valuable study is Rose Graham, "The intellectual influence of English monasticism between the tenth and the twelfth centuries", English ecclesiastical studies, London, 1929. In this she writes: "The legislation of the Witan illustrated the powerful influence of the bishops. Their ideal was an independent theocratic State,

final analysis, the English church, whatever its condition on the eve of the Conquest, proved a source of weakness rather than of strength to Ireland.

a strong united kingdom. Within this state the power of the church should be more and more direct, the secular laws should be inspired by the civic spirit of Christianity, the state should co-operate with the church in the appointment of bishops and abbots and in the making of ecclesiastical laws. It was a practical ideal and the laws of Edgar, Ethelred, and Canute show how far it was attained; but the close interdependence of Church and State involved the decline of the one with the other" (pp. 164-165). Knowles, Monastic Order has much to say in value. He states that simony "scarcely existed" in Ireland (p. 93); Wöhner on the other hand, when speaking of the foreign and English parties in the church in the reign of Edward the Confessor, says that simony, nepotism, pluralism and marriage characterised the English party (op. cit., p. 49), and that the English church was very corrupt and getting worse (p. 70-72). He differs again from Wöhner as to the condition of the monasteries. The latter states: "We may say, then, that the monasteries of England, on the day when King Edward 'was alive and dead', were as a body living and powerful. There is no trace of serious moral decadence, nor of that lay encroachment which in previous centuries had had such disastrous consequences both in England and abroad" (op. cit., p. 61). Wöhner says the monasteries were in bad shape, the vow of poverty was grossly neglected, there were extravagance in dress, fondness for dice and worldly music, and that feasts, banquets, hunting and wild riding were common (op. cit., pp. 73-79). Knowles does give some support to Wöhner's contentions (op. cit., pp. 79-81 and 94), but the great difference between the two is that the former makes irregularities the exception, the latter makes them the rule. G. D. Darlington, "ecclesiastical reform in the late Old English period", HR, 11, 385-428, takes a very favourable view of the church in the last years of the Anglo-Saxon state. He denies, for example that simony and pluralism were rife (p. 390-401, 403) and holds that relations between the English church and the papacy were close (pp. 417-421). F. J. Stenton inclines to a favourable view also (ibid., p. 462). It is an interesting commentary on the re-writing of history by each successive generation that what seemed a cancer in the church (e.g. papal influence) to such men as Stubbs (H, 1, 267-268) and Freeman (NG, 11, 82) seems a sign of health to Darlington and other contemporary scholars, e. g. Stenton (ibid., p. 462).

Another hostile force, that of the king's army, in the reign of Edward, may be found in the standing army of the permanent navy until its dissolution. As long as the king possessed these forces, loyal to himself, it would be out of the question to coerce him and so the whole nation turned against him. As I will suggest later, I see the rise of Godwin in the disintegration of the navy. Again there can be no doubt that the huscarles, offended by Sweyn, were also arrayed against Godwin in 1051. However far their hostility disappeared it is difficult to say, but the fact that for Harold Godwinson to be raised heroically over the royal standard.

The various foreign mercenaries, who were called Edward to England, were also a threat to the stability of Godwin. I have no hesitation in ascribing to their influence (and that of the great prelates) the raising of the crown which was made to fall by Edward and his son, his son in 1051 or 1052. But with the return, in 1052, of Godwin to power, the ability of these men to oppose royal authority was greatly weakened if not wholly destroyed.

Harold's problem was perhaps further complicated by the

1. On the Lithmen and the huscarles see H. G. Johnson, The King's household in England before the Norman Conquest, London, 1904, pp. 152-171; J. J. H. S. Steenstrup, Danlag (part 4, p. iv), København, 1902; pp. 127-166; P. J. Benton, The first century of English feudalism, Oxford, 1932, pp. 113-121; ibid., pp. 406, 424, 574.

personality of the Conqueror himself:

His heart was French. His delight was to surround himself with companions who came from the beloved land, and who spoke the beloved tongue, to enrich them with English estates, to invest them with the highest offices of the English kingdom... His royal affectations were lavished on the Norman priests and on other lay lords of his court in the land of his birth. Some strangers were placed in important offices, but the royal person, and all to whom they were attached, as barons and bishops over the already half-conquered soil of England... These were again only the first instalment of the larger gang who were to win for themselves a more lasting settlement four and twenty years later. In all this the seeds of the Conquest were sowing, or rather... it is now that the conquest actually begins. The reign of Edward is a period of struggle between natives and foreigners for dominion in England. 1

This is the famous description given by the great historian of the Norman Conquest. If it be true, and remembering the ambitions of Edwin and Harold, can we wonder that the reign was a troubled one? Can we doubt that Edward would feel little joy at the coronation of Harold after 1066? No doubt there are elements of truth in the picture, but it is not unlikely that the dominance of the foreigners is exaggerated. If this were not the case we might expect to find Normans or Bretons as the chief advisers of Edward, his most trusted witan, outnumbering by far native Englishmen. But at no time during the reign does this seem to have been the fact. 2

1. ibid., 11, 29-30.

2. In a footnote to the same volume above, the author marvels at how seldom foreigners sign charters in the early years of the reign.

Is the realm, then, not so much a period of "struggle between natives and foreigners," as it is one of struggle between a monarch, striving to retain some of his powers, and a set of powerful nobles bent upon usurping these? Is the land of the Confucius and which, while possessing a highly developed sense of unity, nevertheless has become the field of battle between great and discordant forces? It would seem so. A mate was arrayed against crown, great subject against great subject, native ideas against foreign ideas both in the realm of church and state. In the midst, however, of all these forces - abnormal, violent and almost revolutionary - the ancient political and legal concepts of the Harmonic peoples maintained themselves and were paid more than lip service. It is possible that the failure to understand these conditions explains to a large extent the confusion of ideas which marks the opinions of contemporary observers as well as those of modern historians.

CHAPTER TWO

Opinions of Some Historians
on the Witenagemot

The only recent and detailed study of the Anglo-Saxon witenagemot is the brief monograph of Felix Liebermann, The national assembly in the Anglo-Saxon period, which, as the title indicates surveys the institution throughout the whole of the Anglo-Saxon period of English history. To attempt to deal with the history of any institution over a period of some four or five centuries is a difficult undertaking. There is always the danger of making generalizations which, while they may contain much truth, will not fit the facts at a specific moment. In that length of time, and in a society subject to such great convulsions as was the Anglo-Saxon, a great variety of circumstances might alter the character of an institution from time to time. Moreover the influx of a large number of people, speaking a more or less alien tongue and exercising a tremendous influence on all aspects of national life,¹ might lead to changes in nomenclature or in the meaning of words - changes of which a later age might be unaware. These are, however, pitfalls which Liebermann on the whole seems to have avoided, and

1. The most detailed analysis of the impact of the Danes on English ideas and institutions is Steenstrup, Danelag.

indeed the very nature of the period led him here to a great extent. For the Anglo-Saxon period is not one in which political thought and ideas are undergoing great transformations, even though there were obvious and sweeping changes in society and in economic life. It is a period in which both Danes and Anglo-Saxons accept the principle of law and that unchanging law.

Another danger that has beset some historians of the witenagemot is that of reading back into Anglo-Saxon times ideas that did not arise until much later. The witenagemot has been viewed from the standpoint of nineteenth century parliamentary and representative government or, when that has been avoided, from the standpoint of the later Middle Ages when specialisation and bureaucracy have developed. In these difficulties Liebermann seems to have fallen at times. To say that the witenagemot is one of the "direct ancestors of the British Parliament,"¹ is to say a great deal. To say that in the eleventh century "sovereignty meaning the king and his court council gradually came to dispose of crown land arbitrarily,"² is to read back into the Anglo-Saxon period ideas which only came to birth at least a century or two later. In the whole, however, these are only occasions on

1. ibid., p. 1; cf. p. 71.

2. Ibid., p. 29. In the following chapters I hope to show that the conception of a royal court council distinct from the witenagemot is an untenable one for the Anglo-Saxon period.

which Liebermann, like Lator, may be said to have needed.

F. W. Steaton in a recent Presidential Address to the Royal Historical Society well summed up the attitude of late nineteenth century historians to the Witenagemot:

In dealing with politics as with society, the scholars of this generation [before 1900] emphasised the freedom of the individual. They were compelled to recognise the dual aspect of private lordship and the over-riding authority of the king. But to them the king in the exercise of his power was narrowly restricted by the existence of a Council - the Witena gemot of the Anglo-Saxons and converts - which had an existence independent of the king himself and without which the king could take any major decision. The Council, in their opinion, was a large body, and Freeman, in particular, believed that there was a popular element in its composition. In any case, it was held that the Council was at liberty to speak its mind against the king's declared opinion, and that in the formation of its mind every member was free to make his own contribution. It is not unfair to say that the history of the Witena gemot put forward in this way was at least highly coloured by the example of the parliamentary institutions which all these historians admired. Freeman was even prepared to attribute modern procedure to the feudal assemblies which killed the conqueror's element in Normandy.¹

A little later, speaking of these historians, he said:

...each of them believed in a primitive constitutionalism which survived the Norman conquest itself and after a time of suppression under autocratic foreign kings, re-appeared in the medieval English Parliament.²

How much can be done to modify this view and to answer this question I propose to summarise here the viewpoints of representative nineteenth and twentieth century

1. F. W. Steaton, "Early English History, 1895-1920", ibid., xxviii, 10-11.

2. Ibid., p. 11.

historians. My own conclusions may then be compared with these.¹

J. N. Kemble may be said to have been the first to make a systematic study of the functions of the witan.² Briefly his view was that the witan "possessed a consultative voice, and the right to consider every public act, which could be authorised by the king";³ that they with the king made and promulgated new laws, but that the former had the greater share in this;⁴ that they made alliances and treaties of peace;⁵ that they elected the king⁶ and on occasion deposed him;⁷ that they with the king appointed prelates to vacant sees⁸ and dealt with all ecclesiastical matters;⁹ that they levied taxes¹⁰ and raised land and sea forces;¹¹ that they converted folkland into bo kland and vice versa;¹² that they adjudged lands forfeit to the king on occasion¹³ and

1. The subject may be conveniently handled under the headings of function, personnel and time and place of meetings. As the first is such a large topic I have gathered references from various historians beginning with Kemble whose canons I have set forth one by one and then placed under them those of the other historians used. This material will be found in an appendix A. In this chapter I have indicated only the general standpoint of the various scholars.

2. In the second volume of his The Saxons in England, London 1876.

3. Kemble, Saxons, II, 204.

4. Ibid. p. 213.

5. L.c. cit.

6. Ibid. p. 214.

7. Ibid. p. 219.

8. Ibid. p. 221.

9. Ibid. p. 222.

10. Ibid. p. 223.

11. Ibid. p. 224.

12. Ibid. p. 225.

13. Ibid. p. 228.

formed a supreme court of justice.¹

The weakness of Kemble's treatment of the witenagemot lies in his failure to deal adequately with the personnel. He made no attempt to examine the extent to which the witan were mere creatures of the king or free agents. Nor did he ask how truly representative of the folk they were or how numerous. Indeed he never discussed how real the concept of representation was to an Anglo-Saxon. His treatment is deficient also in not examining carefully what concept of law the Anglo-Saxons had. Until some conclusion is reached on these matters it is premature to discuss the function of king and folk or king and witan in the Anglo-Saxon period.

Kemble, of course, does not stand alone in his treatment of the witenagemot. His approach is still, as will be seen by a glance at Appendix A, the standard one, and historians, on the whole, have tended to ascribe the same functions to a witenagemot as he did.

F. Purlitz in a brief monograph, König und Witenagemot bei den Angelsachsen, dealt with the functions of the witan. He concluded that the share of the witan in the creation of kings was small, that the Anglo-Saxon state was "kein Wahlkönigreich sondern ein Erbkönigreich";² that the witan did

1. Kemble, Saxons, II, 279.

2. Purlitz, König und Witenagemot, p. 32.

not have a constitutional right to depose a king; ¹ that the king and not the witan had the greatest part in the election of prelates and earls; ² that the right of the witan to legislate is not greater than that of the king; ³ that it is doubtful that the witan had much share in levying taxes, although they did at times act with the king; ⁴ that the conversion of folkland into bookland required an act of the witan; ⁵ that the witan acted as a high court of justice; ⁶ and that the witan shared in the formulation of foreign policy ⁷ and constituted a war council. ⁸ His treatment shows many of the same weaknesses as that of Kemble.

Liebertmann, after a detailed study of the sources, agreed with Kemble on the great majority of the functions of the witan. Freeman indicated such full agreement with Lieble that I did not feel it necessary to include his views in Appendix A, ⁹ especially as they do not differ in any essentials

1. Puritz, König und Witenagemot, p. 50.
 2. Ibid. pp. 51-57. 3. Ibid. pp. 58-59.
 4. Ibid. pp. 59-61. 5. Ibid. p. 62.
 6. Ibid. pp. 62-63. 7. Ibid. pp. 63-64.
 8. Ibid. p. 64.
 9. ME, 1, 100-117, 601-604. Freeman writes: "I conceive that my notions about the Witenagemot do not differ essentially from those of Mr. Kemble" (p. 601). Freeman, however, probably went further than anyone in his identification of witenagemot and parliament. Speaking of Westminster he made the following statement: "And by the minster still stands the palace; no longer indeed the dwelling-place of kings, but more than ever the true home of the nation; where the witan of all England still meet for judgment and for legislation, as they did in the days when Edward wore his crown at that last midwinter feast...." (ME, 11, 513). He believed the witenagemot to be, at least in the days

from those of Stubbs, although the latter usually employed more guarded language than the former. Yet Stubbs was in the main of the same opinion as Kemble.¹ Morris gives qualified agreement,² and Stenton qualifies his consent not even more.³ J. H. P. is very cautious⁴ and observes:

AS between two authorities, king and witan, each felt deeply if obscurely to bear the person of the race, there could be no conflict of powers. Where the first function of both is not to make law but to apply an unchanging custom, neither king nor witan have reason to assert a superiority over the other, and we cannot force upon these primitive as entities the monarchy, aristocracy, or democracy of which it is so hard to rid our minds. For this reason our authorities show neither king nor witan superior in making dooms or decisions of policy, or in executive enactments.⁵

AS for modern textbooks⁶ the first thing that strikes me is the extremely cursory treatment of the subject.

Probably the most pronounced deviation from the generally accepted viewpoint is that of Chadwick:

of the Confessor, a regular meeting of the witan of all England at fixed places on the high feasts of the church. He even argues that a certain gemot did not take place at Easter at Worcester on the ground that "it was not the Easter but the Christmas festival which was commonly held at Worcester" (1 id. p. 692).

1. CH, 1, 133-157. Stubbs seems to have regarded the witenagemot as something akin to the House of Lords, and spoke of the king's power of increasing the number of his dependents in the witenagemot by nomination so that he could "at any time command a majority in favour of his policy." Thus, he said, "the witenagemot was verging towards a condition in which it would become simply the council of the king instead of the council of the nation" (p. 157). He does not question the validity of this distinction in the Anglo-Saxon period.

2. JH1216, pp. 59-69.

3. Asian, pp. 542-546.

4. CHMed, pp. 25-32.

5. Ibid. p. 26.

6. For example those of Adams, Hodgkin, Larson, Kittland,

I have not thought it necessary to discuss at length the nature of the powers possessed by the council, for in spite of all that has been said there can be little hope of arriving at any definite conclusions on this subject. Indeed it seems at least doubtful whether the functions of the council were ever properly defined...But it is very difficult to point to cases of concerted action on the part of the council.¹

It is possibly premature to advance here any criticism of the views set out above and in appendix A, but it may be remarked that no one reading this can fail to be struck by the air of vagueness characterising most discussions of the functions of the witenagemot. It is, of course, hardly surprising that there should be this characteristic vagueness, for both the Anglo-Saxon society, and the institutions of which the witenagemot is an example, were never defined as to function in the minds of even the witan. It may well

¹ F. H. A. Chadwick, Studies on Anglo-Saxon institutions, Cambridge, 1905, p. 355. F. H. Hodgkin (History of the Anglo-Saxons, Oxford, 1939, 2 vols.) has little to say of the witan but he minimises the importance of the witenagemot: "In the nineteenth century much - certainly too much - used to be written about the functions of the 'witenagemots', or of the 'local courts' or 'folk-moots'. Not having acknowledged that the principle of popular assent existed, we need only recognise what is sufficiently obvious, that its application varied with time and circumstance, that is, with the size of the kingdom and with the character of the king and of his 'great men' (i, 211). I will later on deal with one difficulty confronting all who write on the witenagemot, viz., the nature of the body, its self-awareness, if any, or conception of itself as anything beyond a gathering of individuals whose opinion the king wished to ascertain. Chadwick has this to say: "But if combined action on the part of the council as against the king we have, so far as I am aware, no example" (Studies, p. 356).

is that it is a mistake to make any generalizations about the functions of what may well have been an indeterminate body, and that one should not hope to arrive at any hard and fast rule. Perhaps all that can be done is to examine every instance of a so-called writ of habeas corpus and to find the share of the blame in the matters dealt with therein. One learns little about the functions of the writ from such a statement as: "Every habeas corpus writ was in a writ of habeas corpus." And perhaps did the writ do anything else but keep the writ to be read and did the writ do anything else but affix their crosses? Or did they then proceed to debate the advisability of alienating whatever was alienated by the particular writ? It may be that only by examining each particular case in the light of all the evidence available can one hope to arrive at any satisfactory conclusion, and that that conclusion will hold only for the particular case. Any other method may only cloud the issue instead of clarifying it, for, while in certain matters there may be a customary method of procedure, there is always, in a society governed by the principles the Anglo-American recognizes, great freedom for departure from even the customary. But more of this below.¹

¹ Even such a statement as Freeman's: "The king could do nothing without the witan, and the witan could do nothing without the king" (II, 1, 112) is as ingenuously as ever illustrated. How is the witan's consent and their analysis, or did the witan never disagree? Could the king have to bow to the will of the majority? How is this illustrated in the crisis of 1159?

As to the personnel of the Witenagemot there seems to be fairly substantial agreement. The only detailed list, however, is that supplied by Liebermann. The witness lists of the Anglo-Saxon handbooks are his only important source. In addition to the king, he mentions such classes as the king's family,¹ bishops (including archbishops),² other ecclesiastics (abbot "in their character as powerful landowners", priests who, he says, were probably court chaplains, archdeacons, priors and even deacons),³ kings of Scotland and Wales, underkings of mediated hertarchic states, noblemen with various titles (duces, ealdormen etc.),⁴ household officers,⁵ eorls and thegns (thes. occur late and often the former are usually called duces, the latter ministri),⁶ king's reeves,⁷ warriors (huscarles, lithmen) in the later days of the Anglo-Saxon state,⁸ Londoners (who play an important part in the later days of Anglo-Saxon England),⁹ commoners (to the commoners may have belonged some of the clerks in lower orders, reeves, warriors and Londoners...as well as some of the witan learned in ecclesiastical knowledge and secular law) including witan with no special title, although these might not have been life members.¹⁰ ordinary

1. NA, # 32.

3. Ibid. # 34.

5. Ibid. # 36.

7. Ibid. # 38.

9. Ibid. # 40.

2. Ibid. # 33.

4. Ibid. # 35.

6. Ibid. # 37.

8. Ibid. # 39.

10. Ibid. # 41.

citizens, however, were not integral members of the witenagemot, although they may at times have been present at meetings.¹ The minimum or maximum number of members seems, he says, never to have been fixed, at least legally. The maximum was probably an hundred and the minimum eight or ten.²

Other historians who treat of the witan have contented themselves with mentioning only the principal classes such as bishops, earls, thens and household officers. But neither these writers nor Liebermann himself have made any serious attempt to show the weight of the various classes in the witenagemot. Stubbs is typical of most historians in this matter:

The members of the assembly were the wise men, the seniores, witan;³ the king, sometimes accompanied by his wife and sons; the bishops of the kingdom, the ealdormen of the shires or provinces, and a number of the king's friends and dependents. These last generally describe themselves as thanes, king's theans, and numbered among themselves no doubt the chief officers of the household, and the most eminent persons who, in the relation of gesith or comes to the king, held portions of folkland or of the royal domesne, and were bound to him by an oath of fealty...

1. WA, # 42-43.

2. Ibid. # 44. The minimum figure would seem to provide a very strong argument against equating the witenagemot with crown-wearings, and also at least regarding it as an invariably summoned assembly. Liebermann's account, of which the above is a very bald summary, is very detailed and amply documented. It would be going outside the limits of this work to discuss it in detail, but I will deal with the relevant portions when I treat of the personnel of the witenagemot in the reign of the Confessor.

3. A wita, of course, is "one who knows" and only in that sense can he be called "a wise man" (cf. WA, p. 10).

Occasionally a praefectus or gerefa appears in the early charters...Under the later kings, a considerable number of the abbots attest the charters...." ¹

As to the weight of these various classes in the assembly Stubbs has little to say except that "as the feudal principle grew stronger the number of king's thegns must have largely increased, and, as their power became preponderant in the assembly, the royal authority became supreme in the country at large...." ² Stubbs related thirty as the average number of witan present at meetings. ³

Stenton remarks:

The bishops, abbots and earls attended in virtue of offices which they held by a royal grant; the priests belonged to the king's household; the thegns were present in obedience to a royal summons. ⁴

He ascribes great weight to the thegns:

It was in men of his type (i. e. Wulfric Spot, a thegn who disposed of more than seventy villages), who were much more numerous than would be gathered from narrative history, that the potential independence of the witan lay. ⁵

He also states that although the ecclesiastical element was dominant during part of the tenth century, yet at the recorded councils of Edward the Confessor, though the ecclesiastical order was always powerful,

1. Op., 1, 138-139.

2. Ibid., p. 140. He seems, however, to be referring to only the tenth century. What his authority is I do not know.

3. Loc. cit.

4. AS-Eng., p. 545. He is discussing why the council would be unlikely to oppose the king.

5. Loc. cit.

the earls and thegns generally outnumber the bishops, abbots and priests. ¹

In the tenth century Stenton says witenagemots were attended by numerous witan. ²

Morris mentions the usual classes of witan and, while stating that "the exact number of witan who were present on any occasion is not known," gives fifty as the average number and cites an instance on which an hundred were present. ³ He quotes Liebermann, apparently with approval, as concluding "that the clerical element in the witan when weighed against the lay element was decidedly preponderant in influence." ⁴ He also says: "A majority of the witan in attendance in the tenth century were the king's thegns, and among these were included various household officials," ⁵ but he does not indicate the significance of this.

Böhmer holds that the prelates were "die wichtigste und einflussreichste Klasse der königlichen Ratgeber." ⁶ He is speaking, of course, of the period immediately preceding the Conquest.

Jolliffe has little to say on the actual composition of the witenagemot, but he does make an interesting observation

1. ASng, p. 542.

2. Ibid. p. 543. He refers to one attended by eighty four witan in addition to the king and queen.

3. CH1216, p. 58.

4. Loc. cit.

5. Loc. cit.

6. Böhmer, Kirche und Staat, p. 94.

when speaking of what he calls imperial councils:

The normal governing force of the tenth century is the witenagemot of the real English of the South and Midlands, the bishops of the southern province, the five or six ealdormen who survive south of the Trent, and lesser thegns and churchmen whom we may guess to have been southerners also... To mention, however, with Macward's Bakewell council of 924, the full extension of the empire is at times exemplified in a witenagemot which can fairly be called imperial. Two examples are then cited, 937 and 934. In them, in addition to the English witan of the South, came Welsh kings... the archbishop of York and the Northumbrian bishops, the northerners Godred and Htred, with Osulf, later high-reeve of Lumborough, and many does who by their names must have been the Danish eorls of Yorkshire and the five boroughs... There were other such assemblies in 942, 946 and 973. These great witenagemots are special and occasional demonstrations of the Imperium Britanniae. The attendance of the northern archbishop at the ordinary meetings, which becomes common from the last years of Edward, is, perhaps, a better test of its reality.¹

As much for the composition of a witenagemot. Where and when did it meet? On this scholars are very no agreed. Liebermann states: "No place was fixed for the witan's meetings, neither by custom or by example."² Some kings had a preference for one place or another but none became fixed by custom.

From the tenth century Winchester and Gloucester saw indeed several seats, but not so very often that the Conqueror's choice of these two towns for

1. Op. cit., p. 103. Stenton also draws attention to these gatherings and says: "They were national assemblies, in which every local interest was represented, and they did much to break down the provincial separatism which was the chief obstacle to the political unification of England" (Angl., p. 342).

2. Id., # 45.

two of his three annual courts could be called a continuation of an old rule. Tradition may have influenced him only with regard to the third place he favoured: in London no less than 22 gemots are recorded from 811 to 1066, 9 of which were from 1044.¹

As to when gemots were held Liebermann writes: "...no rule seems to have existed on which day or how often the witan were to meet."² However there was, he says, at least one meeting a year. Referring to the statement that the Conqueror kept court with his barons and wore his crown at Christmas, Easter and Whituntide, he states: "If that periodicity had existed before 1066 in real life or in theory, the Anglo-Saxon annalist would not have noted it among William's characteristic features."³ Yet he does admit that "we find those three highest church festivals to be by far the most frequent on which gemots can at all be dated."⁴

Kemble held that Christmas and Easter were the "usual periods for holding the gemot."⁵ Freeman maintained that

1. NA, # 45. Liebermann lists 116 places where Anglo-Saxon gemots were held. Those from the Confessor's reign I will examine later.

2. Ibid. # 46. In some years, he says, there may have been three meetings on the three high church festivals "but it is not likely that this occurred often." He states again: "The Conqueror's rule of keeping court on the three high festivals of the year was a French novelty." This opinion that there were one, two or possibly three meetings a year, which is found in so many studies of the witenagemot, can mean only that the writers equate the witenagemot with crown wearings or similar ceremonial gatherings or emergency meetings. The latter, however, would seem to have been rare indeed!

3. Loc. cit.

4. Loc. cit.

5. Saxons, II, 192. Kemble attempted a list of Anglo-Saxon witenagemots but this, at least for the eleventh century, is sadly deficient, and the confused chronology of the addit for the reign of the Confessor led him astray (Ibid., pp. 257-261).

the witan usually met at Gloscester for a midwinter gemot and at Winchester for an Easter gemot.¹ Stubbs saw no regular meetings in the early Anglo-Saxon period, but as we approach the Conquest it seems more probable that the great courts were held as they were by William the Conqueror, at Easter, Whitsuntide, and Christmas; and that the deliberations of the witan took place in them.² In the tenth century, at the least, gemots were held "at fixed times and places," but I do not specify these.³

Stenton states that "as far as can be seen, the Conqueror's practice of meeting the great lords of the land at Christmas, Easter and Whitsuntide was an innovation."⁴ Morris says: "There seems usually to have been at least one meeting a year, and in a few known instances two, three or even four within a space of twelve months. Meetings occurred more frequently at Christmas, Easter or Whitsuntide than at other seasons."⁵

1. NO, II, 74, 63, 355, 357, 692.

2. GH, I, 138. The documents he cites for these dates are, however, all from early centuries.

3. Ibid. p. 140. He bases his view only on the attestations of charters.

4. ASOT, p. 633. See the map in this work (p. 346) showing meeting places of the Old English Council. On it only six witanagemots held in five places are listed for the years 1042-1066: Sutton 1042 (5 from Hardecnut's reign), Gloucester 1051, London 1052, 1055, Oxford 1065 and Northampton 1065, but the list is probably not intended to be exhaustive. For reasons which will appear below I am unable to regard the assemblies at Gloucester, Oxford and Northampton as witanagemots.

5. SH1216, p. 58. He also says: "the witan formed a regular assembly summoned by the king and was not merely a chance assemblage" (p. 57). Just what "regular" means in this context I am uncertain.

Larson holds that there was considerable regularity in the

Confessor's witenagemots:

An examination of the sources dealing with Edward's reign will show that the royal court met in festive gatherings with considerable regularity on the great church festivals in the boroughs of Gloucester and Winchester...William was certainly violating no English precedent when he celebrated Christmas at Gloucester and Easter at Winchester. We hear nothing of a Whitsuntide celebration in Edward's time.¹

Jolliffe seems to believe that the Confessor made no innovation: "The crown-rings continued at the three annual feasts, and were held at Gloucester, Winchester and Westminster."²

It must, I think, be evident to anyone who has studied the material which I have quoted in this chapter that the conceptions of the witenagemot therein set out have about them an air of great vagueness and at the same time of great rigidity. At one time in the same work the witenagemot is a body of one kind, at another a vastly different body, but then these differences are forgotten and the gemot is spoken of as if it were something very definite. What Baldwin calls

1. Larson, King's household, pp. 200-201. Larson also observes: "It also appears that London was a favourite place for holding national assemblies and that these might be called for any date" (p. 207).

2. HMEd, p. 176.

"the extreme flexibility of institutions in a formative state"¹ seems often to be imperfectly realised. This leads to confusion.

As an example of what I mean, I set down here some of Liebermann's remarks on the witenagemot:

Whenever the counsel, consent, witness or license of several aristocrats is in any way expressed all scholars agree that this was given in a witenagemot.²

The ambiguity of names assigned to the institution by contemporaries discloses the vagueness of the notion itself. Even Alfred did not discern between the ecclesiastical council, common to Christian countries, and the secular national assembly legislating on criminal law.³

There are three criteria which authorize us to assume a witenagemot: the secular object, the layman's co-operation and the date.⁴

1. J. F. Baldwin, The King's Council in England during the Middle Ages, Oxford 1913, p. 1.

2. NA, # 9.

3. Ibid. # 17. As I can find no trace of church synods as independent assemblies in the eleventh century (and certainly not in the reign of the Confessor) there will be no need for me to discuss the relation of church synods and witenagemots. Attention should, however, be drawn to H. L. Martin's suggestion that synodical councils may have been held as late as the reign of Edward the Confessor ("Ecclesiastical reform in the late Old English period", JHR, 11, 414-416). To me the evidence he cites is not convincing. In fact it seems that the passage: "De qua re interrogati sunt senes et aetate proveci, quid vel ipsi vidissent, vel a majoribus atque antiquioribus veraciter ac probabiliter ipsi audissent" (SP, n. 67) rather suggests that the "retro multis annis" should be understood liberally and not conservatively, for the men consulted were "senes et aetate proveci", yet they could not wholly rely on what they themselves had seen but had to base their judgment on what their seniors had told them. Again the seating arrangement referred to may have been that of the clergy in a witenagemot and not in a synod.

4. NA, # 18.

...wherever we meet more than, say, a dozen bishops and magnates with the king in his villa or huntingseat, we cannot but suppose that a previous summons has called them there....¹

...to a witenagemot...ought to be referred all those records that bear the same year and identical witnesses.²

Not every royal document comes from as early. A small permanent court council must necessarily be discerned from the large number of bishops and magnates who had purposely to be summoned for a future term and not scarcely oftener than three times a year.³

When the army was gathered with its leaders, king, bishops, ealdormen, king's thanes and reeves, these noblemen, though summoned for a military purpose only, might constitute a witenagemot, legislating, settling suit or conveying to kland.⁴

Considering the number of undatable records and the amount of material that has perished, we may safely conclude that a witenagemot was held at least once a year and probably oftener.⁵

1. HA, # 18.

2. Loc. cit.

3. Ibid. # 21.

4. Ibid. # 45.

5. Ibid. # 46. Some questions suggest themselves: What differentiates a witenagemot such as is meant in the first extract from the small court council of the sixth? The summons? Yet the first statement is in no way qualified. Again, have Cnut's laws (e.g., I Cnut 1-2) concerning the church a secular object, or are they to be considered the work not of a witenagemot but of a church synod? When the army is gathered have we not a folk-moot (here, not rather than a witenagemot, even though only a small number of chieftains deliberated? With the first extract in mind, one might ask: Was an Anglo-Saxon king ever without counsel? Is it to be seriously considered that there were years in which "the counsel, consent, witness or license of several aristocrats was in any way expressed" on only one, two, three or four occasions?

The question, then, arises whether we should consider almost any occasion on which the king is given advice, counsel, license etc., a witenagemot, or are we to confine our definition of a witenagemot, as Keble, 11th's, Freeman and many recent historians¹ certainly do, to emergency meetings at a time of crisis and to occasions which we may call festive or ceremonial such as crown-wearings? In the following chapters I will seek to show that only the former is defensible.

1. Not at all, however. Cf. the definition of a witenagemot by G. H. R. in the Encyclopedia Britannica, 14th. ed., s.v., and CHMed, pp. 25-26.

WITENAGEMOT

The Nature of a Witenagemot

As has been pointed out no really satisfactory definition of the Anglo-Saxon witenagemot exists. This is perhaps not unfortunate, for in dealing with judicial and political practices in the Middle Ages there is danger that whenever one lays down a hard and fast rule or attempts an exact definition one may be doing violence to the spirit of the Middle Ages and to historical accuracy. However, in the case of an institution as often mentioned as the witenagemot, it would seem futile to attempt a discussion of, say, its functions without having at least tried to define its nature and composition. Was it a body with a fixed membership, meeting at regular intervals, or was it an indeterminate body, meeting only irregularly? As we have seen, there is no agreement on this matter.

It is especially, I think, the lack of definition that accounts for the many differing views on the nature and functions of a witenagemot. That is one, for example, to make of such a statement as this: "wherever the counsel, consent, witness or license of several aristocrats is in any way expressed all scholars" agree that this was given in a witenagemot"¹ to refer this point to an assembly having a fixed membership and meeting

1. NA, i. 9.

at regular intervals? Does it not rather indicate a body whose composition is extremely fluid, the presence of whose members is often the result of accident rather than plan, and whose meetings might take place anywhere and at any time? Yet the same writer tells us:

Not every royal document comes from an assembly. A small permanent court council must necessarily be discerned from the large number of bishops and magnates, who had purposely to be summoned for a future term and met scarcely oftener than three times a year. This council, most likely guided by the king's bishop or "landpriest", issued all those governmental writs which appear from Ethelred II's time. As the king did not write himself, and these records also bear as a rule a few witnesses' names, they are not private royal letters. Other court council documents may possibly be those issued under the king's name, which betray no trace of an assembly and show a very small list of witnesses (without the possibility of its having been curtailed by some lazy copyist), and are undated. If on the other hand place and day are given, and especially if they coincide with a favourite assembly locality and with christmas, easter or whitsuntide, the presumption speaks rather for the origin of such documents in a witenagemot.¹

From this certain conclusions emerge. The witenagemot is a body whose members are summoned to meetings. It meets

1. HA, p. 21. Prof. Stenton seems to make a similar distinction between what he calls the curia regis and the commune concilium of the Conqueror. He calls the latter "the Anglo-Norman equivalent of the Anglo-Saxon witena gemot." It met three times a year (HA, pp. 632-633). As I understand it Prof. Stenton implies that the witenagemot handled the business which after the Conquest was dealt with by both the curia regis and the commune concilium: "But the business of the Commune Concilium, though equal in range, was certainly less in volume than that with which the witan had dealt" (ibid. p. 633). He would, however, probably agree that the distinction is a modern one, hardly perceived by contemporaries. Cf. Baldwin, King's Council, p. 3-4; G. A. Morris, "The lesser Curia regis under the first two reigns of England", ibid., xxxiv, pp. 772-778.

with some regularity, sometimes as often as three times a year, at certain favoured meeting places. It is thus a formal assembly. In other words, the witenagemot here seems to be conceived of as an assembly similar to the formal crown-wearings of the German kings.¹ This is such a conception of the witenagemot to be reconciled with the former quotation which, as I understand it, must mean that whenever the king consults, or acts with the counsel of, a few lay and/or clerical magnates, the occasion should be regarded as a witenagemot?

Brewer in another passage likewise largely qualifies the formal and ceremonial character ascribed to the assembly in the second quotation:

...Whenever we meet more than, say, a dozen bishops or magnates with the king in his vill or huntingseat, we cannot but suppose that a previous summons has called them there, since without preparations a mere village would have been unable to feed the royal court and noble guests, each with a couple of persons as retinue and several horses.²

Here the summons seems to be the determinant of whether the assembly is to be considered a witenagemot. Time and place seem of little importance.

1. ibid., p. 1087. According to J. V. N. Steenstrup (For- mandiets Historie under de syv Første Hertuger 911-1046, København 1925 (K. Danske Videnskabernes Selskab, Skrifter, Hist.-Fil. Afd., Række 7, 5:1), p. 231) the German dukes were accustomed to hold such ceremonies in the duchy before the Danes: "Herredare blev altså holdte. Det var vel især ved de tre store kirkefester, at Hertugen samlede med Stormændene."
 2. ibid., p. 118.

What, again, is to be made of the "small permanent court council"? Liebermann cites a homilist of the eleventh century as "admonishing the king often to mediate wisdom with his witan," and then goes on to say that the homilist "seems rather to send him to the council chamber than to lay stress on frequent witenagemots."¹ On what grounds one is to believe that the homilist made a distinction between the council chamber and a witenagemot one is not told, and the assumption that he so did seems to me gratuitous. I am unable to see just what Liebermann means by this small council "likely guided by the king's bishop or 'handpriest'," which issued all these governmental writs which appear from Edward II's time."² It seems that this council might far better be called the chancery, or the ancestor of the chancery,³ for its chief function would seem to have been that of issuing documents not made, presumably, in a witenagemot. To regard its members as counselors distinct from the witan is only justifiably if a witenagemot is defined as a summoned gathering of large numbers of witan.

1. HA, # 21.

2. His footnote (HA, # 21): "Harold I. at Oxford in 1033/40 was accompanied by one bishop. Stigand was in 1051 the king's handpriest and counsellor," is not enlightening.

3. There is little doubt, I think, that there was a chancery in existence in Anglo-Saxon times. Both Stenton (Anglo-Saxon England, p. 349) and E. B. Davis (Registrum Regum Anglo-Normannorum 1066-1154, Oxford 1913, p. xi) affirm that the tenth century English kings had a staff of clerks who accompanied them and issued their charters and ordinances. See Opuscule

The above should suffice to show that even the foremost authorities on the Anglo-Saxon witenagemot fail to make clear just what kind of gathering is to be considered a witenagemot. This confusion arises in such cases, I think, from the assumption, conscious or unconscious, that the witenagemot was a much more clearly defined body than it actually was, that it consisted of a group of men who represented the folk and every local interest in much the same way as parliament does in a later age, that it was a national assembly in the modern sense of that term. Such conclusions cannot, however, as I hope to show, be reached from the sources, any more than can the conclusion that only a large gathering of witan deserves the name of witenagemot. Smaller gatherings must also be given this designation, and indeed this is admitted by Liebermann.¹ There is, as far as I can see, no warrant for assertion with Morris: "The witan formed a regular assembly summoned by the king, and was [sic] not merely a chance assemblage as was once believed."²

1. ibid., p. 9: "Charters signed by 1-3 bishops, 2-5 earls are inscribed as 'witenagemot'."

2. ibid., pp. 57-58. It is no use, however, to say that this statement. I shall have much to say below on the latter of these. The important question is, of course, whether only such things as are done at meetings to which the king has summoned his witan are to be considered as acts of the king and witan, or whether the day to day acts of the king, which he does without consulting a few ministers who happen to be with him, are also to be reckoned as acts of the king and his witan.

defining a witenagemot as a national assembly and then con-
fining the definition of a national assembly to formal, cere-
monial gatherings to which the witan have been summoned in
the high church feasts can such a statement be justified.
There is, however, nothing to show that an informal meeting
of the king and a few witan might not be called a witenagemot,
and that in such a meeting the same business might not be
handled as in a large, formal meeting.

It must be emphasised that in the Anglo-Saxon period the
state, as we know it, scarcely existed. To speak of an act of
an Anglo-Saxon king as unconstitutional has no meaning in the
modern sense of that term. There is no such thing as a con-
stitution in the early Middle Ages; there is only the "eternal
law" which it is the duty of the king and every member of the
community to maintain. An act of the king must be either legal
or illegal. If it conforms to the law, maintains it, & executes
it, it is legal. If it goes against the law, does violence to
it, it is illegal, and in that sense only is it unconstitutional.¹
It must, of course, be remembered that the principle of law
was fundamental in the early Middle Ages, but there was no hard

1. Jolliffe brings this out clearly when she says of the case in
which the witan deemed that a bishop had been unjustly deprived
of land by the king. She sees in this "a practical application
of the supremacy of law," and says that the verdict "reflects
no constitutional subordination of the king to the witan" (ibid.,
pp. 27-28). I may say that of all the accounts of the witan
that have come to my notice Jolliffe's seems to me to show the
clearist perception of the fundamental principles of the society
in which the witan existed.

and fast rule as to how the ruler has to act in consent. If his action is in accord with the law,¹ consent on the part of the community may be assumed, and failure to consult the community or those deemed to represent it does not make the act of the king unconstitutional. If in doubt the king may consult the community or those who speak for it. Thus at one time consent or counsel may be explicitly sought; at another (in exactly similar circumstances) the king may act alone. It is true that certain lines of procedure often become customary, but at all times there is great freedom in the method of assuring supremacy of law.²

It follows from this that the ruler may consult whom he wishes, i.e., within limits, for usually custom decrees who are the proper ones to consult. But the king does not have to consult all for his acts to have full validity. He decides whom he is to consult and they may be many or few or none at all. Thus an Anglo-Saxon king may consult all his witan or only a few of them, but the meeting, whether large or small, will, according to the ideas of the Anglo-Saxons, rank as a witenagemot. For the important matter is consent or counsel, not the number consulted or counselling.

1. There is, of course, no question of the law being in the bosom of the king in the sense that he declares what is law. It is more that the principle of consent is always operative. The king and the witan (those who know and are felt to represent the nation) declare what is law. There is no conflict between the supremacy of law and the principle of consent or counsel. Cf. ibid., p. 29.

2. Fritz Kern: Kingship and law in the Middle Ages, Oxford 1930, pp. 137-134.

It is impossible to hold that "wherever the counsel, consent, witness or license of several nobles is in any way expressed...this was given in a witenagemot," and then deny the competence of a witenagemot to admit decisions to which the witan have been summoned in fir numbers and with some regularity or at a time of grave crisis. It is, of course, possible to define arbitrarily only such large meetings as witenagemots, but one must then be prepared to show that the Anglo-Saxons distinguished between them and less formal and smaller gatherings. The chroniclers, indeed, seem to speak chiefly of large and formal witenagemots, but this should not be taken to mean that they deemed only such assemblies witenagemots, for they record only the outstanding and not the everyday business of the realm.

That an eleventh century Anglo-Saxon king, was never without the presence of a dozen or more great churchmen and lay magnates at his court goes without saying.¹ Then there were always in attendance the members of the king's household.² They were, as will be shown below, witan. There can be little doubt that they together with the great churchmen and lay magnates present at court are the witan, ^{whom} the king as a rule consults.

1. Cf. Steenstrup, Normandiets Historie, p. 231: "haandlivere og Fortrolige have Hertugerne altid omkring sig, deres Medvirking ved hans Beslutninger omtales ved hver en Lejlighed."

2. The most detailed examination of the household of the Anglo-Saxon kings is Jarson, King's household. Cf. Steenstrup, Danelag, p. 125: "Omkring den anseelsakske Konge færdedes i Övrigt en Mængde cyminges begnas med forskjelligt Hverv. Saaledes nevnes Skatmesteren (hordere), Drosten (disceragn), Skjenken (sincerna),

on his progress throughout the country they are the witan whose advice he seeks whenever any business makes this necessary. They are the witan who witness various transactions which, to give them greater validity or for some other reason, were performed in the presence of the king and his retinue. ¹ This body, presided over by the king, can have differed in organization and function in no way from the larger body which may have met on festive occasions or at a time of grave crisis. The two are one and the same institution, differing only in size and significance. What one could do the other could, although it was no doubt customary for the king to submit important questions to a large gathering of witan. ¹ But this was for practical reasons and not because, in modern terminology, it would have been unconstitutional to act otherwise. ²

This small body, composed of those who were present in attendance on the king, would seem to be what Liebermann calls the "small permanent court council," although his use of the word "permanent" might suggest that he believed its membership to be confined to individuals who were permanently attached to the court, in which case its members would be the royal chaplains,

Kragelboyn, sjo þar med kongens klæder at gjfne, þar þey, sjo vilde svare til þrsken eller stalþrenn andast us, vaxerfjuren (vexillifer) osv."

1. I am thinking, particularly of such things as grants of land made by private individuals and bequests and wills.
2. Cf. Baldwin's discussion of the Anglo-Norman curia regis (King's Council, p. 1-6).

the personnel of the king's writing office, and such a body as held household offices and were resident at court. Even such a body, although Liebermann seems to attach little importance to it, would when reinforced with such laymen and churchmen as he seemed to be with the king at any given time and place be competent to do all that a larger body could do. It would correspond to what Stanton calls the curia regis of the twelfth century.¹ Its members were sworn, and when they met to consider any question the king summoned, they formed a vitonament. In the opinion of contemporaries no distinction except that of numbers - which in medieval times was of no consequence - can have been made between these meetings and later assemblies.

It may, however, be asked: is it correct to call such a gathering a national assembly? To this question the only reply with another: is there any evidence that our conception of what constitutes a national assembly was known to the Anglo-Saxons? Kern has pointed out that "certainly, in point of law we have to distinguish between rules of folk-right and royal law, between popular courts and royal courts in, for example, the Frankish period. But the people itself, in theory, did not and could not know this difference."² In the same way modern historians distinguish between the king

1. ibid., p. 632.

2. Kern, Kingship and law, p. 190; cf. also ibid. I. J. Skelton, The growth of English representative government, Philadelphia, 1948, pp. 95-96.

meeting with the few witan was not held to be at court and the king meeting with numerous witan is more formal, more ceremonial, and possibly occasionally summoned to court. But it would be unsafe to assume that content of a law varied in different occasions between the larger and smaller assemblies.

The function of the state, if we can determine it, is seen when speaking of the early ideal state, was simply the maintenance of law, i.e., the securing of his subjective rights to every individual. The king as every individual in the state is bound to uphold the law. The way in which this is done is of no consequence. A few witan acting with the king (if not the king alone) act as representative of the nation, provided their actions are in conformity with the law, as the whole nation acting as one.¹

For a few remarks are simply to be taken as a caveat against reading the present into the past; the distinctions which, although they may seem natural to us, and necessary for the understanding of the growth of institutions, were unknown or meaningless in the past.² An attempt to confine the

1. Cf. Kern, Kingship and Law, pp. 70-71.

2. An example of what I mean is found in a statement of the person made in the context of a petition to establish a date: "With fresh legislation in mind the king would hardly have fallen back on the authority of ancient law" (and "Political Principles of the King of the Land", ibid., xv, 241). This introduces the concept of enacted law into a context which knew no other law than the ancient law." Cf. Kern, Kingship and Law, pp. 70-75; also J. G. Gaskins, Anglo-Saxon Law and Custom, pp. 10-101.

definition of a witenagemot to gatherings which are, for all essential purposes, crown-courts or to gatherings of some of the leading lay and ecclesiastical personages on the occasion of some great emergency, is not likely to reflect the ideas and concepts of the time. To call such gatherings national assemblies is, possibly, misleading, not only in the sense that the king is the centre of the government and the council with which he meets the central authority, but also in the sense that the king is the centre of the government and the council with which he meets the central authority. ¹ In

1. It would be going beyond the purview of this work to discuss fully how far centralisation had proceeded in the Anglo-Saxon state by the time of the Conquest. No doubt through the increased importance of the king resulting from the Danish invasions, through the growth of a royal writing office, and through the sheriff, the executive function of the king had increased and was increasing. Jolliffe calls our attention to the fact that the tenth and eleventh centuries appear as a time of rapid growth of royal power, but he also emphasises that, "taking our standpoint in the twelfth century, we should be conscious of a strong contrast with the feudal and bureaucratic stability of the Angevin crown. There is the cardinal difference that the rule of the house of Alfred was based less upon the king than upon the folk." He also points out that the old English tongue "had few positive powers, but it had access to reserves of loyalty and affection not to be explained by the legal rights of the crown..." (ibid., pp. 136-137). Beside this we may set some earlier remarks of the same historian: "Law is not in the king's mouth, but so surely in the voice of the nation that it matters little how it finds utterance....this legal popularism, elastic, practical, tolerant as to the composition of assemblies, yet unyielding in its demand that lawful men shall pronounce right law, is the first and most far-reaching rule which united England inherited from the barbaric states of the heptarchy. It remained the prevailing current of life, strong, deep, for the most part invisible, but determining the range within which the executive power could be exerted, and in the end far in, it introduced conformity with itself" (ibid., p. 24). It is true that great changes were taking place and great innovations were being made in the early

the mind of the Anglo-Saxon the hundred and shire courts, i.e., the real folkmoets, in which the folk or nation participated directly, were, possibly, more truly national assemblies than the gathering of the witan about the king. ¹

Middle Ages, yet any departure from fundamental ideas and principles was avoided in various ways, and men's ideas of what we term the State, the law, the government, the kingship and so on, remained practically unaltered throughout the Anglo-Saxon period (unless the introduction of Christianity may have brought with it an emphasis on the sacred nature and dignity of kingship). The law, for example, remains eternal and unchanging. Recorded law is only a small part of this. In practice there may be what we call legislation; in theory there can be no such thing. From the first to the last in the Anglo-Saxon period law remains supreme. For practical reasons the king and his witan are the ones who declare it. They do so, not because they are in any modern sense a representative national assembly, but because from the earliest historical times kings exist among the Germans in England and are accustomed to govern, if that word may be used, with the counsel and consent of the meliores et seniores. The words, central government or central assembly, have little meaning even in the reign of the Confessor, for the share of the king and his advisers in what we call government was very small. The business of governing, except in time of war, was largely in the hands of the folk themselves. The laws were a pactus, a covenant of one with all and all with one. Every man was in a sense an executive officer of the state, and the king and his court were probably until the Conquest simply primi inter pares in this matter. But enough of this. I may, however, quote here what another has said in a different connection: "Þeim mönnum, sem vilja rökna um hið forna, ísl. Þrágásar-þjóðfjelag út frá þingráðis- og fulltrúa-hugmyndum 19. aldar, hið jet mig undan því að þurfa að svara. Náttúrufræðingir um umboðsstjórn og fulltrúastjórn voru þá enn ekki orðnar til" (Jón Þíason, Þjettarstaða Grænlands nýlendu Íslands, Reykjavík, 1947, p. 226).

1. Jolliffe is instructive here (Med., pp. 23-25). The very "ambiguity of names," to use Liebermann's phrase, illustrates the lack of any definition or distinction in the Anglo-Saxon period. It is true that Liebermann asserts that about the

at the function of both is the same, the maintenance of the rights of the individual, the preservation of the supremacy of law.

Noting then that a wita is a person taking an oath of fidelity, and that a witegait is an occasion for the taking of such a series of oaths, let us examine the evidence from the origin of the word's or a firm's this view.

year 1000 the name witegait "begins to bear the technical sense for the English institution" and that "by the middle of the eleventh century it...constitutes the official name..." (2A, p. 15). It does not explain what makes a name official, and he admits that, although it is the "official" name, it "retains several other meanings," e.g., county court in 1124. The great number of names over meanings of the wita to the very last is interesting (cf. 2A, p. 15). It is also noteworthy that as late as the end of the ninth century a court is referred to as "on alles heres [a note in brackets]" (See 2B, 1130). This is, of course, the same word as the Old Norse alshjarbing. Now often do we find such an all-inclusive term used for a witness? Liebermann sees a relation of ad republicam meaning (independent of a chief, in certain cases, e.g., boadwitan (2A, p. 16)). However, at least one of the examples he cites as exemplifying this meaning, anpolycynnes witan (AShr, 378), seems to mean a thing more than 'the wita of the whole race' - a general assembly of the Danish race. This certainly seems the sense in AShr, p. 1016, for the other versions of the chronicle (C, D, E) speak only of "all the witan that were in London."

WITENAGEMOT

Direct Information on Witenagemots
in the Reign of the Confessor

Unfortunately the sources for the Confessor's reign very seldom contain explicit information on the holding of witenagemots. Usually one can only infer this from the accounts of the events of the reign. It is true that the Anglo-Saxon Chronicle and some of the historical monastic foundations do sometimes definitely state that a witenagemot or a councilium was held, but such instances are few. It is also true that genuine charters must be presumed to have originated in a witenagemot,¹ but it is often difficult to determine the authenticity of a charter, and even when this is possible the charter may carry no date and place.

What has the Anglo-Saxon Chronicle to offer in the way of definite information on witenagemots? It is well known that the word "witenagemot" does not occur in Anglo-Saxon laws or charters,² but it does occur in the Chronicle. Liebermann states that around the year 1000 it begins to bear the technical sense for the English institution," and adds: "By the middle of the eleventh century it is used really

1. Cf. ibid., p. 9, 18.

2. Ibid., p. 15.

in the Anglo-Saxon annals (a. 1048, 1050, 1052, 1055) and constitutes the official name, though it still retains several other meanings even in the twelfth century." ¹ An examination of the Chronicle hardly bears out this statement of Liebermann. The word is used in the entries dealing with the Professor's reign seven times over four gemots in four versions of the Chronicle. ²

On the other hand the words "witol gemot" occur four times over three gemots in three versions of the Chronicle. ³ In addition to these meetings referred to by name, there are two instances in the Chronicle where Edward is said to have sent for his witan. Both refer to the same incident, the assembly at Gloucester in 1111. ⁴ Another entry reports that the king and witan acted. ⁵ It should also be mentioned

1. MA, p. 15.

2. C 1050 (recte 1051), F 1050 (recte 1051), D 1052 (recte 1051), A 1048 (recte 1051), G 1052, H 1052 bis, and C 1055. Of these the second, third and fourth all refer to the same gemot, and the fifth and sixth to a single gemot. In the entries s. a. 1000-1042 I have found the word used only once, s. 1036 (recte 1035). This can hardly be said to justify the designation "used freely."

3. A 1047 (recte 1050), G 1052, F 1051 (recte 1052) and B 1065. Of these the second and third refer to the same gemot, the one which versions B and D 1052 call a witenagemot. These words are also used over an assembly once s. a. 1000-1042, but in three versions, C, D, H, 1020.

4. F 1050 (recte 1051) and A 1048 (recte 1051: "ða sende se cyng after eallon his witan.")

5. A 1052: "gersæde se cyng 7 his witan."



that the witenagemot which outlawed Godwin is also referred to as a stefna in the version of the Chronicle.¹

The Latin historians on the other side of the Channel give very little definite on witenagemots. The Anglo-Saxon Chronicle may be taken as representative of them. In his account of the reign of the Confessor we meet with specific mention of

five witenagemots under such terms as: in generali concilio,² rex in suo concilio,³ concilium rex habuit,⁴ habuit Londonia concilio,⁵ and coram rege et regni optimis.⁶

The majority of these are the same assemblies as those specifically mentioned in the Anglo-Saxon Chronicle.

That do to be specific references to assemblies of the nature of a witenagemot is not very many, if not only one.

The wemots mentioned above were held on the following occasions

~~and~~ ^{and} did the following things:

1. D 1052 (recte 1051): "7 s then stefna ut to Londona...7 sceolde Godwine eorl 7 his suna bar euman to wibernale." It may, of course, be argued that the stefna refers, not to a witenagemot, but to the hiskarlastefna which joined with the witan in outlawing Godwin, but I think it more likely that Godwin was summoned to defend himself before the witan rather than the hiskarl. In the case was transferred from Gloucester to London, and the subsequent account in the Chronicle supports this view. We have here, I believe, an example of how loose is the terminology of the Chronicle.

2. Ibid., 1044.

3. Ibid., 1051.

4. Ibid., 1052.

5. Ibid., 1055.

6. Ibid., 1062.

1. 1044, in generali concilio at London, Lenni was elected abbot of Evesham. This tells nothing about the composition of the assembly except that it was, presumably, a large gathering. It is also stated that the remot was held about the time of the death of bishop Alfwold of London which occurred on July 25. In any, therefore, we know that the meeting took place at London. There is no indication as to whether this was a regular or extraordinary meeting.¹

2. 1050, "mycel remot on Iunden to midf stone," in which nine ships of lithsmen were discharged. Again, except that the word mycel indicates a large gathering, we learn nothing as to its composition, nor whether it was a regular or extraordinary meeting.²

3. 1051, "witena-remot on Iunden to idlencoten," in which church appointments were made. Once again this tells little except that one might conjecture from the fact that idlent is again the time of meeting that it was a favoured time for remots.³

4. 1051, "Wa sende se cing after eallan his witan 7 bet hi euman to Glowecietre" to deal with the affair of Mustace.⁴

This meeting is discussed at some length below and my reasons for regarding it as not a witena-remot will be found there.⁵

1. Fltig, 1044.

2. AShr, p. 1047.

3. Ibid. c. 1050.

4. Ibid. p. 1050. Cf. p. 1046, which is the same source, and p. 112, which says king sent for earls to Eric and Sivara.

5. pp. 204-207.

5. 1051, "se cyn; hefue bes on worgen witenagemot 7 cweð hine Godwin utlage 7 eall here hine 7 calle his sunn." ¹

This is the meeting which had been determined on at Alton or (the stafa mentioned above). ² There can be no question that this assembly at London (December 21-22) was an extraordinary gathering of the nation, but there is no suggestion as to what the words eall here mean. In another place ³ I have set forth my reasons for believing that they refer to a separate meeting of the huscarles who formed the standing army, and need say no more here than that I do not think it possible that the word here can, in this passage, be understood to have the old meaning of the whole nation or folk. ⁴

6. 1052, "7 on þæt sylfian weare feradde se cenn 7 his witan 6 man sceolde forþian ut to landlic scipu." This must refer to a witenagemot held early in 1052, possibly in October, but it reveals nothing further on the nature of the assembly. ⁵

7. 1052, with reference to the attempt on the part of Godwin and his sons to return to an land we find: "ða willeð se cing

1. AShr, D 1052.

2. The loose terminology of the Chronicle may again be seen in that version of 1048 states that Godwin was ordered to "cuman mid XII mannum into þas cennas rede," a reference to that assembly at London.

3. Op., 199-201.

4. Cf. Mason, Ættestrafa Grannas, pp. 6-67, for examples of this usage of the word; and cf. W. W. S. Riggall, Deutscher Geschichtsbuch, Leipzig, 1906-1928, 1, 163.

5. AShr, D 1052.

sume hwile, ac Stigand (þe was þes cildes rædifa 7 his ad-
prest) 7 þa oðre wise men wæron an ð man werynde wissas on
wifra healf...." ¹ The Saroneicle then goes on to say that
when this was decided archbishop Robert fled and "þa cweð man
wycel wæron wifra þuodone 7 on þam wæste wæran þa beistan
men þe wæran on ðysan lande," and Godwin was injured. ² This
is an extremely important entry. From it one can infer a
discussion in the witan about the question of including
Godwin. Reading between the lines, one can also infer that
the debate was bitter and that the king took the side of
archbishop Robert. It is the only passage I have found
that may be taken as meaning that the witan enforced their
will on Edward. What seems to have happened is this. The
king summoned the witan to London to aid him in resisting
Godwin's invasion. A heated debate ensued at the court,
Stigand, supported by the English earls, favored
reconciliation with Godwin. Archbishop Robert, supported by
the king and possibly by earl Ralph, opposed his re-entry.
Stigand carried the day and the wycel went outside London
followed. It is true that version 2 of the Saroneicle implies
that when the king would not yield, Stigand and others acted
on their own and set Godwin to arrange terms: "þa ferde Stigand

1. ANhr, F 1051.

2. loc. cit.

biscop to mid does fultune 7 ba wise seem 39³ r. c. 1194
 burh le buton 7 heredden þ man trowode gislas an æfter healf
 7 man swa dæde." ¹ It then implies that Robert heard of this
 and fled. But version D rather supports his account: "Herod m
 ba þ man sende wisse men betwænan 7 setton criþ on wære halfe."²
 Version B uses much the same language. ³

8. 1052, the witenagemot which at London which was decreed in
 the last mentioned one. Freeman has drawn a very rational
 picture of this assembly which, to him, was almost unique. ⁴

In his account Edwin comes as the "great deliverer," be-
 side Freeman's highly coloured version should be set the sober
 judgment of the most recent historian of the Anglo-Saxons. ⁵

Indeed there is nothing wonderful or constitutionally signifi-
 cant in the fact that the assembly should be held in sight
 of the armed forces of the two sides. It was natural, con-
 sidering the passions that had been aroused, that the re-
 conciliation should be carried out in public. But it could be

1. ibid., A 1052.

2. ibid., D 1052 bis.

3. ibid., C 1052. It is true that one might understand the words
 of B and D to mean such the same as what Florence of Worcester
 (1052) says: "Unde sapientiores cuique ex utraque parte, inter
 regem & duces redintegrantes, exercitum ab omni discedere
 iusserunt." But it seems that a necessary prerequisite for
 such action would be a decision to open negotiations made in a
 witenagemot and finally recognised in by the king.

4. ibid., II, 337-342.

5. ibid., pp. 559-561.

only a gross exaggeration to say that the king was "driven at last to deal face to face with a free assembly of his people," as if for years the people had been clamouring to be heard, only to have their clamours stifled by "Norman knights and Norman churchmen."¹ If the object desired was the recognition of the right of the people to settle the affairs of the realm in "free assemblies of the people," why did not those who gained this victory, and humbled the king take care that in the future such assemblies should become the rule?

9. 1055, "Da 3erofter innan lytilan fyrste was witenagemot an I ndone," in which earl Alfgar was outlawed.²

Version 1 of the Chronicle records that it was held in Tid-
 lent.³ Nothing is revealed as to the composition of the assembly, but the reference to Tidlent strengthens the view that it was customary to hold important councils at that season.

10. 1062, "ceoran rege et reord astinates," which is of
 Baldred of York had to declare that his consecration of
 Wulfstan as bishop of Worcester should not be regarded as
 a precedent.⁴ This, however, tells nothing of the nature

1. ME, 11, 338.
 2. ASChr, C 1055.
 3. Ibid., B 1055.
 4. DLVI, 1062.

about the composition of the meeting.

11-12. 1065, "þa wæl raðe þarafter was aȝcel gemot at Northamtone 7 swa on Oxenaforde on þon dæg Simonis 7 Iude," in connection with the Northumbrian revolt.¹ This passage is an excellent example of the loose terminology of the Chronicle. Obviously what is meant here is simply a large gathering and not a witenagemot in the sense of the king dealing with the witan. A meeting of witan - unless the business be that of deposing or electing a king - is not technically a witenagemot without the presence of the king. The word "aȝcel gemot" here, as often, is used loosely over a gathering other than a witenagemot in the case of the king being offered counsel or given consent. None of our sources record the presence of the king at either Northampton or Oxford. It is Harold who carries out the negotiations there.² The king was and remained at Britford near Salisbury.³ There can be no doubt

1. ASChr, C 1065.

2. Ibid. C, D 1065; FL11; 1065. I owe to Prof. Wilkins the suggestion that Harold may have been Edward's deputy or lieutenant at these gemots (comparable to John of Gaunt in 1376). An acceptance of this would hinge upon the interpretation one places on Florence of Worcester's statement (1065) that Harold was vice-regent, and upon the comparability of a witenagemot and a parliament. My interpretation of these matters prevents me from entertaining this interesting suggestion.

3. ASChr, C 1065; Vita Eduuardi Regis qui apud Westmonasterium Requiescit, in F. H.uard, Lives of Edward the Confessor, (ES), London, 1858, p. 422; cf. ASong, p. 570. I may say that I regard the Vita Eduuardi as of very little worth for the reign of the Confessor, without denying that it may be a contemporary work. For its genuineness I think there are very strong arguments. See Eleanor K. Heningham, "The genuineness of the Vita Eduuardi Regis", Speculum, xxi, 419-456. This contains a very good bibliography.

that here the king held his witenagemot to decide the question of what to do with the Northumbrians, and that the author of the Vita Eduuardi is, at least here, to be believed when he says: "Accitiscus undique regni primatibus, habebat illi consilium quid super tali negotio esset opus."¹ It stands to reason that the king would not act in such a serious crisis without consulting the great men of the land. Where, then, did he consult them? Not at Northampton, not at Oxford, but at Britford the consultation must have taken place. Hence Harold went out, after the discussions, to negotiate with the rebels. At Northampton and at Oxford (he may have returned to Britford in the interval between the two meetings) he treated with the rebels and finally agreed to their demands. At Oxford, acting no doubt with the consent of the king, he settled the trouble on the terms outlined in the Chronicle.² The assemblies at Northampton and Oxford cannot, therefore, be classified as witenagemots.³

1. Vita Eduuardi, p. 422. I am unable to understand why Mr. F. Wilkinson denies the character of a witenagemot to the assembly at Britford, and thinks that consilium may mean something else in this context ("Northumbrian separatism", BHJ, xxiii, 515).

2. MSA, D 1065.

3. The views of earlier historians on the Northumbrian crisis have been examined by Prof. Wilkins in his "Northumbrian separatism" (BHJ, xxiii, 504-526) very carefully and thoroughly. I may say here that I think he is correct in saying that it was felt that the election of an earl was a matter, not for a witenagemot, but for the king and witan, although I think that of the two the assembly of the king was the more important. As in the case

Although the above references to witen gemots do not give very much information about the composition of these assemblies, they supply other information of value. In the above mentioned witen gemots the business done may be summarised as follows:

1044: Election of an abbot.

1050: Dismissal of the litigmen.

that the action of the rebels points to the conclusion that they themselves felt that to guard against future revocation of their act they must gain the consent of the king and witan, although I am inclined to feel that they placed more emphasis than Prof. Wilkinson is prepared to allow on their right to depose an unjust earl and to be consulted as to the choice of a successor. They did not, however, wish to sever their connection with the rest of the kingdom, but were, I think, prepared to do this if their wishes were not granted. Their behaviour is, therefore, not a sign of separatist work but rather, as Prof. Wilkinson emphasises, the opposite. It shows that in this period of the history of the Anglo-Saxons it was recognised that the appointment of earls needed at least the confirmation of the king. To give this was, I believe, the chief purpose of the assembly at Oxford, although here the king acted through agents who were carrying out the instructions they had received in the witen gemot at Britford. I may also add that in my opinion there can be no question of identifying the army as such with a witen gemot, and herein I agree with Prof. Wilkinson, but my reasons for this opinion are not entirely the same as his. The army qua army is the nation in arms or the folk in arms (cf. Brunner, Deutsche Rechts Geschichte, 1, 103); the witan are always a small, select, aristocratic body (cf. ibid., 23). It may well be true that when the army was assembled the leading men might meet in a witen gemot, but only in this sense is Liebermann's statement (ibid., 45) acceptable. That the army as a whole constituted a witen gemot is to me inconceivable.

- 1051: 1. Ecclesiastical contracts.
- 2. Willary of Edwin.
- 1052: 1. Defense of the realm.
- 2. Discussion of the invasion of Britain.
- 3. Inlawing of Edwin and outlawing of the heathens.
- 1055: Willary of earl Ælfgar.
- 1062: Ecclesiastical business.
- 1065: Northumbrian revolt.

Thus during a reign of thirty-three years the official sources mention specifically only ten witan meetings in seven of the years of the reign. In the remaining serious secular business and ecclesiastical questions occupied the attention of the witan. This is indeed a slim list for so eventful a reign as that of Edward the Confessor, and it indicates that the chroniclers recorded only the witan's most important business transacted by the king and witan. In major crisis, the defense of the realm, matters affecting the royal subjects, and the affairs of the church found a place in their pages. Now will suggest that only such matters were discussed by the king and his witan. ¹ But, as I have said,

1. I am not suggesting that other meetings of the witan cannot be inferred from the chronicles. These will be dealt with in the next chapter. All that I wish to suggest is that if a witenagemot was a large, summoned gathering, in which all the major business of the kingdom was handled, and which assembled two or three times a year - a meeting of such functions were as well defined and as varied as Feohleas, it is hard to find direct reference to it would have been made after. Is it

there is no evidence for the existence of a small court council distinct from the witenagemot.

Again, it seems evident from the language of the chroniclers that the Anglo-Saxons had no single "official" term to designate gatherings of the king and numerous witan. The same term is employed over a gathering of the king and his witan, over a gathering of a large number of barons, and over a gathering of the people in arms (as in 1065) or in the county court (as in 1124). gemot, mycel gemot, witenagemot, all are used indiscriminately in the Anglo-Saxon Chronicle. Even the Old Icelandic word stefna seems to be used in one version of the Chronicle over an assembly that in another version is a witenagemot.¹

not permissible to infer from the terminology of the chroniclers that large gatherings very seldom took place, the ordinary affairs of the realm being decided normally by the king and those about him? Had the chroniclers felt that there was a difference between the acts of the king and a few counsellors on the one hand, and those of the king and numerous counsellors on the other, might we not expect to find some trace of this in the chronicles?

1. Even the word witan, which meets us most frequently, can scarcely be said to have a strictly technical meaning, but only that of men whom the king consults. In the pages of the Anglo-Saxon Chronicle it is found several times denoting the "feudal baronage and high churchmen who formed the curia regis of the Norman kings (e.g., MSA, 1065, 1086). In the mind of the chronicler the conqueror had his witan. Had the word witenagemot been the official name of the national assembly in the Anglo-Saxon period, one might expect that when the conqueror gathered his witan about him the event would be recorded as a witenagemot in the Chronicle, but it is not so. The entry for the year 1065 tells us that William was at Gloucester "mid his witan 7 heold þær his hired v. dawas...." Again of 1086 we read: "Her se cyng þær his corona 7 heold

If one's list of witenagemots were confined to those specifically mentioned in the principal sources for the reign of the Confessor it would be short. But, as is not surprising, the chroniclers were not interested in mentioning explicitly every occasion on which the king consulted his witan. It was the nature of the business, not the fact of consultation between king and witan, that interested the chronicler. Therefore only incidentally is mention usually made of a meeting of king and witan. But what the chroniclers do record supports the view that the constitution of a witenagemot was "arbitrary and undefined."¹ A witenagemot was, in other words, any occasion when "the counsel, counsel, witness or license of several barons is"² was in some way offered to the king.

his hired on Lincolnshire...." In the entry for the same year the chronicler distinguishes witan and "landsittende men." This one would hardly expect if the important members of English nobility had been wont to attend witenagemots in considerable numbers in the reign of the Confessor. (Cf. ibid., p. 176, where attention is called to the fact that Domesday Book calls Edward's hyreds, curiae. I may say that I can not conceive that it was not the normal practice to discuss the business of the realm at the Conqueror's crown-wearings, or that contemporaries made such a fine distinction as appears in the following: "The chronicler of Peterborough, writing in English, calls them the crown-wearings hyreds, housenblós, and says that some of them at least were accompanied by a witenagemot" (l.c. cit.). Equally the chronicler did not use the word witenagemot, but I presume that the author infers the witenagemot from such a phrase as "mid nis witan."

1. Wilkinson, "Freeman and the crisis", WJL, xxii, 379. He goes on to say that "there were probably some regular and ready standards to be applied," but beyond the act of consultation I see no evidence for this.

2. NA, + 9.

CHAPTER FIVE

Indirect Information on Witenagemots

in the reign of the Confessor

To a certain extent we are, when dealing with the witenagemot, arguing in a circle. We usually start with the assumption that a witenagemot is an assembly competent to do certain things. Then, when we find our sources telling us that these certain things were done, we treat this as proof that a witenagemot was held. For example, we start with such a premise as that "bishops are appointed by the king and witan." Then we find in the sources: "anno 1044 a bishop was appointed." ergo, we conclude: "In 1044 a witenagemot was held." But how do we know that our original premise is true? Very often our only reason for thinking so is that our sources have recorded, to use our old term, the appointment of a bishop in such terms that the co-operation of king and witan in the appointment may be inferred. It is true that in certain cases the sources are explicit in their statement that king and witan acted jointly, but this is the exception and not the rule.¹ Nor does it follow that even

1. In the previous chapter I have cited all the entries in the Anglo-Saxon Chronicle which, in my opinion, contain explicit references to witenagemots in the reign of the Confessor. How few they are! But this is not all. In many cases where the sources seem to speak explicitly we are by no means assured

in matters which are explicitly mentioned as being handled jointly by king and witan, the two co-operated on every occasion when problems of a similar nature demanded attention.

This may, however, not be as serious as it seems at first sight. If we keep steadily before our minds the fundamental ideas and concepts of the age with which we are dealing, we may feel justified in arriving at certain conclusions. In the Anglo-Saxon period the principles of the supremacy of law and of the necessity of consent are basic. Therefore, within that framework the king has considerable freedom in the methods he uses. The king, in theory, is not and cannot be a despot. Nor can he be a figurehead. The "divinity which hedges a king" was a very real thing, in the Germanic concept of throne-worthiness and in the sacred nature of

ground. For example, the laws II Inut he-in: "This is further the secular ordinance which, by the advice of our councillors [witnan witanan rade], I desire should be observed over all England" (A. J. Robertson, The Laws of the Kings of England from Edmund to Henry I, Cambridge, 1925, pp. 174-175). This seems clear enough until we ask: what exactly do the words witnan and rade mean? As for the first, all our whole knowledge of the personnel of the witan comes from the witness lists of the land books, and there is no agreement on the question of how many of those present at a witan-meet had their names inscribed on the land books made in the past. As to the second, even if we admit that the witan had some share in the declaration of law, there is no agreement as to whether the part they played was active or passive. Similarly varied opinions exist as to the meaning of the word consent in the phrase which occurs so often in the land books, his testibus consentientibus.

monarchy taught by the church.¹ Co-operation between king and people is the normal state of affairs in the Middle Ages, and especially so in a society such as the Anglo-Saxon, in which, from the earliest times, kinship was of the greatest importance and, at the same time, local government was highly developed. Normally, therefore, we may expect to find close co-operation between king and people, the latter finding a vehicle for expression in the witan, and, possibly, more particularly in the lay witan or the leading nobles of the various subdivisions of the country.² The churchmen, however, are also the spokesmen of the folk, and by reason of their venerated office and their great wealth exercise tremendous influence. In the last phase of Anglo-Saxon society the great earls dominate the lay witan, but at least until 1066 they speak with no common voice, and it is only after 1066 that they give the king considerable power and freedom.³

1. Cf. Kern, Kinship and law, pp. 27-61.

2. Prof. Stenton has emphasised (AS&NS, p. 545) the importance of the thegns in the witenagemot in the late Anglo-Saxon period.

3. It may be well to emphasise again that in the Middle Ages every royal servant and in common with the king the function of maintaining the law. He was the king's servant to further this, and ceased to owe allegiance to a king who did not pursue righteousness (cf. Kern, Kinship and law, p. 195: "the councillor of a prince in the Middle Ages had the dual character of a representative of the people against the king, and of a co-administrator against the people, a duality which the successors of the undefined mediaeval consilium - the later mediaeval estates - carried further."). Interesting, too, are the remarks of an anonymous Germanian, who writes in the thirteenth century, "we firmly believed that kinship was

For all practical purposes we may, then, expect to find that Edward the Confessor ruled with the counsel of his witan - that all important questions were settled by the king and few or numerous witan. Whenever the sources record that an important decision has been taken, we may assume, in the absence of an explicit denial of this, that it was made with the advice, counsel, consent or witness of several aristocrats, i.e., in a witenagemot. This would be the normal procedure.

It would be repetitions to discuss here every reference in the sources which allow us to infer a witenagemot, for such entries will be dealt with in the chapter devoted to a discussion of the various functions of the witan. Here I content myself with listing the various matters and decisions which, when mentioned in our sources, allow us to infer that the king may have consulted his witan in large or small

superior to the sacerdotium (I. W. Larson, transl., The King's mirror - Speculum Regale, New York, 1917). Speaking of the duties of a courtier, he says: "This should be the first principle of all your conduct, never to let your heart be wanting in reverence and fear of God, to love him above everything else, and next to him to love righteousness. Train yourself to be fair, upright and temperate in all things" (p. 25). "Love your lord highly and without guile as long as you stay in his service, and never seek the society or confidence of his enemies, if you wish to remain a man of honor. Above your lord you must love God alone, but no other man" (p. 206). On the duties of a king he comments: "It surely is his bounden duty to seek knowledge and understanding, and he ought to be well informed as to what has occurred in the past, for in that way he will gain insight for all the business that pertains to his kingship" (p. 247). "...he is after all merely a servant of God...." (p. 249).

numbers. ¹

1. Large ceremonial gatherings (e.g., consecration of a king, visits of high foreign potentates, consecration of an important ecclesiastical foundation or of a high prelate, crown-wearings). ²

2. The despoiling or outlawing of prominent subjects.

3. Ecclesiastical appointments and important ecclesiastical business.

4. Defense of the realm.

5. Relations with foreign powers.

6. Taxation.

7. Revolt or rebellion.

8. Bestowal of earldoms.

9. Do king of land. ³

1. I may emphasise again that I regard number 1 in no way a determinant of whether a meeting is to be considered a *witena-gemot* or not. When Freeman says that Edward had to declare "perhaps before the assembled *witan*" that he claimed no authority over the bishop of Worcester, although he had consecratedulfstan, he adds in a footnote: "r, as Florence, when he speaks of the *witan*, is rather fond of using popular language, this may mean some smaller council" (ibid., II, 473-474). I regard this as very misleading, for Freeman has nowhere established the existence of any small council, distinct in personnel and functions from a *witena-gemot*.

2. I give no references here as they are fully given in appendix .

3. I might add as examples which came together to elect or depose a king. I deal with these matters in the chapters on the various functions of the *witan*.

I have, in an appendix, listed all the cases in which I think I was the informant or may have consulted the witness.¹ I would hesitate to state that all the matters mentioned in this list were dealt with in a witchhunt, but in view of my understanding of what a witchhunt meant to an Anglo-Burmese I would be even more loath to name a single instance in which an Anglo-Burmese may have felt that he was acting without counsel.

1. As far as our sources reveal.

CHAPTER SIX

Information on Witenagemots
in Anglo-Saxon Diplomas

What J. I. Goebel calls "the miserable state of English diplomatics"¹ must be acutely felt by anyone studying the reign of Edward the Confessor. A great number of diplomas

J. I. Goebel, Malony and Misdemeanor, New York, 1937, p. 319. This is true in spite of the fact that the last half century has seen the publication of several admirable editions of Anglo-Saxon documents. In addition to such older works as J. Earle, A Handbook to the Land Charters and Other Saxon Documents, Oxford, 1888, and A. S. Taylor and E. A. Stevenson, The Crawford Collection of Early Charters and Documents, Oxford, 1895 (*Anecdota Oxoniensia, Mediaeval and Modern Series*, vii), the latter of which is especially valuable, one may mention such recent works as D. Whitelock, Anglo-Saxon Wills, Cambridge, 1930, and A. J. Robertson, Anglo-Saxon Charters, Cambridge, 1930. But neither of these latter contains more than a few documents from the Confessor's reign. The only relatively complete collection of the diplomas from that reign is still J. G. Kemble, Index Diplomaticus Aevi Saxonici, London, 1839-1847 (6 vols.), a work whose shortcomings are well known. G. Birch, Cartularium Saxonicum, London, 1885-1893 (3 vols.), covers only the period previous to the late tenth century, and W. W. Rorer, Select English Historical Documents, Cambridge, 1914, the ninth and tenth centuries. Reference may also be made here to other works of considerable value in this field to students of the late Anglo-Saxon period: W. W. Rorer, "Anglo-Saxon Charters and the Historian", *BHJ*, xxii, 339-367; D. C. Douglas, Feudal Documents from the Abbey ofbury St Edmunds, London, 1932 (*The British Academy Records of the Social and Economic History of England and Wales*, viii); W. H. Galbraith, "Monastic Foundation Charters of the Eleventh and Twelfth Centuries", *BHJ*, iv, 205-222; and F. M. Stenton, Transcripts of Charters Relating to the Villertine Houses of Sixle, Rmsby, Hatley, Tullington and Alvingham, Northamptonshire, 1922 (*Lincoln Record Society*, xviii), especially pp. ix-xxxvi.

exist from the reign,¹ but their authenticity is often open to grave doubt, and there do not seem to be any only accepted standards for determining the genuineness of these documents.² The result is that these sources must be used with extreme care.

Even a forgery cannot, however, be dismissed outright. The statements made therein may often be true. This arises from the nature of mediaeval forgeries. In many cases the forger, confronted with a situation for which he had no written confirmation, but plenty of oral support in tradition, proceeded to supply the want. Again, charters were often lost or destroyed, and the forger willingly supplied fresh ones. Forged charters may thus often contain more or less trustworthy material.³ In other words, although forgeries cannot be considered original sources in the strict sense, they may sometimes be regarded in the same way as secondary historical

1. Mebel speaks of "Edward's fifth and sixth writs and 60 or more charters" (Welford and Hasted, p. 355). I use the word diploma here in its general sense; for the various technical terms see ibid., pp. xiv-xv.

2. Cf. Mebel, Welford and Hasted, p. 339: "By some occult process never described most scholars test and brand documents as forgeries and the lawyer has to accept the ipse dixit."

3. On mediaeval forgeries see Fern, Historical and Law, pp. 171-174. I have included among my list of occasions in which Edward may have consulted his witan (Appendix G, one referred to in a charter (D, 791) whose genuineness is not above doubt, although its witness list seems authentic, and Prof. Austin (Amer., p. 461) cites it as the authority for his statement that the consent of the pope was sought before the see of London was transferred to Exeter.

material and judged by the same criteria.

All historians agree that "charters containing feoffment into the land or exempting from political duties" ¹ come from a witenagemot. They are thus of primary importance to any study of the witenagemot. As subsequent chapters of this work reveal, I have drawn heavily on royal charters and also on private charters, wills and writs, especially in attempting to determine the composition or personnel of the witenagemot. Particularly have I used the witness lists of the charters, and have made little distinction between the forged and authentic ones. This is, I believe, justifiable. In the first place it is often very difficult to determine whether a list is a forgery. Even when there appear on it one or two or three names which, because of the date of the document, could not be regarded as admissible, this in itself is not enough to invalidate the whole list. There is always the possibility of clerical error, especially when only a copy of the original document exists. Information

1. ibid., p. 45. Even Hubert Hall, who held that there was very little evidence for a chancery, even from a chancery, in the Anglo-Saxon period, and who, in speaking of the land books, said: "The handwriting is local, the language is local, the formulas are adapted by local scribes from academic models...", admitted that "the attestation... is official, inasmuch as the court by which it is ratified followed the king into the locality" (Studies in English official historical documents, Cambridge, 1908, p. 177).

regarding the dates of many Anglo-Saxon charters and writs is often indefinite and the dates as given only probably correct.¹ It must also be remembered that our knowledge of the whole history of the period is very spotty.

Even in the case of an undoubtedly forged witness list it is possible that something may be learned. Presumably the forger would take care, if he could, that his list correspond to an authentic one, and it would, then, reflect the composition of an actual list. In other words, it may be impossible that the particular witnesses, whose names appear on a particular document, attested it, but the numbers of the various classes of witan purporting to witness it may correspond to those usually attesting such documents. In the case of such elaborate forgeries as 10, 324 and 325, the witness lists (with the exception of those names) are entirely in accord with the purported date of these charters, and differ in no significant detail from the lists on genuine documents. It is also instructive to compare the witness lists on genuine charters with that on a charter which is very likely a forgery

1. Cf. the remarks on leafside of 117, 193, p. 467. For an interesting discussion of a document that at first might appear to be a forgery, but on closer examination may well prove to be genuine, see Douglas, Feudal documents, pp. xxvii-xxxiv.

and whose witness list, at least, cannot be accepted as it stands. This is DD, 213.¹ The elaborate list of witnesses and the great number of different designations might well arouse doubts as to its genuineness. Yet, as the subsequent chapters of this work will show, this witness list offers a better picture of the composition of a well attended witness-list than, perhaps, any other charter from the reign of the Confessor.

Again, the whole question of the nature of the Anglo-Saxon land book - whether it was both dispositive and evidentiary, or whether it was only the latter - complicates the matter. This is a subject that cannot be dealt with here.² It must suffice to say that I incline to the view that the Domesday book was only evidentiary, from which it would follow that the witnesses to the donatio may not always have been the same as those who attest the document, and that the charter may not always have been drawn up and attested at the time that the donatio was made. Miss Harmer has advanced strong arguments against the genuineness of this document ("Anglo-Saxon charters", BJR, xxi, 342), and thinks that, even if the charter be genuine, an authentic witness list has been improved by the addition of descriptions to the names of individuals by someone familiar with the manors. I could find no other list in Davis, Regesta. Cf. Webb, Melton and Wisdomebor, p. 362, where doubts are also cast on the authenticity of DD, 213.

1. Miss Harmer has advanced strong arguments against the genuineness of this document ("Anglo-Saxon charters", BJR, xxi, 342), and thinks that, even if the charter be genuine, an authentic witness list has been improved by the addition of descriptions to the names of individuals by someone familiar with the manors. I could find no other list in Davis, Regesta. Cf. Webb, Melton and Wisdomebor, p. 362, where doubts are also cast on the authenticity of DD, 213.

2. In this see Albraith, "Monastic foundation charters", BJR, iv, pp. 205-214; AS, pp. vii-xi; Stenton, Transcripts, pp. xvi-xvii; J. Turner, "Wockland and folkland", Historical essays in honour of James Holt, Manchester, 1933; Prunier, Deutsche Rechtseschichte 1, 563-575. 3 July, E.H.

confusion in dating, i. e., a confusion of the date of the donation with that of the charter.¹ This may in turn lead to witnesses appearing on the charter at seemingly impossible date, if we assume that the clerk who drew up the charter sometimes copied his witness list from those who had been present at the original occasion.²

There is, moreover, little information as to whether individuals attesting charters did so personally (i. e., themselves made the sign of the cross) or whether both the cross and the name were inscribed by the clerk who drew up the document. In both cases there is, of course, room for error, but especially in the latter which is the more likely method in a comparatively illiterate age.³ I do not, however, think there can be much doubt that in the reign of the Confessor the witnesses attesting were actually present, at least cases of the reading of the land book, whatever may have been the case with private charters which were not read in the presence of the king and witan.⁴

1. Holy Cross, Altham, was consecrated in 1060, but the charter confirming the foundation was not made until 1062 (ibid., ii, 695-696). Cf. Calbraith, "Monastic foundation charters", ibid., iv, 214-222.

2. Cf. ibid., ii, 695-696.

3. Cf. Calbraith, "Monastic foundation charters", ibid., iv, 210.

4. Cf. Douglas, Feudal documents, pp. xli-xliii; Stenton, Transcripts, p. xxxi; ibid., pp. xvii-xviii. It might be urged that actually the scribe did not record the names of persons who were present, but of such individuals as he knew would be willing to subscribe to whatever the attestation of a charter implied. This would, for example, explain the almost constant appearance of

In dealing with the body of a charter it would seem necessary to exercise somewhat greater caution than in the case of the witness lists. Even here, however, a scribe would tend to make his statements conform as closely to the facts as his object allowed. But for our purpose this is a matter of small importance, for there is little in the body of the charters from the reign of the Confessor that throws light on the composition and function of the witena-gemot. In the great majority of cases not even the date of the instrument is given or the place at which it was made. In fact, forged charters seem to bear place and date more often than genuine ones.¹ It cannot, of course, be denied that the forger may have given a date and place at which an actual gemot took place. I have, however, preferred

the signature of the archbishop of York on the witness lists from the Confessor's reign - an occurrence which might seem to imply a more constant attendance on the king, than the location of the archiepiscopal see would seem to allow. It would be futile to argue this point for which little positive evidence can be offered on either side, and I must content myself with affirming that I believe the scribe to have normally entered the names of those witnesses who were actually present. I am strengthened in this belief by the fact that this would seem to have been the practice in the matter of private charters in the Anglo-Saxon period. For am I aware that this has been seriously questioned.

1. For example, the following carry place and date but only the second and last seem to be above suspicion: CD, 779, 786, 815, 816, 824, 825, 1332. CD, 956 seems genuine and made at Lincoln, but the place is not explicitly stated and no date is given.



to omit witenagemots which are found only in suspicious charters and not supported by other evidence.¹

It is another question how valuable the witness lists of the charters are in supplying information about the composition of a witenagemot. Did all those present at a gemot sign or only a few? To this there can, probably, be no absolutely definite answer. Prof. Stenton warns against placing too much faith in these lists:

The only documents which show a council in session are the royal charters attested by its members.² So far as they go, the lists of witnesses with which the charters end are good evidence for the composition of the assembly. But the length of the list of witnesses was determined by the size of the parchment on which the charter was written. Few lists can be relied on for a full enumeration of the less important members who attended the meeting, and a description of the witena gemot which took this evidence at its face value would certainly over-emphasise the official element in the assembly.³

This is a salutary caveat, but one or two observations must be made. It is difficult to accept the statement that

1. In any case this is, in my opinion, a matter of slight importance, for, as I have indicated throughout this work, I regard a witenagemot as any meeting at which many or few witan offered the king counsel. Any list of meetings must therefore be incomplete, as only the more important meetings would be recorded. The most that can be hoped for is a list large enough to enable some conclusions to be drawn.

2. To these documents may be added private charters and wills witnessed in a witenagemot, and, if there are any such, witnessed writs.

3. ibid., p. 543.

the size of the parchment determined the length of the list of witnesses. Parchment was not scarce in Anglo-Saxon England, and it would seem reasonable to assume that the scribe would first inscribe the charter and only then cut the parchment. Thus the length of the charter with its witness list would determine the size of the parchment. It is true that many charters occupy the whole piece of parchment on which they are written, but this in no way weakens the argument that the parchment was cut only after the charter was inscribed and attested. It is true, also, that numerous charters are extant with ample space for additional names on the parchment on which they are written.¹

That the names of the less important thegns attending a

1. A cursory examination of the charters reproduced in IAS, ii, revealed plenty of space in the following cases: Westminster, iii (Ladwig 957); Exeter, i (Ladgar 967), vi & (Ladgar 969), vii (Ladward 976), ix (Cnut 1018), xii (Ladward 1044); Winchester, i (Ethelwulf 854), ii (Ladwig 857); Earl of Ilchester, ii (Cnut 1024), iii (Ladward 1044); Winchester College, iii (Ladmund 940). On one charter, Worcester (Ethred of the Hwiccas 770), the scribe has written some of the signatures on the back of the document. Many of these charters carry long witness lists, e. g., Exeter, ix, 28 witnesses, xii, 52 witnesses. Again, FAC, iv, revealed several charters on which there was space for more names, e. g., charters 10 (Ladward 909), 18 (Cnut 1031), 31 (Ladward 1045), and 38 (bishop Lildred 1056). Furthermore, B. M. Cott. MS. Aug. No. 25 (reproduced in Douglas, Feudal documents), an alleged charter of William I, has ample space for more names.

remot of the witan might often be missing from the witness lists of the charters seems, at first sight, a reasonable enough statement. But, unfortunately, we are not even in a position to assert that any thegns were in the habit of attending meetings. One might go so far as to say that there is little evidence to enable us to conclude that even important thegns were in the habit of attending. To say that the witness lists are incomplete because of the absence of names is, therefore, to beg the question. Thengs who held household offices or were royal officials would, it is reasonable to assume, attend gemots. No doubt a number of thegns from the neighbourhood of the meeting place might be expected to be present. The earls might be attended by a few of their thegns or retainers, but whether they were deemed witan cannot be easily determined, although this may have been so. At a time of crisis, such as 1051, thegns were no doubt with the king, but even then, their inclusion among the witan may by no means be taken for granted. But to assert that they normally attended gemots seems a gratuitous assumption. I suspect, on the contrary, and will attempt to show, that thegns were not in the habit of attending gemots in large numbers. ¹

1. If thegns attended gemots, it would be reasonable to suppose that the names of the more important ones would be found on the charters. But the evidence of the Professor's charters does

Whether the thegns did or did not attend witenagemots in large numbers does not, of course, diminish their importance in the country. This would not be determined solely by their membership in the witenagemot. That they had much voice in the council seems extremely doubtful.¹ Nor would their influence, if any, necessarily depend on their numbers in the thegns. The earls would be the natural spokesmen for the thegns, and would have to take into account the wishes of the thegns of their earldoms if any matter touching the interests of the latter arose. Prof. Stenton writes: "...it is important to remember that in the lower ranges of the council, among thegns whose names end witness lists, there were men whom the king could not easily coerce, and whose influence in the shires could not be ignored."² It is well to bring out the importance of these thegns and the difficulty the king would find in attempting to coerce them. On the other hand, however, it must not be assumed that the kings normally had any great

not bear this out. It can be shown that the names of some of the most important thegns of the Confessor's day are not to be found on the extant charters of the reign (e. g., that of Erihtulf, whose extensive possessions are discussed in Curles, Local Documents, p. xvii). On the other hand, when names of important thegns do occur, they would, in most cases, seem to be those of household officers or royal agents (e. g., that of Alfstan, discussed in ASng, p. 480, who signs a score of charters and seems to have been a sheriff and staller). This is dealt with more fully in subsequent chapters and in appendix B.

1. Below I will seek to show that the evidence available points to little participation on their part in witenagemots, thus substantiating the views advanced in this chapter.

2. ASng, p. 545.

desire to coerce such men. If it had existed, there would be evidence of occasions on which the interests of king and thegns would seem to conflict, and, possibly, evidence of a growing sense of solidarity among the latter. However, in a state such as eleventh century England, there would normally be few occasions which would lead to a conflict between the king and the average thegn. In what way, or for what purpose, would, for example, Edward the Confessor wish to coerce the thegns? Conflict between king and subject arises normally only when one or the other is abusing his power. ¹ Unjustly depriving a man of his property or levying too heavy exactions on him, might force him to oppose the king. But in eleventh century England the only tax was the so-called Danegeld, and it was not levied after 1051. The king is supported by customary rents and produce from the estates belonging to him. ² Only when the king ceases to be able to live on his customary income will serious conflict arise, and the lesser nobility feel it necessary to resist him. Such a state of affairs was later to contribute to the rise of parliament. ³

1. Misgovernment and heavy exactions, such as practised by Hardeknut, might lead to such a clash.

2. It is not necessary for my argument to discuss whether titheland, which Prof. Stenton (ASEng, p. 308) says "meant land from which the king drew food-rents and customary services," included all the land of the country except that especially exonerated, or only the estates of the crown, as G. J. Turner maintains (The Kingdom of England, Historical essays in honour of James Hall, pp. 397-396). In either case the revenue of the king would be customary and no extraordinary demands need be made.

3. Cf. G. I. Haskins, English representative government, pp. 57-66, 129.

The absence of such occasion for conflict between the king and the lesser magnates does not necessarily mean that certain thegns may not have been ambitious, but their ambitions, which would largely consist in increasing their holdings, were such that they could be satisfied without serious conflict with the crown. There is nothing to show that the lands with which Edward and Godwin his foreign favourites were taken unjustly from English thegns. Nor is there any evidence to show that the earls treated unjustly the thegns in their earldoms or laid on them illegal exactions. Indeed, the balance of forces in the England of the Conqueror would seem to have been such as to favour the thegns. Any encroachment on the part of the earls would tend to drive the thegns into the arms of the king or of another earl. Moreover, the earls, who were seeking not only economic aggrandisement but in some cases political power, would not wish to alienate possible supporters. They would, again, be prepared to lend support, for the same reason, to any thegns in their earldoms who were being dealt with unjustly by the king. In short, there seems to be no reason to believe that thegns felt insecure or unjustly treated by the king during the reign of Edward the Confessor, whatever may be the case in earlier reigns. There is no evidence for any coercion which would have the effect of welding the thegns into a self-conscious body which might

wish to avail itself of repression in the situation in order to strengthen its hand against the king.¹

The question of the participation of the thegns in witenagemots is complicated by the very imperfect information we possess as to what a thegn really was.² Some of them, no doubt, were independent and large landowners. Others, probably, were wholly or almost dependent on the king. In subsequent chapters I will argue, on the basis of the witness lists of the King's writs and charters, that the names of the great majority found thereon are those of persons dependent on the king by virtue of personal tie or office. And on a priori grounds this is exactly what one would expect to find. Attendance at court in the court of the lesser nobility in the Middle Ages was not regarded as a privilege, but as a burden which was to be evaded if at all possible.

1. It may well be that certain sheriffs did on occasion act highhandedly, but this cannot have been serious in the reign of the Confessor (cf. E. H. Morris, The mediæval English sheriff to 1300, Manchester, 1927, p. 36). The only examples of confiscation of lands and encroachment on rights would seem to be where church lands are involved (cf. EE, II, 554-567, 698-705, where Freeman seeks with little success to vindicate such acts), and these did not involve Edward but the curia. The very fact that the reign was regarded as a sort of golden age by succeeding generations is an argument against assuming any desire on the part of the king to coerce. That the situation was at other times in the Anglo-Saxon period is not within the scope of this work.

2. On the Anglo-Saxon thegn see Stenton, First century, ch. iv; HMEd, pp. 87-97; Turner, "Bookland and folkland", Historical essays in honour of James Holt, pp. 381-385; ASngl, pp. 479-481.

It is well known how difficult it proved to get the knights of the shire and the burgesses to attend parliament.¹ Unless it can be shown that the Anglo-Saxons then had better reasons for wishing to attend witenagemots and to undergo the expense and trouble involved in a attendance, it must be presumed that he exhibited no greater willingness than did his brethren two or three centuries later.

On a priori grounds it would, therefore seem rash to assume that the witness lists as they stand are incomplete in the case of the thegns. The completeness of the listing of other classes of witan, even to the extent of including, on occasion, the names of such unimportant classes as priests and deacons, seems to argue against any such assumption. If thegns had normally been summoned in large numbers to witenagemots, it would be strange to find this nowhere as such as hinted at, in all the hundreds of documents we possess. On the contrary, as will be shown below, the evidence of the witness lists strengthens the view that the "official element in the assembly" can scarcely be overemphasised as far as thegns are concerned.²

1. Cf. J. I. Haskins, English representative government, p. 76: "Attempts at evasion of the parliamentary summons were frequent..."; F. W. Maitland, "Introduction to Memoranda de Parlamento", Maitland selected essays, ed., H. D. Hazeltine, J. Jayson, 1. n. Winfield, Cambridge, 1936, pp. 69-70; May McKisack, The parliamentary representation of the English boroughs during the Middle Ages, Oxford, 1932, pp. 28-29.

2. This is the view of J. I. Haskins (English representative government, p. 25): "Office or personal tie was the basis of

In addition to the royal land charters there exist, from the Confessor's reign, a number of land grants to private individuals, which have been witnessed by the king and a number of ecclesiastics and laymen. There can be little doubt that these documents were attested in a private way, that is to say that their makers availed themselves of the opportunity of strengthening these grants by having them witnessed by the king and his witan. This was often, no doubt, done when the king came into a district during his peregrinations, although some may have been attested in fuller witenagemots, possibly before one of the high officials of the church. For convenience I have listed these charters and one bequest separately in Appendix C.

The wording of the witness lists on some of these private documents might lead one to think that it was not customary to include on the lists the names of all the witan. Thus the list of witnesses on several of these charters is followed such words as: "and many good men,"¹ "and all the thegns in Essex,"² "and many other worthy men,"³ "and

membership in these national assemblies, which were known as the council of wise men, witanagemot sic." Cf. H. G. Chadwick, The Heroic Age, 2d. ed., 1926, p. 369: "The latter, the royal councils of the Anglo-Saxon kingdoms, however, were of a kind whose than meetings of the court from the earliest times of which our records go back. When important questions were discussed care may have been taken to sum up all the leading men; and no doubt age and high rank ensured priority of hearing, as in the assemblies of Tacitus' day. But still they remained essentially meetings of the king's personal dependents."

1. ibid. 768. 2. ibid. 786.
 3. ibid. 822.

many others,"¹ or "and with the complicity of all the
citizens of the Inland of all the land which was then the yearly
market at Stow,"² but it is not necessary to hold that
those whose names are omitted were witan. The king during
his progress through the country would stop at a place
and that wherever he stopped the inhabitants of the town
or of the neighborhood would not doubt flock to the court,
and any business which was being transacted would often
be done in the open. Thus a charter brought before a local
landowner would often be attested in the presence of a
considerable number of lay people. The scribe would indicate
this in the words above cited, without meaning to imply
that these people were also witan inasmuch as the charters
in their hands were not witan.³ Certainly it could be contended
that "all the citizens of the Inland" meant all the witan as the
king's witan, or that the phrase applied to all the men who
attended the yearly market at Stow." It might were reasonably
be maintained that "all the citizens in the land" could be considered
witan, but in view of the evidence supplied by the witness
lists, dealt with in a subsequent chapter, this does not seem

1. DD, 939.
2. AE, 14V.
3. The very fact that such phrases, as those cited above, exist,
might be taken to suggest that in the minds of certain scribes
there existed no such body as a witenagemot, but only the king,
his witan, and the other folk, or, perhaps, only the king, his
court, members of which were witan, and the folk in general.

tenable. It is, however, difficult to rule them out entirely, as at least potential witan. On the whole I think it more reasonable to assume that the clerk inscribed the names of those alone who formed the king's entourage, together with the thegns of the locality who were royal officials, although he did not take the trouble to cite their names. Allowance must also be made for inexact use of the word all so often met with in mediaeval writings. It is unsafe, in such writers as these, to draw fine distinctions, yet it would seem to be going too far to say that contemporaries did not consider that such attestations were made by the king and his witan - that they thought them made simply in a meeting of the king with some prelates, nobles and local freemen. On the contrary there is considerable justification for believing that contemporaries deemed the document to be attested by the king and his witan in the presence of the people of the neighbourhood.¹

Witnessed writs, from the Confessor's reign, are generally regarded with suspicion,² and I have hesitated

1. A will from 997-999 (DL, XVI) purports to be witnessed by king and witan. DL, 794 is an example of a royal charter witnessed by six named persons "cum ceteris optimis hominibus qui assunt in curia mea multis." The witness list is obviously truncated, whatever the reasons for that may be. Attention may also be called to DL, 745 which, after giving the names of Emt and several other witnesses, ends with "and all the king's advisers (radesmen)."

2. See Warner, "Anglo-Saxon charters", HEI, xxii, pp. 339-367. Miss Warner writes me that after preparing her edition of Anglo-Saxon writs for the press, she has not "anything to modify or add to what I wrote in my article about writs that are witnessed."

to use them. They are in lay case law,¹ and the witnesses range in number from two to five, in addition to the king. They are usually the queen, an archbishop, an earl, and a household official or two (steward, chamberlain, a cellar). In one instance the witnesses seem to be solely ecclesiastics. If genuine, these lists might be held to supply some evidence for a small court or council in the reign of the king, but their authenticity is much too doubtful to support any speculation on this.²

1. JD, 839, 847, 853, 891, 904, 908.

2. JD, 1319, a writ of assize, has a long witness list, but its authenticity is very doubtful. DD, LXXVIII, a charter of the Conies or confirming a grant made by his mother, has a witness list of the same type as that found on the above mentioned writs, but as it is very likely spurious I have set it aside along with the writs.

CHAPTER XLV

Information on Witenagemots in
the Anglo-Saxon Land Books

In spite of the fact that very little is to be learned from the charters of the reign of Edward the Confessor as to the location and date of witenagemots, it is necessary to examine them for the few facts they supply. Unfortunately most of these charters contain no date or place, and of those that do the majority seem to be spurious. It is, however, impossible to rule out the latter as entirely worthless, for the former may have attached his charter to an actual gemot.

Of the forty-two witness lists in royal charters, which I have used from the reign of Edward the Confessor, twenty-five seem to be genuine, ten somewhat doubtful, and seven almost certainly spurious. In appendix V, wherein I have examined the authenticity of these witness lists, I have marked as genuine any list whose names agreed with the presumed date of the charter to which it is appended. This means in some instances, such as 10, 824 and 825, that a genuine witness list has been attached to a forged charter. The reason for this in some cases may be that the former

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 1. ...

1. This is to say, ...
 2. ...
 3. ...
 4. ...

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 at from the... which...
 is to be...
 the...
 following year, except...
 at...
 this charter...
 and, filing of her.

next year, 1044, given royal...
 to be found, two... three

1. 11, 749. ...
 2. 11, 750. ...
 3. 11, 751. ...
 4. 11, 752. ...
 5. 11, 753. ...
 6. 11, 754. ...
 7. 11, 755. ...
 8. 11, 756. ...
 9. 11, 757. ...
 10. 11, 758. ...
 11. 11, 759. ...
 12. 11, 760. ...

1. 11, 761. ...
 2. 11, 762. ...
 3. 11, 763. ...
 4. 11, 764. ...
 5. 11, 765. ...
 6. 11, 766. ...
 7. 11, 767. ...
 8. 11, 768. ...
 9. 11, 769. ...
 10. 11, 770. ...

doubtful¹ and two spurious.² The bodies of these reveal nothing definite. All except one (DD, 777) of these charters bear the date 1044.

Five charters exist from 1045. Three of these, which seem genuine, contain the date of the year.³ Of the remaining two, one may well be spurious,⁴ but the other may well be genuine.⁵ The witness lists on these five charters are interesting in that two⁶ contain exactly the same names

should not assume that a reconciliation took place between Edward and his mother shortly after she was despoiled. In DD, 774, 775 and 779 her name is the only one that causes difficulty, and this is really also the case with DD, 773. It would be entirely in harmony with the character of Edward to have become reconciled with his mother after having despoiled her. There is no hint in the Anglo-Saxon Chronicle (D, s. 1052) nor in Florence of Worcester (1052) that she was in disgrace when she died (cf. DD, II, 230).

1. DD, 770, 774, 775. Of these, the first contains a witness list reconcilable with 1046, but it carries the date of 1044. It is possible that the scribe made an error. If this is not so, it may well be that a genuine witness list was appended to a forged charter. As to the second, if we assume that Edward became reconciled with his mother the list might be accepted as genuine as hers is the only name not reconcilable with the date. The same applies to the third charter as far as Alfwulf's name is concerned, and about Alfwulf's name it will be an error for Ethelweard of Abingtonbury (cf. Appendix M).

2. DD, 771, 772.

3. Ibid. 776, 780, 781. Niebmann (NA, 145) assumes the private charter, DD, 256, to date this year, but this cannot be correct. It belongs to the period 1053-1055 (see DD, c. 405).

4. DD, 778. See Appendix N.

5. DD, 779. Although Sir Robertson (RS, p. 439) brands this charter spurious, so did Hemble, the witness list accords with the date except for the signature of Alfwulf's name.

6. DD, 776, 780.

and must be presumed to be from the same point, the third charter¹ has the same number of witnesses as the two identical ones, but Harold signs it as dux, whereas on the other two he signs as minister. The signature of Earl Beorn is found on the third, but is missing from the other two. Five abbots sign the first two, only three the third. King thegn appear on all three, but the third charter has two signatures different from the other two.² It must therefore be concluded that the third charter is from a later point than the other two.³ Again, all three must be dated subsequent to 22 April, when bishop Beorhtweald died,⁴ as his successor Hereman signs all three. These charters testify, then, to two points held at some time in this year after 22 April. The fourth charter of the year is too doubtful to enable one to draw any definite conclusions.⁵ The fifth is dated at London on 1 August 1045.⁶ Although it might appear the date need not be incorrect. We know that the king was in London at that time in the previous year.⁷

1. DD, 781.

2. Harold and Eufre sign only the first two as minister, Alfric and Eadric only the third.

3. The fact that Beorn's name appears on only the third charter would seem to dispose of the possibility that all three emanate from the same point at which Harold and Beorn were made earls. Had this been so we should expect that his signature, as that of Harold, would appear upon the minister of the first two charters.

4. ASC, s 1045.

5. DD, 778. If the irreconcilable names are disregarded the charter must be assigned to a point prior to 22 April, as the signature of bishop Beorhtweald appears on it.

6. DD, 779.

7. Flora, 1044; ASC, s 1045. If the evidence of the five

From the year 1046 we find four charters. Three of these have genuine witness lists,¹ while the fourth is definitely spurious.² The first three carry the date 1046. Two of them³ have identical witness lists and must have originated in the same event. The third⁴ can be dated subsequent to 23 March, when bishop Luffing died, for it is signed by his successor, Leofric, and by bishop Walard of Worcester, both of whom were appointed at the same time.⁵ Their names do not occur in the other two charters, but it would be rash to assume, on that account, that they must be prior to 23 March. The witness list on that is short. All that can be inferred, then, is that there were two meetings of the witan in this year, one of which was probably at Easter.

The charter is extant from 1047.⁶ This is a spurious document and conveys no information relevant to our topic. No charters exist from 1048, but in the following year two are found.⁷ Two of these seem to have genuine witnesses

charters could be trusted, and it is concluded that there were four meetings of the witan in this year - one at the beginning of the year, possibly at the nuptials of Edward (ED, 776 with its large number of witnesses, thirty nine, would support his dating); one at Jarrow (ED, 779); and two some time after 22 April (ED, 776, 780, 781).

1. ED, 783, 784, 1335.
2. Ibid. 912. The date I have assumed to it is conjectured and no conclusions as to a meeting should be inferred from it.
3. Ibid. 783, 1335.
4. Ibid. 784.
5. Fl.ig, 1046.
6. ED, 785. This is dated by Temple 1044-1047. For my edition see appendix M.
7. ED, 786, 787.

lists, but Ken⁷ marked the one which purports to have been made at Winchester in 1040 spurious.¹ Its witness list is very brief, and it is possible that a part of it has been lost. The other charter carries only the year.

Four charters are extant from the next year. Three of these would appear to be genuine,² and one doubtful.³ Two of these charters may be from the same grant,⁴ as the witness lists are very similar. Another informs us of what may have been a witnesslist at Exeter.⁵ Beyond this none conveys much information. They are dated 1050.

From the years 1051-1054 no charters are extant.⁶ One is known from the next year,⁷ but it is spurious and of no value for our purpose. No charters, again, exist from 1056-1058, unless a charter dated 1058 should really be ascribed to 1058.⁸ From 1060 two charters are found.

1. DD, 786.

2. Ibid. 791, 793, 796. The last purports to be made in 1052, but this date is unacceptable for the witness list (see appendix A). DD, 800 may be from 1050.

3. DD, 792. There seems to be slight reason for doubting the authenticity of the witness list.

4. Ibid. 792, 793. Abbot Ordric signs the former, Spearhafoc the latter. As on DD, 796 the name of Ordric causes difficulty, for it is said that bishop Atholf was given *Sin don* when Spearhafoc went to London (ASBhr, s. 1048, s. 1050). I strongly suspect that the bishop may only have enjoyed the revenues of the abbey and that Ordric was the abbot, but this is conjecture.

5. DD, 791.

6. DD, 798, which I have not used, may be from 1052. The date, 1053, is hardly acceptable, for Atholf signs as bishop. The charter is attested by the king and five bishops.

7. DD, 801.

8. HLE, p. 300-302. On the date see appendix A.

One of these is spurious,¹ and the other contains nothing of value.²

Two charters, again, are extant from 1061. One of these is somewhat doubtful,³ the other genuine,⁴ but they contain only the date. For the next year is the very important other charter.⁵ Its authenticity is open to no doubt. It carries the date 1062.

The years 1063 and 1064 are blank, but four charters exist from the following year. The first is of doubtful authenticity.⁶ It is dated "in die festivitatis s. Sylvestri a. d. MVI" at Winchester.⁷ The second seems to be genuine.⁸ The two famous Westminster charters of the Confessor,⁹ although their dates may be fictitious, contain practically unimpeachable witness lists. They purport to be made at Westminster on the feast of the Holy Innocents 1061, that is, on the day when the abbey is supposed to have been consecrated.

1. JD, 809. See Appendix A. This charter professes to have been made "secundo K. Ianuaris Decembris" but mentions no year.
2. JD, 808. There is a genuine private charter, W, no. 217-248, which must be assigned to this year, although it is dated 1058 (see Appendix B).
3. JD, 810. See Appendix C.
4. JD, 811.
5. Ibid., 813.
6. Ibid., 815.
7. The date and place are impossible, for at that time Edward was dying at Westminster. The true date might easily be 1062.
8. JD, 817.
9. Ibid., 824, 825.

The information which the charters supply is not
 in itself sufficient to establish the date of the
 charter. It would seem that if it could exist, it
 state in the charter the place where it was made, and that
 the date was confined to the year. The original charter
 charter gives the day and month: in the copies, how-
 ever, in the instances¹ the place of origin. In the other
 names several similar or identical charters of the same
 and the specific date. Even if this evidence were available
 it would be little to the information we possess from other
 sources.² It is when we come to the question of the personnel
 of the witan that the charters prove invaluable.

1. DD, 776.

2. DD, 779 is supposed to be made at London on 1 January 1045;
DD, 816 (it contains no witness list) at Windsor on 20 July
 1065; DD, 815 at Winchester on 25 December 1065; DD, 824
 and 825 at Westminster on 28 December 1065. DD, 809 gives
 no place, but is dated on 30 November with no mention of the
 year. DD, 813 purports to be made at Windsor eleven days
 before Easter with no mention of the year, but it is a writ.
 The place of the witan may possibly be inferred from
 some of the private charters, e.g., Lincoln (DD, 216),
 Winchester (DD, 768, 1747), Worcester (DD, 923), and Bath
 (DD, 822).

CHAPTER EIGHT

The Personnel of the Witenagemot

The king is the head of the witan and, as Liebermann states,¹ often stands above them. This is abundantly proved, for the king of the Confessor, by the royal land charters. Edward's name invariably heads the list of witnesses, and he is usually represented as the initiating power, the other witnesses simply consenting, confirming, or attesting.² The private charters tell the same story. The king is the most important personage in a witenagemot.

Liebermann lists as next in importance or rank the members of the royal family.³ This is perfectly in accord

1. NA, # 31.

2. The usual terms are: "et huius doni constipulatores extiterunt eorum inferius enotata caraxari communtur veridica" (OD, 769).

"haec regalis concessio et donatio facta est sine astipulatione primatum eorum nomina caraxata orantur" (OD, 771, 774, 775, 776, 780, 781).

"hoc consilio et testimonio eorum nomina hic infra habentur" (OD, 772).

"hiis testibus consentientibus eorum etc." (OD, 778, 784, 812, 813, 817).

"ad notitiam principum eorum etc." (OD, 785).

"huius assertionis hi testes idonei comprobantur" (OD, 806).

"Confirmatum est hoc testamentum cui testes consilii subscribendo annotantur" (OD, 808).

"jubente piissimo rege anglorum" (OD, 791); "ad jubentes" (OD, 809).

"Hic sunt designata nomina testium qui fuerunt in praesentia eundo exhibui prefatae donationis cartulas" (OD, 810).

"ad confirmandum vero nostrae beneficiae munus hi testes affuerunt eorum infra sunt caraxata" (OD, 811).

"huius rei testes hic subnotantur" (OD, 819).

3. NA, # 32.

with old Germanic conceptions of kin-right, but in the Confessor's reign such witan are not conspicuous. To a certain extent this may be the result of the small number of near kinsmen which the Confessor possessed, but that is not the full explanation. Only his mother and his queen take precedence over all other witan.¹ The latter, especially, seems to have attended witan more as a matter of course. It need not follow, however, that she took an important part in the proceedings. Perhaps she & her presence were more to ceremonial matters than to smaller decisions.²

1. Iffyfu Unna signs seven royal charters and four private ones. Edgyfa signs nineteen of the forty-two royal charters and six of the fourteen private. Unna was deposed of her goods in 1042 (P. Hr., 2, p. 1043, 1042). It is possible that she was later restored to favour, as I have suggested above (pp. 38-39, #n.). Edward's reign contains more than one example of compulsion and later reconciliation, not only that of Swein. The fact that Stigand, who shared Unna's distrust, was soon restored to favour, supports the view that Unna was rehabilitated. However, the absence of her signature from charters after 1045, is a strong argument, though not conclusive, against a reconciliation.

2. Some support for this conjecture is supplied by the fact that Edgyfa's name is usually found on charters whose witan lists are somewhat lengthy:

She signs one charter attested by between 51 and 60 witnesses.									
" " " " " " " "	"	"	"	"	"	"	41	" 50	"
" " 6 charters	"	"	"	"	"	"	31	" 40	"
" " 3 "	"	"	"	"	"	"	21	" 30	"
" " 3 "	"	"	"	"	"	"	16	" 20	"
" " 2 "	"	"	"	"	"	"	11	" 15	"
" " 3 "	"	"	"	"	"	"	5	" 10	"

As to private charters, the queen signs one with over thirty witnesses, and five with between ten and twenty witnesses.

of other kinsmen of the king, none rank high on the witness lists. In fact only two sign with the title regis consanguineus, and only on one charter.¹ They are Robert and Osbern.² The former signs other charters, sometimes with the designation staller.³ Osbern's signature, however, does not seem to occur elsewhere on royal charters. What the relationship of these men to the king was, is not known. But the position of their names on the witness list is, certainly, not determined by their kinship with the king, for where their names occur they are found with those of their fellows near the end of the lists.⁴ Mark Ralph, the nephew of the king, signs several charters, but never with the designation of royal kinsman, and his signature occurs among those of his equals. The same is true of the earl Godwin.⁵ The signature of Edward's kinsman, bishop Botholf, seems never to occur, but since he was given Abingdon only in 1051 and no charters are extant from 1051 and 1052, its absence may not be surprising.⁶ Abbot Wulfric of Ely, who

1. CD, 813.

2. For the identity of these men see appendix B.

3. CD, 771, 815.

4. The fact that a thegn who was a kinsman of the king, as Osbern was, does not seem to have been in the habit of attending courts, would seem to support the view that thegnas did not normally do so. It would seem reasonable to assume that had Osbern attended courts his name would be found on witness lists because of his royal connection. His name is found on one privy to charter (CD, 773).

5. Godwin and Ralph are called regis cognati (GH, 1, 243).

6. Botholf may, however, have reached England in 1049 or in

was a kinsman of the king, signs a few times, but lives in his character of abbot. His brother, Edmund, never seems to attest a charter. ¹ Jeffric, abbot of Peterborough, who is said to have been related to the king, ² always signs, when he appears, as abbot.

As far, then, as the benefactor's relation is concerned a kinsman of the king played a very small part in the witness list - certainly small in comparison to that of his in-laws, the family of Edwin, but the Edward had no real family - no brothers, no sisters, no uncles to play the part such relatives usually do. He had only his father, with whom he was not on good terms. Earl Ralph and Robert Fitz Lyne are the only kinsmen of the king who do play a fairly prominent part. Edwin's family, after Edward's marriage to Editha, takes the place of blood relations and certainly plays a prominent enough part in the councils of the king.

Liebermann has emphasised the importance of churchmen as witan in the Anglo-Saxon period. ³ Shier, speaking of the reign of Edward, claims that they were "die wichtigste

1050. On him see Safn til sǫgu Islands, Reykjavik, 1907-1915, iv, 823-825, and the references there given.

1. On Jeffric see appendix B. His brother, Edmund, held lands in W., Nf., Cf., and was the king's thorn (see FDPH, s.n.) ~~the~~ the absence of his signature is significant.

2. H. Ellis, A general introduction to Domesday Book, London, 1833 (2 vols.), II, 162.

3. NA, 1833, 34.

und einflussreichste Klasse der königlichen Ratgeber." ¹

Don Knowles emphasises the importance of the monks as the counsellors of the king. ² How far do the charters of the reign of Edward bear out these statements?

Of the forty two royal charters I have used, all are signed by ecclesiastics. ³ The total number of signatures on these charters is 1171. Of these 532 are those of churchmen. They represent 43. % of all signatures excluding those of the royal family, i. e., the king, queen, and queen mother.

Out of a possible ninety four signatures ⁴ for the archbishops of Canterbury and York, seventy six, or 90.4 %, are to be found. In no charter is not written on every charter, and usually both, the signature of the archbishop of Canterbury is missing from only one charter, ⁵ and that of the archbishop of York from only seven. ⁶ It may be con-

1. Kirche und Staat, p. 54. He also says (loc. cit.): "...in England wird dies illustriert durch die Reihenfolge der Unterschriften an den Urkunden; vgl. z. B., die Urkunden über Westminster aus Eduards Zeit (insl XIX, 1052, 1057) erst die Bischöfe, dann die Äbte, dann der Kanzler, darauf die Dices."

2. The monastic order, n. 407.

3. This is also true of the fourteen private charters used.

4. This number makes no allowance for the vacancy of one of the sees through the death of the incumbent or his absence abroad. Thus the figure is actually too high.

5. LD, 797.

6. LD, 792, 793, 796, 800, 811, 815, 1332. The absence of the signature on 811 (1061) can be explained by the presence of the archbishop in Rome that year. As to the others, no reason for its absence is known.

cluded from this that the archbishops were rarely absent from witen gemots, but were intimate counsellors of Edward.¹ Their importance, too, may be gathered from the fact that their signatures invariably succeed those of the king, queen, and queen mother when these are present.²

Bishops rank next after the archbishops. They sign every charter except one,³ and account for 251 of the 1171 signatures. This represents 22.7 % of the signatures of non-royal witan. The average number of bishops signing is six. This must be considered high, when it is remembered that the number of bishops in all England was small.⁴ As few as one⁵ and as many as thirteen sign a charter.⁶ Some bishops seem, therefore, to have always been with the king.⁷

1. In the private charters the signatures of both archbishops are lacking on four documents out of fourteen, and in five instances only one signs. Strikingly enough it is the archbishop of Canterbury's signature which is lacking in four out of these five instances. This might be held to indicate that the archbishop of York was as often in attendance on the king as the archbishop of Canterbury.

2. Except on CD, 1332, where the queen mother signs after the archbishop of Canterbury.

3. 1D, 797, which however seems to be a truncated list, containing only signatures of the king, queen, two archbishops and three earls, "cum ceteris optimatibus meis cui assunt in curia mea multis."

4. According to Shmer (Kirche und Staat, p. 50) it was sixteen in 1050, thirteen in 1066. Prof. Stenton says that there were fifteen English bishoprics in April 1070 (Eng., p. 651).

5. 2D, 308, 319.

6. 1D, 784.

7. This is supported by the fact that on the fourteen private charters their signatures are never missing, and range in number from one to nine. The total for these charters is forty, or an average of almost three.

Along with the bishops should be placed the abbots. Liebermann holds that they did not regularly attend wets. ¹ This may well be true for the Anglo-Saxon period as a whole, but it is not borne out for the Confessor's reign by the evidence of the charters. ² Here we find on our forty-two charters 152 signatures of abbots, spread over thirty-two documents, or an average of some 3.6 per charter. This is a small number, but not surprisingly so when it is remembered that of the thirty-five monasteries in England in 1066 the majority were small. ³ Only the abbots of the greater monasteries would attend wets. It must also be noticed that "during the century [before the Conquest] the majority of the bishops were monks, and their presence and that of the abbots, in the witan...made the ecclesiastical element in the court." ⁴ Even standing alone the abbots represent 13.5% of the non-royal witan.

The archbishops, bishops and abbots - the great churchmen - sign 479 times and represent 43.5% of the non-royal signatures. It must also be remembered that the lower

1. NA, p. 34.

2. One reason for their absence at times in the Anglo-Saxon period would be the great setback monasticism suffered north and north-west.

3. Lightfoot had an income in 1066 of less than £100, and of these five had under £40. Only seven houses had an income of over £600. See the detailed analysis of the wealth of the monasteries in Knowles, The Monastic Order, pp. 106-102 and appendix VI.

4. Ibid. p. 46.

clergy, who attended the courts in small numbers, would be rather subservient to the bishops and abbots. There would, thus, be much less division in the ranks of the ecclesiastical wits than in those of the lay.¹

As for these lower clergy, a glance at the list of the number of signatures of the various classes of wits attesting Edward's charters reveals that they are of slight import. In all the signatures of these churchmen number only fifty nine, of which thirty three are those of priests, six of monks, three of deacons, and one that of a canon. The rest are those of individuals designated as chaplains or other members of the writing office of the Confessor.² Moreover priests, the most numerous of the lower clergy, attest only six charters.

1. Private charters confirm the above. Abbots attest nine of the fourteen charters for a total of thirty four signatures, or an average of 2.4 per charter. Their regular attendance on the king is thus confirmed. It may be noticed here that I think it unlikely that any clash would develop between the lower clergy, who were attached to the king's writing office, and the bishops, into whose ranks the chaplains were so often promoted.

2. I do not mean to suggest that none of the signatures bearing the designation priest did not belong to men who were attached to the writing office of the king. They were, as a glance at their names in Appendix B and Appendix J will show. The fifty nine signatures on the royal charters and the fourteen on the private belong, after all, to only some twenty three individuals. I may here add a few references to works dealing with the writing office of the Anglo-Saxon kings beside those already given above (p. 36 fn.): Larson, King's household, pp. 140-144; J. H. Round, "The officers of Edward the Confessor", ibid., xix, 92; ibid., Feudal England, London, 1895, pp. 421 ff.; J. .

The secular witnesses are headed by the earls. They rank below the bishops¹ and, more often than not, below the abbots also.² Their importance, however, is clearly attested by the number of their signatures. Like the archbishops and bishops they sign all forty-two charters for a total of 174 signatures, or 15 % of the non-royal attestations. The average number of earls attesting is a little better than four per charter. This must be considered high as the number of earls was small.³ The greatest number witnessing any one charter is six,⁴ the smallest one.⁵ It is evident from these figures that the majority of them have almost invariably been present at any given moment.

Green, The conquest of England, London, 1843, pp. 545-546; Douglas, Feudal documents, p. xxxii; Barr, "Anglo-Saxon Charters", JML, xvii, 339-367; Hall, Studies, pp. 205-207. I have no doubt that the writing office or chancery was well developed under Edward the Confessor. The writs alone show this. But whether the office of chancellor existed, it is almost impossible to decide. I incline, however, to the view that it did exist under Edward and that Hærenbald, if not others, held that title. Certainly there can be little doubt that he occupied the same position under Edward as those who later bore the title, did under the Normans.

1. In ED, 772, however, the earls' signatures follow directly on those of the archbishops, but this is a spurious document. Occasionally a priest, chaplain, or other cleric, precedes the earls, e. g., ED, 809, 815, 824, 825.
2. The abbots take precedence in eighteen cases (ED, 767, 769, 778, 779, 787, 792, 793, 796, 800, 809-811, 813, 824, 825, 816; MLO, p. 302; EASH, 11, Exeter xii); the earls in fourteen (ED, 771, 772, 774-776, 780, 781, 785, 791, 797, 801, 817, 812, 1372).
3. The number at any one time in the Confessor's realm will probably never be known (cf. ED, 11, 571-585). The total number of earls who attest both royal and private charters during the reign is only sixteen.
4. ED, 771, 781, 785, 810, 916.
5. Ibid., 819.

Edwin, for example, seems scarcely ever to have left the side of the king, and usually his sons are present also. Leofric and Siward were diligent in attendance.¹

It will be evident from the above that the charters must be deemed to contain full lists of the archbishops, bishops, abbots and earls attending wemots. It remains to consider the thegns.

It would not be unreasonable, in view of the full enumeration of the above classes, to assume that the witness lists of the charters would contain the names of all thegns present at witenagemots. This, however, as we have seen, is by no means certain. The participation of thegns in the business of a wemot cannot be presumed to have been as complete as that of the more influential ecclesiastics and of the earls. On the other hand, it must not be assumed that thegns were as willing as these other classes to undergo all the expenses and difficulties entailed in attending a witenagemot. We have seen that no attendance of thegns in great numbers is a priori reasonable. What have the witness lists of the charters to tell us on this subject?

1. Edwin signs twenty eight out of the forty two charters, although he died as early as 1053. Harold signs thirty; Sweign, although exiled in 1047, sixteen; and Godstig nineteen. Siward signs twenty four times, Leofric thirty two, Alfgar at least twelve, Eilph six and Bern five. The private charters confirm the constant attendance of the earls. Only one of the fourteen lacks the signature of an earl, their signatures occur on these private documents thirty seven times, or an average of 2.6 per charter.

In all, the thegns sign the charters 359 times.¹ This figure represents 32.4 % of all non-royal attestations, a percentage considerably higher than that of any other single class of witan.² The average number signing a charter is 8.5, while the overall average of non-royal signatures is 26.2. Thegns are thus fairly well represented on the witness lists. They sign all except six of the forty two charters, the greatest number signing a single charter is thirty five,³ the smallest is two.⁴

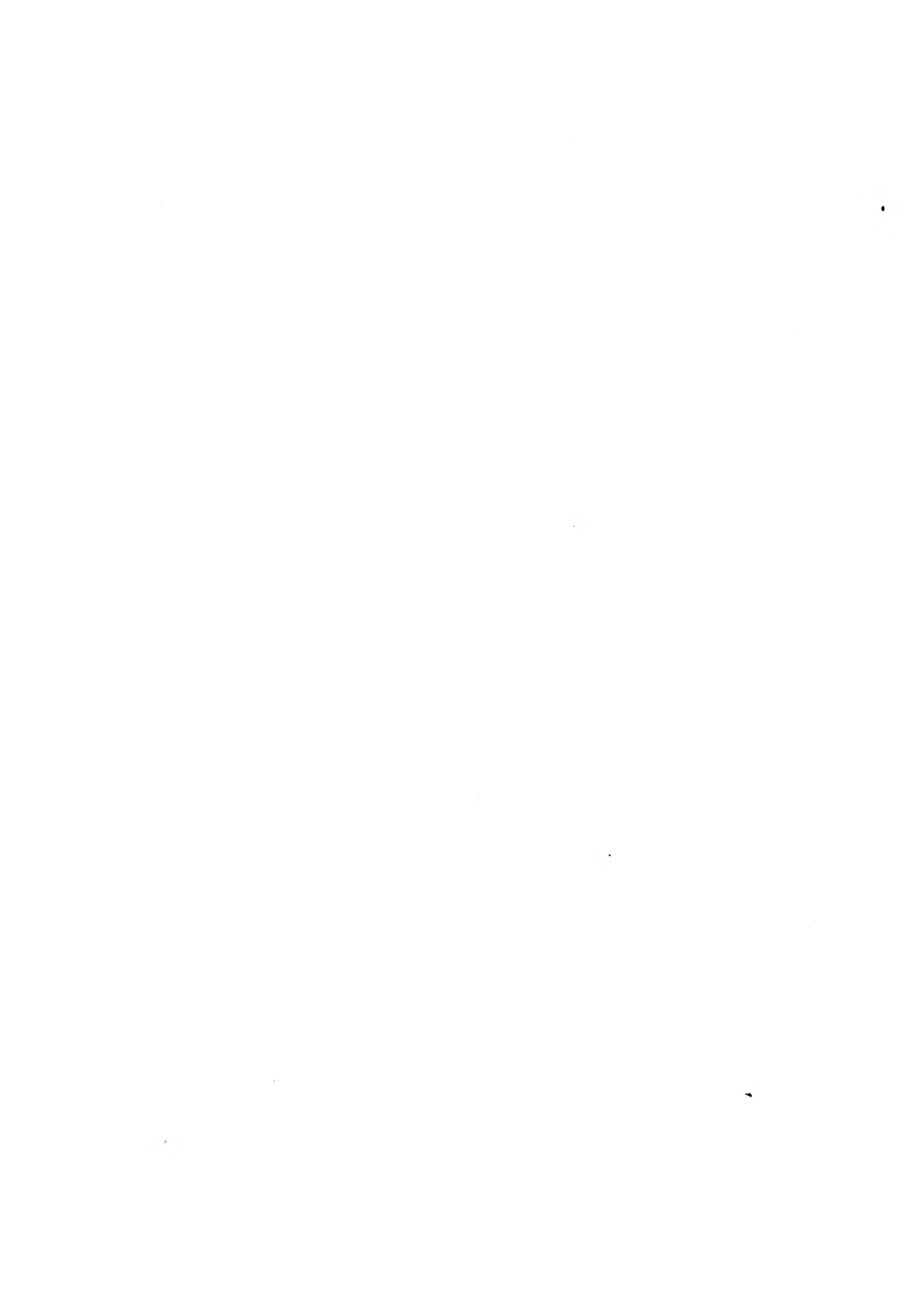
From the above it may be concluded that thegns are an integral part of the witenagemot and almost invariably present at meetings of the witan. They attend in small numbers as is to be expected, when one considers that thegns were, possibly not a very large body, that their influence in a meeting was likely to be small, and that the expense of attending would be considerable. The figures do not prove that it was customary to enter on the witness list the names

1. Under the designation thegn I have included all who sign as ministri, principes, nobiles, milites and such untitled names as may from their position on a list, or for other reasons, be presumed to be those of thegns. The figure, 359, does not include the thirty two signatures of individuals who are designated as members of the king's household or provincial administrators, although in most cases their owners appear on other lists with the more usual designations given above.

2. On the private charters their signatures are also more numerous than those of any other class. They sign eleven of the fourteen charters for a total of sixty two signatures (plus eight household officers), a percentage of 29.1 of all non-royal witan. The average per charter is 4.4, while the overall average of non-royal signatures is fifteen.

3. PSM, 11, Exeter xii.

4. CD, 7-3, 1335.



of all the thegns who attended a , not, but they point to that conclusion, which is strengthened when we examine the identity of the thegns whose names occur on the Confessor's charters.

It is a difficult task to identify many of these men. Almost the sole source of information for purposes of identification is Domesday Book, and it is not to be expected that it will contain the name of every individual thegn throughout the twenty two years of the Confessor's reign. In Appendix B I have set forth the results of my attempt to identify all the witnesses on the royal and private charters I have used from the reign.¹ The thegns are the only class of witan that presents great difficulty in this matter. In some cases I have been unable to find any information; in others conjecture has to be resorted to; but in many identifications is certain. The most valuable result of the inquiry is the light it throws on the relation of the king and the witan of the thegn class.

1. For this task I have used principally the following works: A. Farley and H. Ellis, Domesday Book, seu Liber Domsualis Willelmi Primi Regis Angliæ, London, 1783-1816 (4 vols.); The Victoria history of the counties of England; O. von Feilitzen, The pre-Conquest personal names of Domesday Book, Upsala, 1937; Robertson, Anglo-Saxon charters; Whitelock, Anglo-Saxon wills; C. W. Foster and Thos. Lonsley, The Lincolnshire Domesday and the Lindsey survey, Toronto, 1924 (Lincoln Record Society, xix); Douglas, Feudal documents; Manier and Stevenson, The Crawford collection; Morris, Sheriff; Larson, King's household; Ellis, Introduction to Domesday; W. A. Searle, Monasticon Anglo-Saxonicum, Cambridge, 1897; ibid., Anglo-Saxon bishops, kings and nobles, Cambridge, 1899.

The examination seems to reveal the following information:

The number of thegns who normally attend witenagemots, or - if this is saying too much - attest charters, is comparatively small, and the number of individual thegns who seem to have been in constant attendance on the king is much smaller. In very many cases a particular thegn attests only a single charter.¹ The occurrence of the signature of an individual more than ten or fifteen times is a rarity.² Even five to nine attestations by an individual are not numerous.³ It

1. This is true in the case of some forty nine witnesses. The total number of thegns on the witness lists of both private and royal charters is some 120. It is impossible to arrive at a definite figure, for it is not always possible to establish whether a cert in name is that of one and the same individual wherever it occurs. My list of thegns may be too small by about ten names.
2. Seven individuals only occasionally attest from ten to twenty charters.
3. There seem to be fifteen such instances. It is to be remembered, of course, that the occurrence of a signature on only a few charters does not necessarily mean that its owner was not a regular attendant at witenagemots. He may only have lived through a few years of the reign, or no charters may be extant from the period in which he was most active. However the case of aged Blpa is interesting, in this connection. In the four years of the reign before he was outlawed (1046), he signs no less than fifteen charters. This might be taken to show that if a man invariably attended wits his signature would be found on most charters made during his active service, and that the more infrequently an individual's signature occurs the more irregular his attendance was. In other words, the inclusion of the signature of a thegn on the witness list is the rule, not the exception. Notice must, however, be taken of the fact that we possess charters, which may be ascribed to a definite year, from only fourteen years of the Confessor's reign. These are thirty seven in number, and of them twenty six are from the period 1042-1050. Of the five charters which cannot be ascribed to a specific year, three may, however, be dated before 1050. We have thus a good sample from the first third of the reign, but a poor one from the remainder.

would seem also that one might infer from the great number of instances where an individual attests only from one to four charters,¹ that ordinary thegns, and even outstanding ones who did not hold the more important offices in the household of the king,² were not in the habit of attending courts, except possibly when the meeting was held in their neighbourhood.

This conclusion is further strengthened when we examine the position of the thegns who sign most frequently. Who are they? An Alstan signs possibly seventeen charters. He seems to have been a sheriff and staller of King Edward. The name, Beorntric, which occurs twenty one times, likely belonged to two or three men, none of whom can be definitely identified as a royal official, but all of whom were important landowners and probably in the service of the king. The same is true of Carl whose name occurs in ten charters. Ascar staller (also called revice procurator aulae and revis darcifer) signs thirteen charters and was an important royal official. How many others sign the fifteen documents in

1. This is true of at least one hundred of the witnesses.
 2. For examples of such thegns see Appendix I, passim. It might also be drawn to a few others. Ungro, a great Northumbrian thegn, signs only one charter (DD, 962). See also DD, no, 1, 240b, 241a; Nth, 1, 237. Merleswejen, who was a sheriff and held eleven manors in Y, eight in L, one in M, one in W, and ten in D, signs only two or three times (on his see DD, Y, 11, 172-173). Cf. also Uthelnoth, Uthelwig, Admar aire (at ile, atule), Adnoth staller, Admaric of laxfield, Anton, "Anglis familia", DD, xvii, 1-12, and Kn II, Feudal documents, Introduction, but none of whom signed any charters whose names never appear on the charters of Edward's reign.

which that name appears, is uncertain, but they were influential men and in some instances royal officials. Blaha, who signs fifteen times, was a staller and very important. The same is true of Ralph, who signs eleven times. He was King Edward's staller, and is often referred to as re is d pifer and re is malicus.¹ Thus the names which occur most frequently are those of royal officials or members of the household of the king or.

It would be tedious to list the fifteen charters who sign from five to nine charters. A glance at their names in appendix F will reveal that the above remarks are abundantly supported in their case.² The witness lists also contain the names of many men whose names, from the lists themselves or other sources, to have been sheriffs. They are likely far more numerous than the lists reveal, as in various instances individuals who are known to have been sheriffs are referred to, not as such,³ but as ministri, scabiles, etc.,

1. To these names should be added that of earl Godwin who signs as minister on seventeen charters.

2. It is certain, or there is a very strong presumption, that eight of the fifteen were either sheriffs and/or members of the royal household.

3. The designation vicecomes occurs once on the royal charters (CD, 806), and that of praepositus six times (once on CD, 792 and 797, twice on each of CD, 793 and 801), four times an individual is designated praefectus (all on CD, 767).

and it is often only by chance that we know that they were
sheriffs.¹ Thus even a royal officer is not to be numbered
beneath the title of minister, nobilis, miles, etc.²

Although, of course, it is comparatively certain that the
nobilitas certainly is possible in this connection, the
attendance of the king, yet some tentative conclusions would
seem to be justified by the evidence cited above. It would
seem difficult to avoid the conclusion that the lay members
of the witenagemot consisted, apart from the earls,
of royal provincial administrators and royal household
officials, plus possibly a small sprinkling of the nobility
from the north, south of the meeting place, and not directly
dependent on the king. It is also possible, although
I should still think, that some of the nobles, whom we
were unable to identify, may have formed part of the earls'
comitatus.

1. The only list of reeves, no. 101 in I. The first nine
names in this list, it is fairly certain that fifteen or more royal
reeves (possibly sheriffs), and a smaller number of the
remainder were secular. As to the vicescomes of the decanates,
take the case of Robert Fitzmare, whose name is here called
stiller and never sheriff. Fitzmare, on the other hand, is
called praesentis four times and minister once. Fitz-
marc is titled vicecomes once and minister six times
with no title. The case of the felle is similar. He is called de
scire (ref. 139, 73, a private carrier) and de refe.
Further examples will be found in Appendix 1.

2. Fitzmarc's name is also raised at this point (see I. 33).
Appendix B would also seem to show that the division
in Fitzmarc's name under Fitzmarc is true for other vices-
comes as well: "near Fitzmarc at all the provincial administrators
appointed by the crown were regular secular carriers..." (I.
33).

This conclusion, that the king will consist, is in
 main and with the exception of the king, of the king's
 officials in the court and at the court, is not in
 variance with what we might expect to find in any other
 England. It is not to be expected that the king of
 England would have a large court, except for a few
 as an escort for the king. On the other hand the king
 would have as many about him as few leading knights, who
 would fill the various household offices. There would not
 be very numerous, and they might not even dwell constantly
 with the king. Their presence at court would, however,
 be very frequent, and as the king expressed throughout the
 country their numbers would be increased by the royal
 provincial administrators, the royal officers of the shires
 and towns he visited. But these men - and they are by
 no means more than a fraction of the important lay lords
 of the country - for, with the earls and abbots included
 them, the lay witan, seems not an unwarranted institution in
 the light of the evidence of the witness lists. It is
 following on the other hand it will be made to further follow
 this view. ¹

1. See also what seems to have been the case with the king's
 court (Studies, p. 311-315). Liebermann also supports the
 contention that the thegn whose name appears on the witness
 lists were royal thegns (M., p. 37).

ENGLISH CHARTERS

General Conclusions on the Charters and the
Nature of the Signatories

It has been seen, in the previous chapter, that the most important signatories of the king were the bishops and earls. Of these, the former are possibly the more important. Their diligent attendance at court is attested by their numerous signatures on the charters. The king seems to be constantly surrounded by, not all the bishops, but a good number of them. Only the odd bishop seems to have come very seldom into the eyes of the king. The bishop of Durham's signature is found on only two charters, both of which are doubtful. The bishop of St. Martin's, of Lichfield, attended on occasion, it seems, but it is difficult to be certain of this as little is known of the see.¹ The bishops of Wells sign infrequently, but this does not necessarily mean much. It is true that Hecot (1047-1057) signs only three times, and his successor, Helric (1057-1070) only once, but their predecessors, Ervyniel (1039-1047) and Eardulf (1047-1057) were

1. Cf. ASS, p. 451. It is impossible to tell whether the individual who signs as bishop on many witness lists, is the bishop of St. Martin's or of Lichfield. The latter, I think, is more probable, for it is unlikely that the former would have signed at St. Martin's before 1047 or 1049, and the charters in which the name appears are prior to that date except in one instance (see appendix).

times, and must be regarded as an intimate counsellor of the king. In estimating the importance of various bishops, it must always be remembered that we possess very few charters from the period before 1050 and only a few after that date. No doubt the king, and not the bishops, determined the individuals in whose favour a writ was issued; yet, as a general rule, the best seats would go to individuals the king trusted and favoured. And it would be said, judging by the evidence of the charters and chronicles, that the archbishops and bishops of the land, with the possible exception of the bishops of Exeter, were conspicuous in their attendance on Edward the Confessor and were his most trusted advisers.¹

It may be observed that the counsellors of the king became intimate counsellors after being elevated to episcopal rank. It is true that the signature of Bishop Wulfstan is found on only five royal charters and one private charter between 1061 and 1066, and that Wulfwig of Worcester signs only nine times between 1053 and 1066, but very few charters exist from these years so that percentage remains high.

Herbert of Breton appears frequently, as does hereafter of

1. It is difficult to believe that Wulfstan was ever absent from court for long periods. The Anglo-Saxon Chronicle (of 1051) calls him "þes ciniges rodþifa 7 his handþingst." It is very probable that the archbishop Wulfstan spent much time in his diocese. Wulfwine, bishop of Exeter, except when absent on diplomatic or ecclesiastical business, must have been near the king at most times (cf. Knowlton, The Monastic Order, p. 407).

Hansbury. Ulf of Hereford signed five times in the charters he held that see. This is, of course, what one might expect.

One would, however, also expect that Edward's companions, those "who come from the beloved land and speak the beloved tongue," and who he delighted "to enrich with English estates, and to invest with the highest offices of the English kingdom,"¹ should be found signing the charters in great numbers. But this expectation is not fully borne out by the evidence of the witness lists. Of the twelve metropolitan bishops, Robert, bishop of London and later Archbishop of Canterbury, signs infrequently, but Hilary, bishop of London, very often.² About the only one of Edward's French lay favourites who attests numerous charters is the earl Ralph.

The signatures of the abbots reveal that their representation in the witness lists was not as complete as that of the bishops.³ At the same time it is clear that many abbots were frequently in attendance on the king, although not to the same extent as the bishops.⁴ A glance at the seals of

1. ibid., II, 29.

2. The former signs only six times during the years 1044-1052. The latter signs nine times in the period 1051-1066, but three times as priest in the early years of the reign. He seems, therefore, to have lost none of his influence after the crisis of 1051.

3. About half the houses are represented.

4. Ifwine of Ramsey's signature is the only one that occurs with more than ten times.

will show that the great houses and the sees from which the abbatial witan were drawn for the most part. It may safely be concluded that in the Confessor's reign the great houses came regularly, though not in their full numbers, to the meetings of the witan. Their absence is too exceptional, not the rule.

A glance at Appendix J reveals that priests did not, as priests, normally attend witenagemots. The names of priests occur on only a few charters and, except for a small number who attest charters that affect their church, they seem to have been royal chaplains. Thus, of the twenty three listed in Appendix J, at least thirteen may be almost certainly identified as chaplains of King Edward. Many of them later became bishops. Another five are almost certainly monks of Worcester, whose sign on charters affecting their house. It may, therefore, safely be concluded that priests, as such, were not witan. Even the royal chaplains, as such, were very infrequently. Monks, as such, seem never to have been in attendance at the king, and the same applies to archbishops.

From the evidence of the sources, it can be said that a large witenagemot in the reign of the Confessor would have the following composition. The king and queen would be present. The two archbishops would be there, a good many bishops - possibly two thirds of those in the country, very

rarely all - a number of the abbots of the royal monasteries and occasionally one or two heads of the lesser houses, and sometimes, though not often, the royal chaplains together with a priest, dean, or canon, a monk of the neighbourhood of the meeting place. Leading the lay witan would be the majority, and sometimes all, of the barons. From ten to twenty-five thems would be in attendance. They would be household officers or provincial administrators ^{such as} ~~locally~~ sheriffs, for the most part, although a few might be independent thems from the neighbourhood. An extraordinary court would consist of the same classes, but in reduced numbers. Ordinary thems would almost certainly be only such as were royal officers of one kind or another.

It may be questioned whether a royal witan court, on a scale comparable to the latter or what might be the conciliar, were held in the reign of Edward the Confessor. It is extremely doubtful that they were held at all with any regularity. Conciliar courts such as 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

attested by individuals who happened to be in attendance on the king as he progressed throughout the country. The former is witnessed by the king and queen, a bishop, three counts and five thegns, ¹ and the latter by the king and queen, an archbishop, two bishops, four abbots, two counts and three stallers.

In the whole it seems that the evidence of the charters enables us to conclude that normally when events were recorded at which business was transacted by the king and such churchmen, nobles and royal officials as happened to be with him at a certain time and place. On extraordinary occasions, such as the crisis of 1091, the king summoned the magnates from all parts of the kingdom. But this it must be emphasised was extraordinary. Normally the king transacted business with such witan as happened to be with him, reinforced by a few royal thegns from the neighbourhood. ²

1. All five thegns seem to have been from the neighbourhood but it is not certain that all were royal officials. Azur was, Wagon was earl Leoric's son, but Wine, Leoric the god cannot be identified so as to enable us to say whose, if anyone's, men they were.

2. For example, DD, 808, a confirmation of Eiskerton, 1, to Peterborough, is witnessed by the sheriff of I and four landholders, three of whom certainly and one, Radulf, very likely held in the shire. Another confirmation to Peterborough, DD, 819, is witnessed again by Radulf and seven others, five of whom may with certainty be identified as holding in I, one as likely holding there, and one as probably from St. DD, 774, a grant of land to the Aldwines of Exeter, is witnessed by ten thegns, no less than eight of whom may with some certainty be identified as landholders in the south and south-west of Devonland. Cf. in this connection the identification of the thegns attesting Dunelm's grant to Christchurch (DD, 737). Seven or eight of the nine seem to have been from the neighbourhood (BB, p. 400-411).

This is the table the witness lists tell. There is, in fact, little evidence in the lists for the view that the witness constituted a body that was summoned by the king on certain occasions or on the high festivals of the church year. On the contrary, the charters support the view that the summonings of Edward the Confessor were occasions of the king and the magnates who happened to be with him, held at various times and various places throughout the country. It is quite in accord with this view that the retinue of the king should be larger at certain places and on certain occasions. The number in attendance on the king at Christmas and Easter would no doubt be greater than at other times of the year, but the witness lists give us no warrant for assuming that the spiritual and temporal magnates of the realm were ever explicitly summoned to attend a witnessment, except on very special occasions such as war or a political crisis.¹ The myth of summoned witnessment, meeting back or

1. Note the number of witnesses by certain classes of witness on the witness lists. Of the forty two royal charters I have used, bishops attended as follows: one charter contains the name of no bishop, two bishops sign each of three charters, three bishops each of six, four bishops each of six, five bishops each of three, six bishops one charter, seven bishops each of three charters, eight bishops each of five, nine bishops each of seven (but of these four charters belong to only two counts - 11, 718 and 720 to one count, 11, 742 and 793 to one count), ten bishops sign each of two charters, seven bishops one charter, twelve bishops one, and thirteen bishops one. It was, therefore, rare for even a majority of the bishops to be present at witnessments, although we would expect them to be so, had they been summoned by the charters

twice or thrice a year, will not stand up to the evidence of the witness lists. The royal charters of the thirteenth century, the thirteenth century with the exception of the judge from the witness lists of the thirteenth century sources, was as entirely the court council, i. e., a meeting of the king and the spiritual and temporal lords who happened to be with him, reinforced or reinforced by a hundred or two from the locality where the meeting took place. Had it been customary for an Anglo-Norman king to sit on his witan to his side once or twice a year, we might expect to find that the number of witnesses on the royal charters would not vary greatly, but this is certainly not the case.

made in what are called full witness lists. The figures concerning the earls are no less revealing. Of the forty-two royal charters, one earl attests one, two earls attest each of four, three earls each of six, four earls each of thirteen, five earls each of thirteen (but two of these, 10, 7-2 and 7-3, are from the same chart), and six earls each of five charters. The conclusion is straightforward when it is observed that many of the earls' signatures belong to the family of Leuvin.

2. The forty-two royal charters toward reveal the following:

	6-10	witnesses attest each of 4 charters
11-15	"	" " " 3 "
16-20	"	" " " 4 "
21-25	"	" " " 7 "
26-30	"	" " " 5 "
31-35	"	" " " 10 "
36-40	"	" " " 3 "
41-45	"	" " " 3 "
46-50	"	" " " 1 charter
51-55	"	" " " 1 "
56-60	"	" " " 1 "

The private charters show the same variation:

It would seem that until rapid trials... as are
 found, there is little reason to think that... extraordinary
 occasions, the... the...
 his... this is what one might expect...
 such as...
 fore one may...
 nly when the king chose an...
 it must be shown...
 royal officials...
 the king's side...
 feasting...
 adequate...
 when, as later...
 tendancy...²...

6-10	Witnesses attest 1 charter
11-15	" " each of 5 charters
16-20	" " " 5 "
21-25	" " " 2 "
26-30	" " " no "
31-35	" " " 1 charter.

1. The fact that the conqueror wore his crown... year 1... (1087) does not necessarily involve... sent a special...
 the... the language of the...
 thr...
 summoned...
 reare for...
 III...
 (1055, italics... 1047, 1048, 1049; 111, 1144).
 Siebermann speaks of the journey...
 geant is... (Ka, 42). Cf. also... "...

summons would not be necessary except in emergencies, for these men were in such close touch with the king, and so frequently in attendance at court that it would be superfluous to summon them. The very fact that the names of some of the outstanding thegns of the Confessor's reign never appear on the charters of the period shows that, with the exception of the thegns who held positions in the household of the king or were provincial administrators, thegns were not in the habit of attending on the king. The only occasions on which it may be assumed that thegns met with the king in large numbers are times of crises, such as 1051, when an armed force was necessary.

The great majority of those who have dealt with the witenagemot have viewed it in the light of the development of parliament. It is difficult to avoid regarding it as a body possessing certain vaguely defined functions, a body whose composition, even if loose, was to some extent determined and fixed. Liebermann and others refer to it as an assembly, a national assembly. The very word assembly, however, is misleading, for it conveys to our minds something much more definite than was the case. In a very real sense there is no such thing as a witenagemot, there are

de Parlamento", Smith's Selected Essays, p. 69; Lockisck, Parliamentary representation, pp. 28-29.

only witan. There is no council, there is only counsel. There is not a shred of evidence to show that the witan ever regarded themselves as a corporate assembly, having an independent, if derivative, existence apart from the king. The witan is one whom the king consults, the witenagemot the occasion on which the consultation takes place, or the act of consultation or deliberation.¹ Nor is this strange. Certain things, for example the attestation of land charters, or the decision of dooms, are done by the king with the counsel of the witan. No man, if one wishes, call the occasion a council. But to an Anglo-Saxon the distinction between council and counsel would have been meaningless. In fact, he would only receive counsel. In his view the king would receive counsel; only in that sense does he hold a witenagemot. That this witenagemot was a body possessing certain powers or functions, or having even a vaguely defined constitution, is incredible. It is true that certain men customarily attended the king and were in a sense the natural counsellors of the king, but they offer counsel as individuals and not as members

1. As Liebermann p. 115 out (NA, # 15) the word witenagemot never occurs in the laws or charters of any Anglo-Saxon state. Only in the Anglo-Saxon Chronicle in the eleventh century and later does it occur, and here it is used in a very loose sense. In fact, it means nothing more than the act of deliberation or consultation between king and witan, or even between a number of witan or thanes. Liebermann points out (loc. cit.) that the court in 1124 is called a gewitenemot (ibid., p. 1124), and in 1125 the Chronicle calls it a gewitenemot (ibid., p. 1125). See also ibid., p. 1125.

of a definite body or council composed of certain members and having a more or less fixed membership. It is true that they are considered the representatives of the people, but an individual is a representative of the people as a hundred individuals.¹ In a society in which law is sovereign this must needs be so.

of
statute

The language of the Anglo-Saxon Chronicle bears this out. Sub anno 1047 (s) we read: "On bisum teure was mycel gemot on Iudene", i. e., a large gathering in which certain things were done by the king and witan, not a meeting or assembly which did certain things. This is made clear by the words: "7 man sette ut...." Similarly Florence of Worcester (s. a. 1044) states that Anselm was elected abbot of Evesham "in general li concilio," not "a generali concilio."² It is worth emphasizing this in view of the tendency to think of the witenagemot as a body which has definite functions and definite powers as well as a more or less clearly defined membership. Such a body it was not. Neither is it true, to think of the witan gemot simply as the occasion on which the king consults those around him or those whom he summons ad hoc because he desires their advice or deems it expedient to consult them. An Anglo-

1. Cf. Kern, Kingship and Law, pp. 135, 137; A. B. Hunt, Charters in the Administrative History of Mediaeval England, Manchester, 1929, 111, 149.

2. Examples might be multiplied, e.g., ibid., p. 140: "haðe Eadweard eing witenagemot on Iudene...7 sette radberd...."

Handwritten notes or scribbles at the top of the page, possibly including a date or a name.

Handwritten text, possibly a signature or a name, located in the middle of the page.

A king ruled under the law, and he ruled with consent, but it is important to remember that this consent might be implicit or explicit. Evidence dictated that a king obtain explicit consent for all important acts and wise kings took care to do this, but in an age in which numbers were of no consequence, explicit consent was obtained by consulting a few magnates who had need to be with the king, unless the matter were of such importance that expressly dictated the summoning of all the barones et maiores.¹

English historians have tended to place far too great emphasis on a largely imaginary hostility between monarch and crown in the middle ages, to the neglect of what was much more customary cooperation of king and magnate.² This

1. Cf. Fern, kinship and law, p. 74: "Certainly only a few rules exist in the early middle ages as to the method by which this consensus fielium was to be obtained. Generally speaking, representation of the people by the barones et maiores developed in the larger communities, but no particular individual possessed in all circumstances an effective right to membership in the consensual body. Consequently the assent of any single subject, or of any definite class, or even of a specific majority, was never requisite for the proper promulgation of a law, a legal judgment, or a political decision. The ruler was not tied to the formal consent of any assembly. He could assure himself in other ways that his proceedings were consonant with the law of the people, even without consulting any counsellors at all, provided that no doubt arose as to the lawfulness of his act." Cf. ibid., pp. 188-189.

2. Bishop Stubbs is an outstanding example, but this thesis is also implicit in the work of Tout, chapters. Prof. Wilkinson is one of the few who emphasize cooperation. Cf. also Prof. Stenton's remarks quoted above (p. 4, fn. 2).

not the place to treat of this, but I mention it here because it has likewise vitiated writing about the Anglo-Saxon period of English history. The great earldoms of the reign of Edward the Confessor are generally regarded as elements of weakness in the Anglo-Saxon state, forces of decentralisation, hostile to the crown. In the hands of powerful and scrupulous men, such as the family of Godwin, they undoubtedly were dangerous. But they were dangerous in such circumstances, not because they would weaken the authority of the crown, but because their holders, by gaining control of the king, might make of him a puppet and of the crown an instrument of tyranny. Control of the crown meant riches and wealth for him who gained this. It meant the control of land, offices and appointments. The reign of the Confessor was a troubled one because the family of Godwin had an insatiable appetite for these things. The struggle was not one between a despotic or despotically minded king on the one hand and a nation intent on preserving its liberties on the other. The conflict was rather one in which a powerful family was bent on overthrowing the equilibrium of forces in the country, was bent on triumphing over both king and fellow magnates. This attempt culminated in the crisis of 1051, which represented a victory for the forces of tradition, order and stability.

The very elements in the Anglo-Saxon state, which are usually designated as elements of weakness, ensured a certain close co-operation between king and magnate. The existence of several earldoms, divided among several independent magnates, was actually a source of strength to a monarch who wished to rule legally, for it was possible to play one against the other. On the other hand any attempt of a king to flout the law or proceed to extremes could be checked by a coalition of magnates. In 1051 the earls combined with the king to defeat the overweening ambitions of one of their number. In 1052 the defection of the earls from the king may be explained by their unwillingness to go to the length of civil war against one who had learned his lesson, and by their exasperation with a king who, they felt, was advancing foreigners at the expense of natives and who stubbornly followed the advice of others than his natural counsellors.¹ But it would be a mistake to see in these troubles national opposition to the monarchy, or to think that the witenagemot played any great part in these matters. It is not the witenagemot that overrides the king. It is the individual witan, acting and deliberating under the threat of civil war. There was no constitutional conflict over the rights of the king and the rights of a

1. It is clear from the Anglo-Saxon Chronicle (1052) that Edward was overruled in 1052, and that in 1066 the Witan (c. 423) that he unwillingly abdicated the throne in 1066.

nation assembly in the reign. There was a conflict over the right of the Northumbrians to be rid of an earl who, through the abuse of his position, had by that very abuse ceased to be an earl. Edward, though unwilling to admit that Aethelstan was at fault, was persuaded, by the old stories the annals about him, that this was the case. No formal act of deposition was necessary, nor need a witness list, as a national assembly, or a deposition. ¹ The Northumbrian revolt is the nearest thing to national resistance to a monarch who is violating the rights of his subjects, during the reign of the Confessor. There may have been cases of individual maladministration on the part of royal officials, such as sheriffs, but it is clearly, in the reign of Edward the Confessor, he blamed for his abuse of his rights, not rather to a failure on the part of the earl to curb provincial administrators. ² The very fact that the Confessor's reputation is what it is, proves that there was no conflict between the nation as such and the crown. There

1. Cf. Kern, Kingship and Law, p. 125: "By a breach of the law, the monarch loses facts forfeited his right to rule, and is dethroned himself."

2. Morris rightly points out (Sheriff, p. 38) that the North-Saxon sheriff "does not stand purely for central or royal power as against the local influence of the earl. Though directly representing the king in various matters, he was the judicial, it may even be the military, agent of the earl."

was conflict between earl and earl, between earl and churchman and on occasion between magnate and crown.

Even if the powers of the crown may have, to some extent, suffered and remained weak because of the existence of powerful earls, yet the liberty of the individual subject and his rights may well have been safeguarded by the very existence of these, so-called, agents of decentralisation. The triumph of the house of Godwin was a step toward despotic government, for the family could hope to maintain itself only by the destruction of all potential rivals. It was not hedged about by a throne-worthiness such as the descendants of Berdic possessed. With the disorganisation of the earls after the conquest the shackles of a limited despotism enmeshed England, but only with the increasing scope of royal government and the growing need of the crown for revenue could a constitutional conflict emerge, which led to the birth, after much trial and error, of a body which slowly acquires self-consciousness and finally becomes parliament. Conditions in the reign of the Confessor forbade the development of any such body. There may be difference of opinion on certain concrete issues between king and witan, between wita and wita, but there can be no constitutional conflict involving the question of the rights of the king as opposed to the rights of a body of men who, together with the king, are summoned to form the witenagemot. The witan are magnates, spiritual and lay, when it is

customary for the king to consult, and a witenagemot is
a y assembly on which he consults many or few of them. ¹

1. See an endix **T** for a discussion of the important condi-
tioned institutions and the light they throw on the Anglo-
Saxon witenagemot.

OF THE

The Geographical and Racial Distribution
of the Thengs

1. Stenton has drawn attention to the lack of northern magnates in the councils of the eleventh century,¹ and there is little that can be added to his statement. Not only the lack of thegns holding north of the northern boundaries of Lincoln, Derby, Shropshire and Nottingham is abundantly proved by the witness lists of the Conqueror's charters, but after this has been said, it must be admitted that all other parts of England seem to have been fairly well represented. The royal charters I have used deal with grants of land in the majority of the shires of England,² and the thegns who witness them come from several additional counties.³ However, in view of what has been said above about the composition of a witenagemot and the weight of the official element in it, as far as thegns are concerned, the territorial grouping of

1. Anglo-Saxon England, p. 543: "But so far as can be seen these later councils included few of the magnates of northern England, and it is the range of their interests rather than their composition which entitles them to be regarded as national assemblies." Cf. also Stenton, Transcripts, p. xx: "With Lincolnshire, as with the north and east of England generally, the kings of the age before the Conquest had little to do."

2. Grants in the following shires may be identified with a high degree of certainty: Bd, Br, Dh, Do, D, Db, E, G, H, I, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z.

3. It is almost certain that they held in Bd, Br, Dh, Do, D, Db, E, G, H, I, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, and also in the following shires: ...

the same as if small in part now. Nevertheless, in the
 execution of the north, the us from all parts of the
 attend the king, although the various districts probably
 found their real representation, not in the the us, but
 in the great earls as far as the lay element in a court is
 concerned. It has been shown above that the earls were in-
 defatigable in their attendance on the king, and that the
 northern earls were present at court almost as often as the
 southern earls, although, of course, the latter were much
 more numerous. ¹

1. All documents from the reign of the king show that the
 North was to a great extent sharply separated from the rest of
 England, and no doubt enjoyed a large degree of local autonomy.
 I have, for example, noticed this when examining the writs from
 the reign that were available to me. Only one of them was ad-
 dressed to Yorkshire. For comparative purposes I appended here
 a list of the shires, towns and districts to which I have found
 writs directed: Yorkshire 2 (10, 840, 846), Dorset 2 (10, 841,
 871), West Anllia 4 (10, 851, 852, 875, 881), Essex 3 (10, 859,
 869, 870), Gloucester 2 (10, 829, 830), Wiltshire 2 (10, 845,
 863), Hereford 6 (10, 826, 827, 833, 864, 866, 867), Wilt-
 shire 2 (10, 903, 906), Here 4 (10, 828, 831, 847, 854),
 London 5 (10, 856, 857, 861, 872; 11, 102, 101), Middlesex
 5 (10, 843, 855, 860, 866; 11, 102, 101), Norfolk 8 (10,
 853, 868, 876-880, 882), Northamptonshire 1 (10, 804), Oxford
 4 (10, 829, 862, 865; 11, 102, 102), Somerset 6 (10, 834-
 839), Stafford 1 (10, 842), Suffolk 12 (10, 832, 853, 858, 873,
 874, 877, 878, 880, 883, 884, 905, 1342), Surrey 4 (10, 846,
 848, 850; 11, Westminister xv; 11, 143 and 140 are, however,
 two copies of the same writ, and this may possibly be true in
 another instance or two), Worcester 3 (10, 829, 830; 11, 11,
 102, 103), Yorkshire 1 (10, 1343). Miss G. R. S. edition of
 Anglo-Saxon writs has not yet appeared, but in a letter she
 informs me that she has found writs of the king addressed,
 in addition to those above, to the following shires: Devon, Here-
 ford and Warwick. She has also drawn my attention to a writ

As for the ecclesiastical writs, the lists of writs and of theiscopal sees¹ show that churchmen from all parts of England regularly attended the court. Here again, however, the north of England may not have been quite so well represented as the other parts of the country. It can be asserted that the Bishop of Durham never attended a circuit court during the reign of the Confessor,² but the Archbishop of York was regularly in attendance. The monks in general were not as well represented, although, as we have just noticed, the representation was as full as the law exacted. All the large abbeys, with the exception of Christ Church,³ are represented, and a surprising number of the smaller.

addressed jointly to the sheriff and the king (Curzon, Early Yorkshire charters, 1, 29, no. 11). Other writs of the Confessor exist but they are addressed only to sheriffs which certain churches hold fiefs, and I have not included them in the above list.

1. Appendices D and E. If the sees of the bishops were represented.
2. Unless we accept as proof of his attendance the account of Synod of Durham: "Hinc archiepiscopus et Alwinus Dunelmensis et Robertus abbas Hexhamitensis regem Edwardum ad Northwardum" (quoted in RE, 11, 447).
3. It would, however, probably be represented by the archbishop of Canterbury, who seems to have kept this office for himself. Its history before the conquest is very obscure (cf. Knowles, The monastic order, p. 50, 696-697). The series in the following series are - r, s, t, u, v, w, x, y, z, aa, ab, ac, ad, ae, af, ag, ah, ai, aj, ak, al, am, an, ao, ap, aq, ar, as, at, au, av, aw, ax, ay, az, ba, bb, bc, bd, be, bf, bg, bh, bi, bj, bk, bl, bm, bn, bo, bp, bq, br, bs, bt, bu, bv, bw, bx, by, bz, ca, cb, cc, cd, ce, cf, cg, ch, ci, cj, ck, cl, cm, cn, co, cp, cq, cr, cs, ct, cu, cv, cw, cx, cy, cz, da, db, dc, dd, de, df, dg, dh, di, dj, dk, dl, dm, dn, do, dp, dq, dr, ds, dt, du, dv, dw, dx, dy, dz, ea, eb, ec, ed, ee, ef, eg, eh, ei, ej, ek, el, em, en, eo, ep, eq, er, es, et, eu, ev, ew, ex, ey, ez, fa, fb, fc, fd, fe, ff, fg, fh, fi, fj, fk, fl, fm, fn, fo, fp, fq, fr, fs, ft, fu, fv, fw, fx, fy, fz, ga, gb, gc, gd, ge, gf, gg, gh, gi, gj, gk, gl, gm, gn, go, gp, gq, gr, gs, gt, gu, gv, gw, gx, gy, gz, ha, hb, hc, hd, he, hf, hg, hh, hi, hj, hk, hl, hm, hn, ho, hp, hq, hr, hs, ht, hu, hv, hw, hx, hy, hz, ia, ib, ic, id, ie, if, ig, ih, ii, ij, ik, il, im, in, io, ip, iq, ir, is, it, iu, iv, iw, ix, iy, iz, ja, jb, jc, jd, je, jf, jg, jh, ji, jj, jk, jl, jm, jn, jo, jp, jq, jr, js, jt, ju, jv, jw, jx, jy, jz, ka, kb, kc, kd, ke, kf, kg, kh, ki, kj, kk, kl, km, kn, ko, kp, kq, kr, ks, kt, ku, kv, kw, kx, ky, kz, la, lb, lc, ld, le, lf, lg, lh, li, lj, lk, ll, lm, ln, lo, lp, lq, lr, ls, lt, lu, lv, lw, lx, ly, lz, ma, mb, mc, md, me, mf, mg, mh, mi, mj, mk, ml, mm, mn, mo, mp, mq, mr, ms, mt, mu, mv, mw, mx, my, mz, na, nb, nc, nd, ne, nf, ng, nh, ni, nj, nk, nl, nm, nn, no, np, nq, nr, ns, nt, nu, nv, nw, nx, ny, nz, oa, ob, oc, od, oe, of, og, oh, oi, oj, ok, ol, om, on, oo, op, oq, or, os, ot, ou, ov, ow, ox, oy, oz, pa, pb, pc, pd, pe, pf, pg, ph, pi, pj, pk, pl, pm, pn, po, pp, pq, pr, ps, pt, pu, pv, pw, px, py, pz, qa, qb, qc, qd, qe, qf, qg, qh, qi, qj, qk, ql, qm, qn, qo, qp, qq, qr, qs, qt, qu, qv, qw, qx, qy, qz, ra, rb, rc, rd, re, rf, rg, rh, ri, rj, rk, rl, rm, rn, ro, rp, rq, rr, rs, rt, ru, rv, rw, rx, ry, rz, sa, sb, sc, sd, se, sf, sg, sh, si, sj, sk, sl, sm, sn, so, sp, sq, sr, ss, st, su, sv, sw, sx, sy, sz, ta, tb, tc, td, te, tf, tg, th, ti, tj, tk, tl, tm, tn, to, tp, tq, tr, ts, tt, tu, tv, tw, tx, ty, tz, ua, ub, uc, ud, ue, uf, ug, uh, ui, uj, uk, ul, um, un, uo, up, uq, ur, us, ut, uu, uv, uw, ux, uy, uz, va, vb, vc, vd, ve, vf, vg, vh, vi, vj, vk, vl, vm, vn, vo, vp, vq, vr, vs, vt, vu, vv, vw, vx, vy, vz, wa, wb, wc, wd, we, wf, wg, wh, wi, wj, wk, wl, wm, wn, wo, wp, wq, wr, ws, wt, wu, wv, ww, wx, wy, wz, xa, xb, xc, xd, xe, xf, xg, xh, xi, xj, xk, xl, xm, xn, xo, xp, xq, xr, xs, xt, xu, xv, xw, xx, xy, xz, ya, yb, yc, yd, ye, yf, yg, yh, yi, yj, yk, yl, ym, yn, yo, yp, yq, yr, ys, yt, yu, yv, yw, yx, yy, yz, za, zb, zc, zd, ze, zf, zg, zh, zi, zj, zk, zl, zm, zn, zo, zp, zq, zr, zs, zt, zu, zv, zw, zx, zy, zz.



as far then as territorial representation is concerned
the writenent is a representative as one would expect such
an institution to be. It is true that shires such as Wilt-
ham, Derby, Cheshire and Stafford do not seem to have been
 as well represented, as far as them are concerned, as the
 shires to the south of them,¹ but this is a fort-
une. It is highly unlikely that the northern Danelaw felt
 any lack of representation in what was after all a very
 official body, if indeed one may use the word body over
 a group of counsellors who can scarcely be said to form an
 assembly or council in an modern sense of that word. At
 any rate the northern earls were along the most important
 of these counsellors and were probably felt to represent
 the North of England very satisfactorily. In fact, it is
 doubtful if a writ was thought of as representing any
 particular region, but rather the nation as a whole, al-
 though in practice, of course, an earl or a influential
 thegn would speak for the inhabitants of his district. But
 no doubt the northern Danelaw was not interested in repre-
 sentation at court in the modern sense. What it desired
 was local autonomy and freedom to pursue its own distinctive
 way of life.²

1. Line In, however, seems to have been very well represented.

2. Cf. Stenton, "Scandinavian colonies", 1922, xxvii, 13.

It may be interesting to notice how few Scandinavian names appear on the witness lists of the reign of Edward. It should be remembered in this connection that the witnesses were drawn largely from the southern third of the land. Yet on the witness lists that I have used from the reign, forty four Scandinavian names are to be found.¹ Of these thirty one belong to thegnns, eight to lords, two to bishops, two to abbots and one to a chaplain. The total number of attestations by these individuals is 222 out of a total of 1405 attestations on both the royal and private charters, and the lands of the men seem to be scattered throughout the country, as far as identification is possible.² Of course, they were Scandinavian in name only, for example the sons of Edwin, Aelfric and Aelfgar, the names testify to the widespread influence of the Scandinavian invaders on Anglo-Saxon society.

In fact, it may be said that the witness lists of the Confessor's reign testify to the existence of a real feeling of unity in England. The Scandinavian names are sufficiently numerous to allow one to conclude that the assimilation of the Scandinavians had proceeded far. On the other hand, it would be erroneous to conclude from the witness lists that

1. See Appendix I. I have taken the names from both the royal and private charters.
 2. These from Lincolnshire were more numerous than those from any other single shire.

the sphere of action of the central government was rather that England possessed a strong central government. In royal charters and writs of the twelfth century deal with a very limited range of business - grants of land and/or jurisdiction to churches and private individuals, ecclesiastical business and law suits involving land or privileges of one kind or another. But they affect all parts of the land, and what little the government does, it does with the assistance of men from all parts of the land. The England of Edward was in many ways, for example militarily, a weak state, but it was a state whose very weaknesses were, as pointed out above, not without compensation. Its monarch was not powerful, but there was a certain balance of forces, and a certain respect for the crown which enabled the king, in spite of the many disruptive and discordant elements with which he had to work, to maintain his dignity and preserve political unity and internal peace. In that political unity and that internal peace the witness lists of the charters bear mute testimony.

EDWARD I

Time and Place of Meetings of the
King and Queen

It follows from the view of the witness that it is clear
1. the preceding pages that no exhaustive list of meetings
held in the reign of the monarch can ever be constructed.
Meetings were held at various times and places during the
progress of the king's tour about the country.¹ An itinerary
of the monarch has never been worked out, and it is im-
possible to construct a satisfactory one for his
reign, as the sources are incomplete.² It is also impos-
sible

1. King's charters are dated at several places, e.g., at
(1066), 16 December 974 (10, 1110), Worcester (10), 1067
934 (10, 1112), but see H. Johnson's list of the meeting places
before the reign of Edward (NG, 45). My knowledge of the
of the above Worcester, I do not know. The date is corrected
from 843 to 934 by H. Johnson (10, p. 311).

2. Larson made a beginning of working out Edward's itinerary
(King's Household, p. 200). Using this and supplementing it
with information I have gleaned from the sources, I have
drawn up the following itinerary. (The table of contents in
NG, 11, was helpful in its construction. Authorities not cited
here will be found in an appendix.)

1042	9-10 June	London
1043	3 April	Worcester
	16 November	Worcester, London, Worcester, Worcester to discuss his father. London. The king was with Sandwich with the fleet, and only during the winter of 1043 is uncertain.
1044	January	at London, with the fleet. Information on the movements of Edward between 1045 and 1049 is

to determine with any certitude whether the king would
 ceremonial events at fixed times and places year after year.

		to be found except two doubtful entries (10, 779, 786), the first of which sur- mised to be made at London on 1 August 1045, and the second at Winchester, but they are not certain.
1049	Summer ?	at Sandwich with the fleet.
1050	Midlent ?	London. <u>CD</u> , 791, is thought to believe the king was at Exeter some time during this year.
1051	Midlent August 8 September 21-22 "	London Gloucester "
1052	Summer ? 14-15 September	London London They have been with the fleet at Sandwich.
1053	Christmas Easter	Gloucester Winchester
		There is no information about the whereabouts of the king in 1054.
1055	Midlent October 4	London Gloucester
		There is no information about 1056 and 1057, unless, as Barron conjectures, the king was in London when the 24th king died.
1058	Easter	Gloucester
1059	23 May	London
1060	3 May	London
		There is no information for 1061.
1062	Easter Christmas	Gloucester ? Gloucester. Barron is wrong in inter- preting <u>CD</u> , 1062, as saying that it was after Christmas 1062 that Harold left Gloucester. The reference is to Christmas 1062.
		There is no information for the years 1063 and 1064.
1065	20 May 29 October 28 December	Windsor. This information is obtained only in the doubtful charter, <u>CD</u> , 816. Britford London
1066	5 January	London.

Historians have arrived at no agreement on this point. The following information may, however, be deduced from a study of the itinerary of the king as can be constructed, and from the information contained in Appendix 2. Of the fifty-seven occasions on which the king may have consulted with his witan, listed in the Appendix, thirty do not admit of location, eleven took place in London,¹ eight at Gloucester, three at Sandwich, two at Winchester, and one at each of Exeter, Bath and Witford.² Since Sandwich knew the presence

1. Twelve, if we accept OD, 779.
 2. To the list of London places may be added London, OD, 956, although the year is uncertain, and, if we accept OD, 816, Windsor, OD, 853, also purports to be made at Windsor, but it seems to be a forgery (earl Gyth is addressed but earl Edwin witnesses). Liebermann lists records at the following places during the reign of Edward the Confessor (I place his authority in brackets following the name and date): Willingham, 1042 (OD, 1332). How he obtains this information from this charter I do not know, for the document deals with Willingham (OD) and there is no mention of Willingham. William of Malmesbury (WM, 1, 238) gives Willingham as the location of a gemt in 1042, but Liebermann does not cite him. Gloucester, 1051 (AShr). Lincoln, 1045 (OD, 956). The date is wrong; Miss Robertson correctly assigns this charter to 1053-1055 (AShr, p. 465). London, 1045 (OD, 779). This charter may well be genuine. London, 1044 (AShr). London, 1047 sc. (AShr). Presumably sc. means 1048, but now Liebermann concludes from the fact that the Chronicle for these years that London was the scene of a witenagemot in these two years, is difficult to see. It hardly seems reasonable to suppose that he erred and used AShr 2 1047 and 1048, without noticing that the correct dates are 1051 and 1052. Certainly, however, the Chronicle makes no mention of gemts in London in 1047 and 1048. London, 1052 bis (AShr). This is the first and September gemt. London, 1055 (AShr). London, 1059 sq. (AShr). The reference would seem to be to the gemt on the occasion of the hallowing of Westminster Abbey, and the gemt at which Harld was elected king. Northampton, 1065 (AShr). This,

if the king only showed over the stone for a day, it is
 only the location of one but ceremony was right, who
 he might at water, it was for a day with the king
 unique gatherings. London, Winchester and Worcester,
 thus, the only places where with dignities of the king, and
 of these three only the first two are mentioned, which though
 to enable us to say that the king's coronation was a reference
 for them. It is hardly safe to say, however, that it would
 seem rash to go as far as Freeman did in holding that the
 Confessor invariably sat with his witan at coronations held at
 Winchester and Gloucester respectively.¹ Of the eleven
 points, on my list, held in London, only the one at Christmas

I have tried to show, was not a witenagemot. Oxford, 165
 (p. 117). This, too, I do not regard as a witenagemot. In-
chester, 1065 (p. 815). This is a suspicious charter, which
 in any case is dated at Windsor, which is surely Windsor
 and not Inchester (cf. WAIN, s. v. Windsor). Winchester,
 1042. This was the scene of the coronation of Edward
 the Confessor, who was led astray by the confused chronology of the
 Anglo-Saxon Chronicle in the reign of Edward, which gave a list
 of witenagemots (Saxons, II, 260) which is scarcely more in-
 adequate than that of Freeman.

1. MC, II, 14, 63, 355, 357, 632; cf. IV, 619: "The national
 assemblies prescribed by English law were held three times [by
 the Conqueror] at the wonted places and seasons...." I do not
 know what Freeman's authority for the statement, that English
 law prescribed these national assemblies, is. WAIN, s. v. Windsor,
 1042: "The old law of the Conqueror; and during the reign of the
 Conqueror at least, they went on in the old places and at the
 old seasons. Three times in the year, at Winchester, at West-
 minster, and at Gloucester, did King William wear his crown
 and gather around him the great men of his realm, as King
 Edward had done before him."

(the hallowing of Westminster Abbey and the election of Harold, i. e., both in the same Christmas season), three met at Easingwold in August, three in September, one at Whitsuntide, one at Lutras, and one in June. Of the eight that were held at Gloucester, two met at Christmas, two at Easter, and one in each of the months of August, September, October and November. Both the gemots at Winchester seem to have taken place at Easter. It is, thus, impossible to discern any regularity in the meetings at these three places. At the same time it is not possible, because of our scanty information, to deny that these three cities were the favourite dwelling places of Edward, and therefore the scene of most of those occasions on which Edward took counsel with his witan or celebrated the high church festivals.

Again, it admits of no proof that Edward was wont to wear his crown, as William did, on the festivals of Easter, Whitsuntide, and Christmas, or that he was then surrounded by a greater number of witan than at other times of the year. Of course it cannot be denied that this was the case, and it is well known that these festivals, or their seasons, were the favourite times for banqueting and feasting both in Christian and heathen days.¹ The lay and spiritual magnates

1. Cf. Larson, King's household, p. 201; and G. Vigfússon, An Icelandic-English dictionary, s. v. blít: "the feasts were, esp. the three great annual feasts, when the winter set in (Oct.), at Yule time and mid-winter (Dec. or Jan.), and when the summer began (April)...." Numerous references are given by Vigfússon. Whitsuntide was more exclusively a Christian feast.

may have repaired to the court of the king at these times in greater numbers than at other seasons, and the words of the Chronicle,¹ when reporting the death of Godwin at Winchester during Easter 1043, imply perhaps a festive gathering. But, in short, these words give us grounds for distinguishing such gatherings, if they existed, as pre-eminently witenagemots, and for concluding that the witan were especially summoned to appear at these times.²

If the fifty-seven occasions listed in Appendix I, on which a witenagemot may have taken place, sixteen are from Midlent, Easter or the spring of the year, fourteen from Christmas or January, five from some time during the summer, five at Whitnuntide or May (two) or June (two), two from August or August, one from sometime during the autumn of the year, five from September, two from October, two from November, and three from an unknown date. One might, therefore, conclude that the king took counsel with his witan most frequently at Christmas and Easter, and grant that greater numbers of witan were then in attendance on the king than at any other time of the year (except at a time of crisis when all the witan would be summoned). But that is the only

1. MSA, 3 l. 53.

2. It is necessary to labour the point that even if there were festive gatherings at which large numbers of witan were present, they were not the only witan meetings in addition to emergency meetings.

but of course
individuals are not
p. 41, 124

distinction between the two is that the king's
 sessions in which the king consulted his privy council
 members. It must also be remembered that some of these sessions
 would occur more readily than others in the country and that the
 were possible parts of the king's business in the
 country at other times of the year.¹

1. In this connection it may be pointed out that during the
 reigns of the Norman kings, the Chronicle very frequently
 mentions where the king was and with his court at the three
 high festivals of the church (see Henry, s 1065-1067, 1091,
 1094-1100, and the reign of Henry I passim). Yet no one
 would maintain that these sessions of the curia regis differ-
 ed, except in minor attending, from sessions of the curia
regis held at other times of the year and were not at-
 tended.

CHAPTER I
THE KING

The King as Counsellors and
legislators

In his profound study of the mediaeval ideas of kingship and law Fritz Kern writes:

We have seen that the mediaeval monarch is not absolute in theory. He is bound by the law. But in respect of form and practice, he seems to us to be absolute; for he is not obliged to attain that harmony with the law which is required of him, by any definite, formally prescribed method. The harmony between the ruler and the law is usually achieved without the observation of any fixed forms, though, in cases of doubt, the harmony of his actions with the law is demonstrated by the consent of the community or its representatives. But there is no binding rule as to what cases require this consent. In ordinary circumstances, it is presumed that all the monarch's acts are explicitly or implicitly in accord with the law and the community's sense of justice. ¹

A little later he states:

There are three degrees of popular participation in the government, i. e., participation of the representatives of the community, the meliores et maiores, and so on. The first is tacit consent; here the king acts formally alone, and so "absolutely" in form but not in substance. The second degree is advice and consent; the third is judicial verdict. It is typical of the Middle Ages that there are no hard and fast rules regulating the application of any of these three forms of participation, and that all three without any distinction, could result in equally valid acts of state. ²

1. Kingship and law, p. 188.

2. Ibid. pp. 188-189.

A cursory reading of the Anglo-Saxon Chronicle will bear out the above. At one time, for example, the king is said to "give a bishopric" to a certain individual.¹ At another, the king is said to hold a witenagemot and appoint a man to a bishopric.² It would seem that in the opinion of the chronicler the king is competent to act with or without the witan. In the same way the dismissal of the liethmen in 1050 is recorded in one version of the Chronicle as an act of the king,³ in another, as the act of the king in a witenagemot.⁴ In this instance there can be little doubt that the act was performed in a witenagemot, but this

1. For examples see Hallam, 3 1045, 2 1040, 3 1049. Numerous other instances might be cited.

2. Ashmole, 3 1050; Flaxman, 1744. The former instance refers to the appointment of a court to Canterbury. Another version of the Chronicle (2 1049) makes no reference to a witenagemot. It may be asked whether this means that all appointments were made in a witenagemot. But such a question is beside the point, which is simply that the chronicler makes no distinction, for he does not see one, between the act of the king alone and the act of the king in a witenagemot - an entirely logical view in thirteenth century England. I may remark here that I do not believe that Edward or any other Anglo-Saxon king ever appointed a prelate to a see without consulting at least some churchmen. But that he did so in prelates without consulting any witan, is abundantly proven by the Ashmole, 3 1044, in the case of the appointment of Bizard. For, significantly, does the method of procedure in this instance seem, to a modern writer, a matter for condemnation.

3. Hallam, 3 1049.

4. Ibid. 3 1047.

seems to be a matter of indifference to the chronicler. This may mean: 1) that the chronicler assumes that everyone will know that this would be done by both king and witan; 2) that the participation of the witan is of no consequence in the opinion of the chronicler; or 3) that the decision of what the king can do alone, and of what he can do only with the co-operation of the witan, is one that would never occur to the chronicler. Of these, the third will appear to be most reasonable, in view of the prevailing ideas on the relation of king and subject in eleventh century England.¹ This, of course, is not the same as saying that every act of the king was lawful. It was that, ^{only} if it was in accord with the law. It

1. Fritz Kern's views: "...both [monarch and subject] are bound together in the objective legal order..." (King and Law, p. 78; and again: "there was no disjunction or antithesis possible between monarch and people, such as we later find in the doctrine of popular sovereignty or governmental contract" (ibid. p. 138). Cf. ibid. p. 189: "provided that he remained in accord with the law, it rested entirely at a monarch's discretion which of the three methods he adopted for the dispatch of business. Whether he sat in the witan by personal decree, or after giving audience to it, or even perhaps with the collaboration of counsellors, i. e., representatives of the community; or finally, by procuring the judgment of the high court or a court of princes, was decided entirely at his option." Attention may also be drawn to ibid., p. 29: "It is the indivisible law which binds king and witan, and for them the divided and often antagonistic functions and rights of more advanced political theory have no meaning."

might be bad, just as an act of the monarch is with a right
 be bad. Both the act of the monarch acting by himself, and
 the act of the monarch acting with the counsel of his witan
 might on occasion be wrong, ill-advised or contrary to the
 law. What is important is not the mode of action, but that
 the act, whosoever it be, be in accord with the law. ¹

1. W. Kern, Kingship and law, pp. 189-190: "If he [the king]
 ordains alone and purely personally, but in a regard with the
 law, then his decree stands for law, and the tacit consent of
 the community conferred by the absence of opposition is
 completely adequate. On the other hand, it is a lesson that
 the council or the regular representatives, or even the most
 solemn court of the realm, or a false judgment, even the
 wrongful decision, in spite of its approval with the ex-
 press consent both of the monarch and the people, must be re-
 voked. The form in which an act of government is executed
 is all one to the Middle Ages, provided that its substance
 is in agreement with the law." Several instances could be
 cited from an Anglo-Saxon history, showing that both the acts and
 acts of a monarch and the acts of monarch and councilors
 might be bad. Let the following suffice: "And King Edward
 gave the bishopric to Alf his priest, and ill bestowed it"
 (ASChr, 0 1049); "And he was immediately received by the
 anles and by Domes; though his counselors afterwards cruelly
 requited it, when they counselled, that to sixty-two ships
 should be paid, for each rower, eight marks" (ASChr, 0 1030,
 the reference is to Hardecnut); "And the Alderman Aeric
 then went to meet the king at Aylesford. Ever's greater
 evil counsel counselled that that was" (ASChr, 3 1016); one
 might also instance the outlawing and outlawing of Edwin, king
 and earl Alfgar twice. It need hardly be remarked here, that
 for mediaeval man law was identical with that which was good,
 just and right; an illegal act was an immoral act and vice
versa. The sanctity of law and the necessity of conforming
 harmony with it are well brought out in the following dictum
 of Njáll: "leð lörom skal land vert byggja, en leð öllum
 eyða" (Sagan af Njalli or Leirissni og Sönnunum, Wifeyar
Klaustur, 1844, ch. 70, p. 158). It should be pointed out that
lög derives from lag, that which is in the right order,
ölg being that which is unjust or out in the right order or
 disposition; the original meaning seems to be a concept re-
 tained.

From this indifference to the mode of action it follows that there can be no hard and fast definition of the functions of the witan. They might participate in all the acts of government or in none. There is, therefore, little point in compiling a list of the functions of the witan, for they no doubt participated on occasion in every kind of act that the government performed. In other words, an act of a certain kind would on occasion be performed by the king alone, on occasion by the king and a few witan, and on occasion by the king and numerous, possibly all, the witan of the land. This is not to say that certain acts would not customarily be performed according to a certain mode. Actually that is all that one may hope to discover from a study of the sources for the Anglo-Saxon period of British history, i. e., how far it was customary for an Anglo-Saxon king to act alone in certain matters, with the counsel of a small number of witan, or with the counsel of "all his witan." What light do the sources for the reign of Edward the Confessor throw on this question?

The numerous references to the offering of counsel to the king by the witan, in the pages of our primary source, the Anglo-Saxon Chronicle, prove conclusively that an Anglo-Saxon king did very frequently consult for or with witan. If, however, the arguments advanced in the preceding chapters have any validity, it would seem that witan were much too

in saying that the witan had a "right to be consulted on all public acts," if by these words he meant, as he seems to have, that the witan might demand to be consulted in all public business. It would rather seem that the actual business of the witan was that set out by Mr. Stenton when he writes: "It was the duty of the council to advise the king on all problems which he might choose to bring to its notice."¹ The only objection that might be made to this statement is the use of the word council, for it might imply that the witan were a much more self-conscious body than actually was the case.² What must be avoided is any suggestion that the witan of all England, or the great majority of them, possessed a right to be consulted on all acts of the king, or that when the king is spoken of as having consulted his witan, the meaning is that he consulted a large number whom he had summoned and not just the few witan who happened to be at his side. It must be emphasised that the consultation of a few was equivalent to the consultation of all. The witan should not be thought of as forming a corporate body, nor should the word witenagemot be conceived of as ^{meaning} a council or assembly with a certain quorum necessary to validate its actions. Strictly

1. ibid., p. 544. Italics mine.

2. I am not suggesting that Mr. Stenton is not aware of this difference. He is not guilty of using the word "council" when "counselor" or "counsellors" would be preferable.

there is no witenagemot, there is no witan.¹ Consulting
consults the witan, and they, not a witenagemot or a council,
offer him counsel.

One might expect that in the sphere of foreign affairs
the king would frequently consult his witan. In fact, the
co-operation of king and witan in this field is hardly very
evident in the reign of Edward the Confessor. The following
examples may be instanced: In 1047 King Edward had been
asked for aid from Harold. His request was supported by
Edwin, but opposed by Godwin and all the people.² The
language of the sources is here, for our purposes, very un-
satisfactory. There is little doubt that the request was
discussed by the king and at least some of his witan. But
it seems hardly warranted to envisage, as we are told,³
a formal debate in a full witenagemot, in the sense of the
expression all people. There is nothing in the account of
the characters, except the phrase all people, to suggest

1. The fundamental objection to just as we do of the witenagemot
is this assumption that members make a difference between it
was a corporate body. Cf. ibid., p. 50: "not, or king was in 774
'deprived of counsel and contact of all his nobles and
of the companionship of his princes.' To deny this is
here to this plural its meaning of the corporate body of the
witenagemot seems hypercritical indeed. For from a purely per-
critical, it is eminently sound, and indeed the ASSR, p. 774,
says only that the Northumbrians drove out their king.

2. W. Hig., 1047. The ASSR, p. 1048, says: "Edwin bahte unred
eallum folce."

3. W., 11, 32.

that other witan than those who happened to be with the king were summoned to discuss Sveinn's plea. It is, of course, not safe to draw conclusions from the silence of the sources in this matter, but all that may really be asserted is that Sveinn's request was discussed by the king and some of his witan, likely the great ealds in particular. The same may be said of Sveinn's renewed request, if indeed the request was renewed, in the following year.¹ Nor does the account of the request of the emperor Henry III to Edward for aid against Baldwin of Flanders give any details.²

We are told nothing in the Anglo-Sax Chronicle as to who dispatched bishop Baldred to the emperor in 1054,³ but Florence of Worcester says he was sent by the king.⁴ One version of the Chronicle tells us that bishops Moreman and Baldred went to Rome in 1050 "on the king's errand,"⁵ another that the king sent them.⁶

1. ASChr, D 1049, simply says: "Ac eall fele witeow." FL1g, 1049, again says that Godwin supported the request but Leofric opposed it.

2. ASChr, C 1049, D 1050; FL1g, 1049. There is no mention of a discussion of the request. It is only said that the king acted upon it.

3. ASChr, J 1054, D 1054. The latter says he went "on the king's errand." William of Malmesbury says he went on the king's business (The Vita Wulfstani of William of Malmesbury, ed., H. R. Darlington, London, 1928, bk. 11, ch. ix).

4. FL1g, 1054.

5. ASChr, C 1049.

6. ASChr, A 1047. It is true that in later accounts of Edward's reign the share of the witan in the dispatch of the bishops is

These, with the exception of Welsh and Scottish affairs, are about all we know of the relations of England with foreign powers in the reign of the Confessor. ¹ On the basis of these cases it is difficult to assert that the witan had much to do in foreign affairs. It is not, however, to be assumed that the king acted alone in these matters. At least he would consult those who were about him, and the witan would share to that extent. To suppose, however, that for the settlement of

fully described, their mission being connected with the vow of pilgrimage to Rome made by the king. But little reliance is to be placed on these accounts, neither that of Ailred of Rievaulx (P. Aelredus abbas Rievallensis, Vita S. Edwardi regis et confessoris, in J. P. Migne, Patrologia Latina, cxcv, cols. 749-752) nor the French metrical life based on this (Guard, lives, pp. 65-74, 219-228). Nor can I attach any significance for the Anglo-Saxon period to the statement in the French life, that Edward, because he had not obtained the consent of the barons and commons, could not undertake the pilgrimage. These are thirteenth century ideas, although the principle of consent may apply to both periods. Such constitutional ideas as are to be found in the poem are, however, those of the author's day and not necessarily those of the past. He refers, for example, to a parlement comun (op. cit. p. 78).

1. There is also the alleged mission of Harold to William of Normandy, but it is shrouded in such mystery and offers so little information on our subject, that I have omitted it. See MG, ii, 296, iii, 216-220. For the same reason I have not mentioned the alleged claim to the throne of England put forward by King Magnus of Norway and the reply of Edward. See Snorri Sturluson, Heimskringla, ed., Finnur Jónsson, København, 1911, pp. 445-446. One might add the reference to the pope of the question of the incorporation of the Devon and Cornish bishoprics into a single metropolitan. However, it throws little light on the share of the witan in foreign affairs. In Edward simply says: "this, however, I make known to the lord the pope too, first of all, and confirm by his own attestation; then to all the English peoples..." (G. H. P. Oeder, The Anglo-Saxon episcopate of Cornwall; with some account of the bishops of Crediton, London, 1856, p. 22. The information comes from MG, 791).

business of this kind, the witan of all England were summoned, is to read into our sources much more than is to be found in them. In fact, I suspect that this was not normal procedure, and that only when questions of the utmost gravity, such as those of war and peace, were the witan especially summoned to court. Questions of lesser import, dealing with foreign affairs, would be settled by the king and attendant witan.¹

Relations between England and Wales were often troubled during the reign of Edward the Confessor, and no doubt often discussed by the king and his witan. The latter seem to have had a hand in condemning Ilyse to death, possibly at a Winstre gemit at Gloucester in 1052.² In 1055 when Earl Godwin secured the help of the Welsh, the witan seem to have counselled that he be re-instated in order to secure peace.³

Nothing can be ascertained of the share of the witan in the

1. This is supported by the fact that all the examples of the witan deliberating and deciding foreign policy, which are cited by Liebermann (NA, p. 54), are those of occasions on which matters of extreme gravity were treated with the sole exception of Sveinn's request for aid in 1047. It is not strange that in the very troubled reign of Ethelred, the witan would often be consulted. It may possibly be said that it was normal for large numbers of witan to counsel the king on questions of war and peace, but beyond that it is hardly safe to go. Possibly T. F. Stenton sums up the situation in the Confessor's reign as well as anyone when he says: "throughout the reign of Edward the Confessor it is the earls of Mercia, West Anglia, and Northumbria who direct the foreign policy of the kingdom" (William the Conqueror and the rule of the Normans, London, 1908, p. 16).

2. ASMr, D 1053: "man radde þu man sloh Ris."

3. ASMr, D 1055: "man eradde bone rad."

Welsh war of 1056.¹ As to that of 1063 only the king's action is mentioned in connection with it.² It is that the king's order that Harold marches against [?],³ and after the death of [?], King Edward delivered [?], the land over to... [?], and [?]."⁴ This, for our purpose, is to be learned from the account of the war in 1065.⁵

Little is known of relations with the island. In 1054 Sigard is said to have invaded that country "by order of the king."⁶

Thus little light is shed on the function of the witan as counsellors in matters of foreign policy from the incidents of the Emperor's reign. Only a few tentative conclusions may be made. Expediency would seem to have determined how extensively the king consulted his witan. In matters involving war and peace consultation with witan was frequent and large numbers of witanassas to give their counsel. Our sources usually speak as if the king directed foreign affairs. It seems likely that this means, that normally the king con-

1. AShr, C 1056; Flig, 1056. It is mentioned that the witan consulted earlier expedition of [?], first rules in 1046 (AShr, D 1046).

2. Flig, 1063.

3. Ibc. cit.

4. AShr, D 1063.

5. AShr, D 1065; Flig, 1065.

6. Flig, 1054.

sulted the witan who happened to be with him, and that the chroniclers here speak only of his action, but that when questions of war and peace arose larger numbers of witan were asked their advice, and that the chroniclers on such occasions associate the witan with the king in their accounts. ¹

Of so-called legislation in the Confessor's reign there is little record. There is, however, little doubt that the witan normally had some share in the framing of "new" laws or the amending, or restoration of old laws. But it is uncertain what their precise function in these matters was. It is probably impossible to determine whether the witan played a very active part, or whether the king proposed what seemed good to him and the witan consented to this. Possibly their share might vary from reign to reign. It is not unlikely, however, that initiative lay with the king. ² But it must

1. Not, however, because they discerned any constitutionally significant difference between the smaller and larger gathering, but because the business at the latter was of greater importance and the occasion more impressive. It is significant that it is in the war-filled reign of Ethelred the Unready that the chroniclers most frequently mention that both king and witan dealt with foreign affairs.

2. Cf. the prologues of the laws, Hirschmann, Legesetze, passim. S. B. Chrimes implies this when he writes: "He [the king] might, and on occasion did, find it necessary to declare, with the express or tacit assent of the 'wise men' of his realm (the witan), what the law was on certain points, and even to commit such declarations to writing" (English constitutional history, London, 1947, p. 73). Snorri Sturluson's account of the legislative activity of the Norwegian kings permits one to infer that the initiating power was the king, acting with the

be emphasised that if legislative activity is relatively little, the written dooms represent an infinitesimal fraction of the law.

The reign of Edward the Confessor reveals little as to the role of the witan as legislators. In two occasions old laws were renewed or confirmed. The first was at the time of the outlawing of Godwin in 1032: "And they [Godwin and his family, the king et al.] confirmed between them full friendship, and to all the people they promised good law."¹ The other was in 1065 when Harold, acting for the king, renewed

a council of a few "witan" (see Eintrunna, no. 76, 15). No doubt the laws would then be consented to by the people at a thing, or by such proceres as were deputed to represent the people. In England it is probable that the king and a few witan would draw up the laws, which were then accepted by a larger number of witan, or were consented to in the folk-meets. Some light on Anglo-Saxon legislation is thrown by D. Whitlock, "Wulfstan and the Laws of Godwin", AN, lxxiii, 433-452. Cf. AN, p. 60. It may be noticed here that Liebermann's statement: "The doctrine that a king by himself could give ordinances for his lifetime only, but required the consent of nobles for permanent legislation does not emerge indeed before the twelfth century. (Leibnitz, ii, 477...) is misleading; as Fern points out: "In addition that the decrees of medieval monarchs were valid only during their own reign is completely false....acts admittedly lawful... have the force of law quite independently of any change of ruler; indeed, the older they are, the more sacred" (Kingship and Law, p. 184).

1. AN, p. 1052. In the Anglo-Saxon Chronicle (ed. Frederick, i, 137) Edward is said to have confirmed Godwin's laws.

(nyvade) for the Arms of the King's Law.¹ This law tells much beyond making it clear that it is the king's duty to maintain the "good, old" law.²

1. AShr, 9 1065.

2. A few of the themes identified in Appendix 2 (e.g., flour, beer, wine, haric, biric) are said to have been lawless. Their function as well as their origin has been primarily that of the king's duty to provide for the law (Dunlap, pp. 195-216). In the function of law in various other sources see also Diasen, Hjettarstaða írenlands, pp. 3-41, and the other works there cited.

CHAPTER THIRTEEN

The Witan and the Election
and Deposition of Kings

Keble and Liebermann believed that the witan possessed great powers in the matter of the election and deposition of kings. The majority of historians seem to have agreed with them, although, in some cases, with qualified assent. The importance of this function of the witan has, however, been questioned by some, notably Chadwick¹ and Furlitz.² In this matter there is possibly no hope of agreement, both because of the paucity of information and because of differences as to what is to be understood by election and deposition.

There can, however, be little question that in determining the succession to the throne, in the middle ages, both the "throne-worthiness" of a candidate and the consent of the community were important factors.³ A royal family possessed a "kin-right" to the throne, but which member of it actually occupied it varied from generation to generation in many cases. Competence to carry out the kingly duties was, no

1. Chadwick, Studies, pp. 355-366.

2. Furlitz, König und Reich, pp. 12-50.

3. A convenient and excellent summary of medieval ideas on "kin-right" and the election of kings is to be found in Ern, Kinship and Law, pp. 12-27.

doubt, in a normal situation in determining the fitness of a candidate, the eldest son of a previous king would, if qualified, possess the strongest claim to the succession, but if were a minor the king's brother might be preferred. Now, when there were several suitable candidates in the royal family, the succession was determined in a formal assembly. Normally, however, it would probably have been settled before the death of the king by him and his closest advisers, or after his death by the members of the royal family and some of the leading men in the kingdom. There is little reason to believe that under normal circumstances the succession was settled in a national assembly by all the witan. ¹

1. Numerous examples may, of course, be cited, from the Saxon Chronicle, of a king being said to have been elected (gecoren), but this means little as long as one does not know what exactly is involved in being elected. This may never be established. Judging from their language, the majority of modern historians would seem to think that the witan met in a formal meeting and, so to speak, cast their votes for a king or that candidate. Chadwick held, however, that election was very likely meant simply recognition by the witan, i.e., the counsellors in attendance on the candidate, through some such act as the swearing of an oath of allegiance. This seems not reasonable to me. To say, as Chadwick does, that "the form of election need never have been disregarded even when a king or his son recognized as future monarch" (ibid., p. 49), is meaningless unless one is able to explain what is meant by the words "form of election." The value of such an expression as election or choice of a king is very well shown by the words of the ADhr, 124, when it uses the words "hine geoes ba t f d r 7 to hl forde" to describe the acceptance by the witan, historians and scholars of King Edward as their sovereign. In a case of election in the sense of the word (ADhr, 124, uses elecrant). See also ibid., 124, p. 100.

Other hand, several contenders strove for the throne, it is difficult to believe that the question of the succession was settled by the witan formally selecting one candidate or that candidate. A more normal procedure at that time would be for each candidate to attempt to secure in one way or another the support of as many magnates as possible and with their help seek to capture the crown. ¹ It may also be cited as a notable example of this the witan who appeared to be with him when the death of the king occurred. ²

It is probable, then, that election was basically, as Chadwick suggests, "a recognition of lordship." ³ Election

instances may also be found, in the Anglo-Saxon Chronicle, where there is no mention of election (see S. A., 60, 266, 371, 901, 940, 946, 955 (2), 955 speaks of "his 21" as having been elected), 999, 975 (2), 1312 speaks of this king as elected), 979. Three versions of the Anglo-Saxon Chronicle (A, B, C, 324) state that Athelstan was elected (ecoren) king of the Anglo-Saxons; three (A, B, C, 324) say only that he succeeded to the kingdom.

1. This seems to have been the method adopted by King Olaf of Norway when he aspired to the throne of that country. He gained the support of Earl Sigurd of Mearke and then at a summoned bing was acknowledged king. Then in other parts of the country then came or sent word that they wished to be his men (Heiðskringla, pp. 70-71).

2. Edmund Ironside in 1016 (ASBr, 1, D, 1016) and the third king Edgar in 1066 (ASBr, D 1066). Cf. also ASBr, 1036.

3. Chadwick, Studies, p. 366.

in so far as it was an expression of the principle of consent was an invariable accompaniment of an accession to the throne. Each individual will give his allegiance to the king, and he gave this as an individual and not as a member of a corporate body or even as the representative of the nation.¹ It would also seem that an individual might even feel justified in withholding his acceptance from a king who was the choice of a majority of the magnates.² What is important in this question of the succession to the throne is not that the witan are supposed to have had the power of "electing" the king, but that no man could be king until he had secured the support of the witan. Until the witan had consented to become his men, it was vain for an individual to style himself king. That this consent was seldom refused is evident from the fact that in the majority of cases the Anglo-Saxon Chronicle records nothing but the bare fact of succession, and by

1. Cf. Chadwick, Studies, p. 365.

2. I am thinking of Godwin's refusal to acknowledge Harold as king in 1035 (ASChr., 1036). Flurber (ASChr., II, 208-210) argues that Harold was not chosen king until 1037, and was only regent until that time. I think, however, that it is as reasonable to understand the Chronicle to mean that the kingdom was divided between Harold and Harth^{de}canut. The significant thing is that the magnates, rather than surrender their rights, were willing to divide the country between two men. In the two years after 1035 Harold was able to gain over enough of the reluctant nobles to make further opposition to him impossible. Their submission made his rule of all England.

the fact that after England came under the rule of the king, only members of the royal family were considered "throne-worthy."¹

"The succession arrangements to have been settled beforehand by the reigning king, though of course such arrangements were largely dependent on the goodwill of the chief territorial officials."² This would appear to be a plausible statement of the usual procedure in England, and consequently any election would be synonymous with the swearing of allegiance to the new king. In the Middle Ages it was very frequently the practice throughout Europe for the reigning monarch to secure, during his lifetime, the recognition of his successor by the leading magnates,³ and there is no reason to believe that England was

1. There is no need to question the strength of this feeling in Anglo-Saxon England. Note the emphasis the Anglar, 867, places on the fact that Ella was unrecyndne, and the words of the chronicler (Anglar, 3 1042) when he says that the people received Edward for king "swa him gecynde was." Nor is there any need to labour the point that all members of the royal family were "throne-worthy," for the numerous occasions on which some one other than the nearest relative of the deceased king succeeded him are too well known to need recounting.

2. Chadwick, Studies, p. 366.

3. Numerous examples could be cited from the history of the Empire (cf. J. Barraclough, The origins of modern Germany, Oxford, 1949, passim and especially pp. 25-26, 73-76) and of the Scandinavian kingdoms (cf. Heimskringla, passim). The recognition of William by the Norman magnates at the time of his father's departure on his pilgrimage is a well-known example.

an exception in this matter. Indeed one can cite several examples of such a disposal of the realm by the reigning monarch during his lifetime or on his death-bed. Ethelwulf is said to have disposed of the kingdom in a will.¹ Edward the Elder is said to have left the government to his son Athelstan.² Canute made some arrangement for the partition of his empire among his sons.³ Even more important, in showing that normally kings would make provision for the succession, is the tremendous weight attached to the wishes of the dying monarch in regard to his successor. The most significant example of this in the Anglo-Saxon period is the alleged bequest of the throne made by Edward to Harold.⁴

1. See 1804, II, 82, where the authorities are cited, and ASChr, 355.

2. Flor, 924.

3. Ibid. 1035; NO, I, 481. Further examples will be found in NA, # 49. Liebermann here cites Æthelwulf as showing that the ideal of Gothic kingship was an elective monarchy. Chadwick, however, cites Æthelwulf also as showing that the throne was regarded as any ordinary family property (heroic age, p. 372).

4. It makes no difference whether Edward actually named Harold as his successor or not. In fact, if the bequest is fictitious it is all the more important, as it would show that the wish of a dying king was considered of such great value that Harold invented it in order to strengthen his case. Of the versions of the Anglo-Saxon Chronicle only A 1066 directly asserts that Edward designated Harold as his successor. Versions B and D 1065 do, however, say that Edward committed (befeste) the realm to Harold, and the Vita Æduni regis has the king say: "hinc [the queen] cum omni regno tutandum commendo" (p. 433). The Icelandic versions of the bequest are interesting. The Leimsvinnla says that as the king lay dying Harold leaned over him and then

Even Freeman, who insisted that the disposal of the throne lay with the witan irrespective of the wishes of the late king, took great pains to show that Edward had actually designated Harold as his successor. ¹ No one who reads his discussion will fail to be impressed by the importance of the characters of the monarch and subsequent exhortations placed on a death-bed bequest. There are thus some grounds for thinking that arrangements made during the lifetime of a monarch were the most important factors in determining to whom the throne would go. ²

said: "því skírakota ek undir alla y'ir, at konungr gaf mér nú konungdóm ok alt ríki í Inglandi" (p. 498). After the king's death there was a witenagemot (höflingjastefna) at which Harold repeated his assertion and was then elected king. In the Sögus enns heilaga Eduardar (Íslætingjarbók, Christiania, 1860-1861 (7 vols.)) the king, some years before his death, a signates William as his heir and repeats this on his death-bed, but as his illness worsens, Harold leans over him and then makes the same assertion as a v. (op. cit. iii, 468).

1. op., iii, 12-14, 572-500. I may say that Harold's attempt to definitely prove that Edward on his death-bed left the throne to Harold, as likely to be fruitless. It is true that the statements of the Anglo-Saxon Chronicle to this effect carry considerable weight, as does that of Florence of Worcester, but the inherent probability of a death-bed bequest, in view of the Confessor's character and his previous unquestionable (in my opinion) designation of William as his successor, is, I think, very slight. But see my Appendix S on the promise of the throne to William.

2. This, of course, in no way rules out the principle of consent, but this is so elementary and the necessity for royal ruler to secure the adhesion of the principal lay and ecclesiastical magnates so great, that it should not require emphasis. What should be emphasised, I think, is not the positive right of the witan to elect a king, but rather the negative right of any subject to refuse, if he felt powerful enough, to consent.

The history of the reign of Edward the Confessor has shed some light on the function of the Witan in the election of kings. The succession of Edward was already settled in the lifetime of Harthacnut. It does not seem possible to understand in any other sense the words of the Anglo-Saxon Chronicle:

7 þas wæres suna cōw Edward his brōðor in weddren fram goddan sa ðelredes sunu cynes he was ær for feled gearum of hisan gearde adriƿen 7 neah was to cunige gesworen 7 he wunode þa swa on his brōðor hireda þa hwile þe he leofde. 1

this, of course, does not rule out the participation of the witan in these arrangements. In fact, it almost goes without saying that they had a share in this matter, although a part

certain individual as king. This is handsomely illustrated in the history of the empire before 1250 (see Barrack, Ch. 10, Kings, Muslim). Election may almost be said to mean, not a free gathering of barons to elect whosoever they wish, but a voting of them by the aspirant to the throne, in many many instances. It may be pointed out here that in the Scandinavian kingdoms the will of the reigning monarch would seem to have often been the decisive factor in determining the succession. An example of the importance of his wishes in this matter is the great weight attached to the wish of Magnus III with regard to his successor (Intergardok, III, 329-331; cf. also pp. 255-287).

1. Ashm., D 1041. Version C uses almost the same words. I am well aware that Freyman vigorously opposed any such interpretation as that set out above, and I have discussed this in Appendix B. Actually, however, the very fact that Edward was invited to England by Harthacnut disposes of any argument that Edward was not marked out as the next king of the Anglo-Saxons.

of them seem to have been reluctant to see his Edward, preferring, it would seem, a Scandinavian king, and scheming to deprive Edward of the crown after his first brother's death.¹ Any election, then, is out of the question, except in so far as it is implicit in the acceptance of Edward by the Witanes and possibly in attempts to obtain recognition of him from recalcitrant Witanes.² If this interpretation be right, the words: "7 call folc geccas þa Eadward 7 underfeng him to kyninge,"³ can only mean that allegiance was sworn to Edward and he was acknowledged king.⁴ This would then be one further example of the vagueness of the terminology of the Anglo-Saxon Chronicle.

Another matter in the reign of Edward the Confessor

1. Edward's mother would seem to have been one of these (see below, chapter fifteen). William of Malmesbury says that Godwin and Godwin helped Edward to secure the throne to the irritation of the Danes (W, p. 34).
2. Only in this sense can I understand the statement of Florence of Worcester, 142, that Edward was proclaimed king, chiefly through the exertions of Earl Godwin and Bishop Living.
3. AChr, D 1042.
4. The AChr, C 1042, omits all reference to an election and simply says: "7 call folc underfeng þa Eadward to cinre." Versions C and D both add in almost the same words: "swa him gecynde was" (C 1042). Prof. Stenton is of the opinion that Edward returned to England in 1041 on the invitation of Northcote who "almost certainly, put him forward as his heir." He also rejects the view that Godwin was the chief agent in Edward's restoration (ASLang, p. 417).

throw further light on the problem of the elective nature of the Anglo-Saxon monarchy on the state of the witan in determining the succession to the throne. This is the question of who was to succeed Edward. The very fact that this question loomed so large in the minds of the contemporaries of the Confessor, suggests that such matters were not normally left to be settled at the death of a king but were already arranged during the lifetime of the monarch.¹ Even if one could not rely on the evidence for a bequest to Edward by the king and witan, the fact that the ethelings Edward was sent for all the way to Normandy would still deny any such arrangement as the one that maintains that "the king and witan in all things favour is impossible in itself and is confirmed by no kind of evidence."² I have elsewhere discussed the promise of both the promise to Edward and the return of the ethelings Edward,³ and it is unnecessary for me to say more here than that I believe that Edward and

1. I am not suggesting that such matters were arranged without consultation of the witan, whom I regard as having a share in all important business, but I am arguing against the view that the witan functioned as a sort of electoral college on the death of a king, and that they in this respect "towered above the crown" (p. 149).

2. U, III, 695. At the same time it strengthens the case for the designation of Edward as his heir by Harth^{sc}nut, for the two cases are very similar.

3. Appendix 8.

his witan did in 1051 promise the throne to William,¹ but that later, with the ascendancy of Harold, an attempt was made to get the king to abrogate this by designating his kinsman Edward as his successor. To deny the witan competence in the former instance and allow them it in the latter, as Freeman does,² is hardly possible. The witan will have had a share in both, but the will of the reigning monarch was probably the great, if not decisive, influence.³

It remains to say a few words about the events of the year 1066, as far as these relate to the disposal of the crown. In the series of elections which Liebertmann cites as sufficient to raise the practice of election beyond any doubt, he includes three examples from this year.⁴ These are the elections of Harold, Edgar, and William. In the first case we have an instance of what can hardly be called an election, but is, however, probably very typical of what the Anglo-Saxons understood by an election. The witan, was

1. Cf. ASMAJ, p. 558: "It is in every way probable that the duke came in order to receive a recognition of his standing as success or designate to the crown."

2. Cf. FE, 111, 695, and 11, 377. The weakness of Freeman's argument lies in his differentiation between what he calls the counsellors of Edward and the witan of England (FE, 11, 303-306). They are one and the same.

3. Even in the case of the stinging Edward, in which, I think, Harold may have imposed his will on the king, the Confessor does not seem to have yielded completely, if I am right in thinking that he refused to grant, or postponed granting, an audience to Edward.

4. NA, # 49.

had gathered for the consecration of the abbey, were, after the death of Edward, confronted with a claim to the throne, on the part of Harold, which was based on some such arguments as his fitness for the position, the lack of any other suitable candidates, and a real or alleged death-bed bequest to Harold by Edward. The witan were, thus, faced with a situation which left them hardly another alternative than that of acknowledging Harold as king. Nor is there much reason to believe that they did not all submit to him.¹ Consent was thus given, but an election, in any real sense of that word, was hardly made, and indeed parts of the country seem to have refused to submit to Harold, who had to make a special visit to Northumbria to secure the allegiance of its magnates with the possible exception of Morcar who may have become his man in London. This he finally, although with difficulty, obtained largely through the able assistance ofulfstan.² This should

1. An entirely erroneous impression of unanimity as to what the choice really meant is given by such a statement as the following: "the assembled people of England, in the exercise of their ancient and undoubted right, chose with one voice Harold the son of Godwine..." (HE, III, 20). In another passage Freeman states that the Northumbrians had not been well represented at the gemot which elected Harold. At the same time he reveals very well his conception of what a witenagemot was, when he says that if the votes had been taken, not by heads, but by tribes, cities or cantons, the Northumbrians, although present only in few numbers, would have had an equal voice in the national councils, "though the West Saxons present might have been counted by hundreds or thousands..." (HO, III, 56).

2. Vita Wulfstani, pp. 22-23.

serve as a warning against placing too much reliance in such conventional expressions as "a totius Angliæ principatus ad regale culmen electus."¹ Of course, if the designation subregulus, which Florence of Worcester employs to describe Harold, be taken to mean that the earl was the formally recognised successor designate of Edward, the election becomes that much more unreal. It is, however, probable that no technical meaning is to be attached to the term, and that Florence used it simply because Harold's power and prestige in the last year or two of the reign were such that he was practically a vice-regent.

After the death of Harold the witan were faced with the choice of finding another native or submitting to William. They chose to make the Saxon Edgar king. Their action here approximates much more to a genuine election than did that of Harold, for Edgar was not in a position to push his claims if he were not voluntarily elected. However there seems to be little doubt that the election was the work of a few witan,² acting at a time of crisis and under extra-

1. Flig, 1066. Similarly the ABhr, 3, B 1042, 2, B 1041, is employing conventional language when it says that scilicet chose Edward.

2. The best account of Edgar's election is in ABhr, B 1066, where it is stated that it was the work of Ealdred, Archbishop of York, and the garrison (burhwaru) of London. Edwin and Mercar are said to have promised to fight with Edgar, but whether they were present at the election is uncertain, although asserted by Florence of Worcester (1066). There is nothing to suggest that the election was the work of a fairly representative remot, as Freeman thinks (MS, iii, 524). Cf. Wilkinson, "Northumbrian separatism", BJRL, xxiii, 521-523.

ordinary circumstances. It is, thus, although an example of genuine election and of the right of the people to choose its rulers, hardly typical of normal procedure.

The third so-called election of 1066 can only by courtesy be given that name. It can only by no stretch of the imagination be said to have been chosen or elected king, unless by these terms be meant the act of submitting to the overlordship of an individual. The chronicler recognises this when he writes: "And then came to meet him archbishop Aldred, and a dear child, and earl Godwine, and earl Godwine, and all the best men of London, and then from necessity submitted (huzan) when the greatest harm had been done."¹

The reign of the Confessor thus hardly supplies evidence that the Witan formed a genuine electoral college, that they "towered above the king," or that the Anglo-Saxon monarchy was an elective one. On the other hand, as might be expected, it testifies that the title of king rested not solely on hereditary right, or the right to kingship which membership in the royal family implied,² but also on acceptance by a community (represented in England by the bishops or Witan surrounding the king) of the claimant to the throne. It was,

1. ASChr, D 1066.

2. That this was very strongly felt is shown by examples cited above (p. 161), to which may be added the reference to the stalling Godwin, whom men wished to have as their king; "feallswa him wel gecynde was" (ASChr, D 1066).

however, it seems, very often already marked out for the succession to the throne in the lifetime of his predecessor and only rarely elected by the witan, whose share in the election or creation of kings has probably been greatly exaggerated.

In the function of the witan in the deposition of kings the origin of the conflict reveals little. Edgar can hardly be said to have been deposed, but rather to have voluntarily abdicated, if he was ever considered full king. An act analogous to the deposition of a king might, however, be discerned in the expulsion of earl Tostig by the Northumbrians. However, in a society where there exists no machinery to peacefully compel a ruler, whom the people wish to be rid of, to abdicate, it is almost impossible to establish a distinction between a legal deposition and a violent one.¹ It is a fundamental principle of the Middle Ages, that a king who breaks the law is no longer entitled to obedience or fealty. Any subject, who feels himself unlawfully treated by the king, is quite within his rights, not only in refusing obedience, but in resorting to force to gain his rights. For him the king is no king but a tyrant. Similarly, of course, a people is justified in expelling a ruler who does not deserve the

1. Essentially I agree with Kern's ideas on deposition (Kingship and law, pp. 85-97).

law. But in the final analysis a legal deposition is a rebellion against a ruler which is crowned with success. Thus the act of deposition does not consist in a formal vote of the witan exelling the ruler, but in the successful execution of an act of renunciation, made by individuals acting as individuals banded together for the moment, but in no sense forming, or acting as, a corporate body. There is, thus, little point in saying that the witan possessed the right to depose the king, for this was a right which every individual possessed, i. e., the right of renouncing an unjust ruler. Nay, it was more than a right; it was the duty of every individual.¹

It is a different matter, that in practice the witan would take the lead in renouncing a king. That was a matter of expediency, for only if a magnate felt himself powerful enough to oppose the king, would it be practicable to renounce one's allegiance to him. The Northumbrian crisis is a good example of what in practice deposition meant, and it illustrates well how impossible it is to distinguish, as Liebermann attempted to do, between "a legal act of the constitutional agent of the commonwealth" and "a self-

1. W. Kern, Kingship and law, p. 87: "The fundamental idea is rather that ruler and ruled alike are bound to the law; the fealty of both parties is in reality fealty to the law; the law is the point where the duties of both of them intersect."

treacherous deeds of violence committed by individual nobles." ¹ Such a distinction is meaningless in a society which recognizes both the right of resistance and the right of "self-help." ² As Kern points out, "success alone made and determined whether a revolt was wicked or glorious." ³

1. NA, # 50. It might be asked what steps the Carthaginians should have taken, had they wished to use, not violence as they did, but the recognized constitutional machinery of the day.

2. Cf. Kern, Kinship and law, p. 90.

3. Ibid., p. 31. The lenient treatment of defeated rebels, of which so many examples are found in the Middle Ages, is explained by the universal recognition of the right of resistance on the part of an individual who believed his rights to have been flouted. He was entitled to resort to "self-help."

CHAPTER FOURTEEN

The Witan and Various Ecclesiastical
and Civil Business

There seems to have been no fixed method of appointing prelates to vacant sees in the reign of Edward the Confessor. No doubt Edward never appointed a prelate without consulting at least his most trusted advisers among the ecclesiastical witan, but his wishes were probably the determining factor in most cases. It is unlikely that the lay witan, with the possible exception of the earl within whose earldom the see or monastery lay,¹ were generally consulted. The statements made by the chroniclers are often vague as to the method of appointment. They frequently content themselves with saying that so and so "succeeded" to a bishopric. In the vast majority of cases either this terminology is employed or the king is said to have given the bishopric or monastery to an individual. In either case one is probably safe in assuming that in these instances the king bestowed the office after consulting a few witan. Exceptionally an appointment seems

1. Such an inference may be drawn from Symeon of Durham when he writes: "auxilio et favore comitis Testii, qui Siwardo successerat, Egilwinus in episcopatum sublimatur" (Symeonis monachi historia Dunelmensis ecclesiae, Symeonis monachi opera omnia, ed., T. Arnold, London, 1882 (FS), 1, 92).

to have been made in a large witenagemot, but there does not appear to have been any rule as to when or why this was done.¹

Whenever we are given any details as to an ecclesiastical appointment, it is inevitably the will of the king that is the decisive factor. Thus in 1044 when Siward was made co-adjutor archbishop of Canterbury, the matter was arranged between archbishop Ladsige, earl Godwin and the king.² When the monks at Canterbury elected Alfric to succeed archbishop Ladsige, the king set aside their candidate and caused Robert to be appointed in a witenagemot at London.³ When Anni wished to make Ethelwig his successor at Evesham, he asked the king to appoint him.⁴ In the case of Wulfstan, even if we accept the story of a canonical election by the clergy and people of Worcester, it is still the king who grants them the right to hold a canonical election.⁵ When St Edmunds Bury became vacant in 1065,

1. Examples are the appointment of Anni in 1044 (Flig, 1044); of Robert and Spearhafoc in 1051 (ASChr, C 1050); and possibly the appointments of Stigand in 1052 (ASChr, E 1052) and Wulfstan in 1062 (Vita Wulfstani, pp. 17-18).

2. ASChr, C 1044, E 1043.

3. Vita Edunardi, pp. 399-400; ASChr, C 1050.

4. Chronicon abbatis de Evesham ad annum 1418, ed., T. D. Macray, London, 1863 (RS), p. 88.

5. Flig, 1062. I find it somewhat difficult to reconcile Florence's account of a canonical election with the emphasis the Vita Wulfstani places on the election approved by the king and witan. Cf.: "Ad curiam reversi, dum ipornensis episcopi ventilaretur electio, nomen ejus tulerunt in medium" (Vita Wulfstani, p. 18). In either case, however, the will of the king is of primary importance.

"cogitat...rex...quem ejus in locus subroget," and Edwin

decided on Baldwin summons the prior and canons to Windsor, where they then elect Baldwin.¹ Another proof of the importance

of the king is seen in the number of royal chaplains who were elevated to high positions in the church under Edward the Confessor.² All this points to the conclusion that on the

whole the witan did not have a great part in the appointment of prelates. The king himself and possibly the high spiritual witan with an earl or two seem to have normally attended to this business.³

Deposition of bishops and abbots was also within the power of the king. It may be that the witan here played a more important role than in appointments. Thus the deposition of Stigand in 1043⁴ was likely counselled by the earls and whatever other witan advised the despoiling of the king's

1. F. Liebermann, ungedruckte Anglo-Normannische Geschichtsquellen, Strassburg, 1879, p. 245.

2. On these see Knowles, The Monastic Order, p. 71; Jarson, King's Household, pp. 140-142; Davis, Historia, pp. xii-xv.

3. Attention may be called here to the provisions of the Regularis Concordia on the election of abbots: "Abbatum... electio cum Regis consensu et consilio, sanctae regule avertetur documento" (quoted in Knowles, The Monastic Order, p. 396). Even here the role of the king is very important, and the interference of the witan would seem to be largely excluded. I may add here that I do not regard writs announcing the bestowal of a bishopric as necessarily excluding action on the part of the witan, but I do think that the language is another indication of the primary importance of the king in this matter, e. g., "ich kybe eow þat ich habbe geunnen þisan minan preste þes biscoprice" (ED, 835).

4. ASChr, C 1043.

mother. Nothing is known of the share of the witan in the expulsion of Spearhafoc,¹ but archbishop Robert and bishop Ulf seem to have been outlawed in the great gemot of 1052.² All these instances, however, are more of a political than of an ecclesiastical nature, as none of these men, except Spearhafoc, was expelled on the grounds that he was unfit for spiritual office, but because "he counselled evil counsel." There is, in the reign of Edward the Confessor, no example of an ecclesiastic being deprived of his office for spiritual reasons, by the king and witan, unless it be that of Spearhafoc, and in his case the removal was probably the work of Robert acting with the permission of the king. It should be noticed that the expulsion of archbishop Robert was deemed illegal by the papal curia and Stigand's appointment pronounced null and void. But it is significant that his partisans were so strong that he kept his office until the reform of the English church by Lanfranc and William.³ However, his

1. ASShr, E 1048.

2. Ibid. 1052.

3. Papal influence in England, nevertheless, grew steadily throughout the reign of the Confessor. It is not correct to say, as F. E. Warren does, that "in the eleventh century we hear for the first time of bishops going to Rome for consecration or confirmation, and of the Roman court claiming at least a veto on the nomination of the English king" (F. E. Warren, ed., The Ælfric missal, Oxford, 1883, p. xxiv), but certainly the number of instances of papal intervention would seem to have been far greater in the reign of the Confessor than in any other reign in the preceding two centuries. More prelates travelled to Rome and there were more channels for papal influence. See Darlington, "Ecclesiastical reform", MHR, 11, 385-428.

retention of office is hardly to be ascribed to the witan but to Godwin and Harold.

The share of the witan in the regulation of other aspects of the life of the church does not stand out clearly in the sources for the reign of the confessor. Yet there can be little doubt that at least the ecclesiastical witan played a major role in this.¹ The witan may have had some share in the fixing of Devon cathedral at Exeter, although in the charter effecting this, the king makes the transfer known to "all the magnates of the angles."² Possibly their share in such business was, however, been exaggerated. From the account of the attempt of Hereman of Ramsbury to obtain Malmesbury, it appears that such a decision might be made by the king after consulting no more than a few advisers. We are indirectly told that the first that Harold heard of the matter was when the monks of Malmesbury approached him and requested his aid in preventing Hereman from securing their monastery. Through his influence with the king, Harold was able to successfully oppose Hereman's design.³ The crisis

1. See NA, # 56; Böhmer, Kirche und Staat, p. 50.

2. OD, 791. Cf. Fowler, Episcopate of Cornwall, pp. 1-35.

3. GP, p. 182. Freeman, who held that such an important piece of business could only be settled by the national assembly, has difficulty in explaining how this could have been done. He never explains why Harold was ignorant of the matter, if it was discussed in a full witenagemot (NE, 11, 414).

is revealing, and in harmony with the conception of the witan-
gemot advanced in the preceding chapters.

Of the action of the witan in the union of the sees of
Hamsbury and Saerborne in 1058, we are told nothing,¹ nor
do we know what hand they had in the dispatch of representa-
tives to the synod at Rheims in 1049² or to that at Rome in
1050.³ It is thus, as I said, possible that the share of
the witan as a whole has been exaggerated, and that the inner
life of the church was largely regulated by the king and his
closest ecclesiastical advisers. The lay witan may have, for
the most part, interfered in church questions only when these
particularly concerned them, and then only as individuals.
They may also have played a considerable part in the framing
of ecclesiastical laws, such as, for example, those of Canut.

In civil matters the share of the witan, both spiritual
and lay, may have been considerably more than in ecclesiastical
business. It is not unreasonable to assume that king and
witan co-operated in the appointment of earls.⁴ However,
the reign of Edward the Confessor does not afford many clear
examples of such co-operation.⁵ Action by the king and witan

1. OP, pp. 180-181.

2. ASChr, D 1051.

3. ASChr, E 1046.

4. Cf. NA, # 57.

5. Yet all Liebermann's examples are drawn from this reign (NA,
57).

in the appointment of Odda and Ælfgar to earldoms in 1051 is implied in the words of the Chronicle: "7 man sette þa Oddan to eorle ofer Defanscire 7 ofer Dorsetan 7 ofer Weales 7 man sette Ælfgar Leofrices sunu eorles þane eorldom on hande þa Harold ar ahte." ¹ All other references, in the Anglo-Saxon Chronicle, to appointments of earls during the reign either mention the bare fact of succession or state that the king made the appointment. ² Thus when Godwin died, Harold is simply said to have succeeded to his earldom and Ælfgar to the one Harold had held. ³ One version of the Chronicle ⁴ reports Æostig's appointment non-committally: "Æosti feng to þan eorldome," but another version ⁵ records: "se cyng reaf þone eorldom Æostig." The bare fact of Ælfgar's succession to his father's earldom is all that the sources mention. ⁶ In 1065, when the Northumbrians deposed Æostig, they prayed that they might have Morcar for their earl, "7 se cyning þas geuþe." ⁷

1. ASChr, E 1048.

2. Florence of Worcester adds nothing of importance.

3. ASChr, C, D, E 1053.

4. ASChr, D 1055.

5. ASChr, E 1055. It is to be noted that this is the version of the Chronicle which, according to Freeman, always emphasises the popular nature of the government.

6. ASChr, D, E 1057.

7. ASChr, D, E 1065. Version C says only that the Northumbrians chose Morcar for their earl.

Not much is to be inferred from these references, but it seems clear that the king's action is of paramount importance, although there is little reason to believe that he did not consult some of his witan in most, or all, instances.¹ It might be concluded from the mention of the rare fact of succession in cases where son succeeds father, that the earldoms had become to some extent hereditary. Too much, however, should not be made of this. In fact, one may say, that the language of the chroniclers, when describing the handling of these matters, is exactly what one might expect from members of a society whose modes of procedure were extremely fluid.

1. An instance of the co-operation of the witan in large numbers is the restoration of the earldoms to Godwin and Harold when they were in-lawed in 1052, but this is hardly an example of normal procedure (ASDhr, C 1052). Purlitz (König und Witenagemot, pp. 51-57) held that the king had the greatest share in the nomination of prelates and earls. He cites as examples of the king acting alone in these matters, in the reign of Edward the Confessor, the appointment of Siward to Canterbury, Herestan to Shereborne, Leofric to Crediton, Heca to Selsey, Ulf to Dorchester, Robert to Canterbury, and Spearhafoc to London (p. 53). He adds that he does not doubt that in the election of prelates "eine Mitwirkung der Witan bei derselben stattgefunden hat," but thinks it was only formal (loc. cit.). The same procedure, he says, was followed in the appointment of earldormen (p. 54), and he cites as examples of the king alone granting earldoms, the appointment of Goda, and that of Blevent and Biwall to Wales (p. 55). It is strange that Liebermann paid no attention to Purlitz, referring to him only once (HA, # 3), where he says that he generally followed Kemble, treating independently only the election and deposition of kings. This is hardly true.

In practice, the power of the king and witan to levy taxes for the public services, cannot be doubted, but there are ²¹ reasons to doubt that this was regarded as quite just or legal. It must, too, be emphasised that the only tax, which is known to have been levied by the king and witan, was the heregeld, often called the Danegeld. ¹ There are several references, in the Anglo-Saxon Chronicle, to this levy by the king and witan. ² Sometimes, however, the sources speak as if the king alone decreed the paying of tribute. ³

To medieval man taxation was simply a form of confiscation of property. ⁴ In a certain sense, of course, the witan are regarded as representatives of the community, but it is doubtful whether they were regarded as competent to speak for all in as important a matter as taxation. In time of war the people

1. No doubt the technical name was simply geld. In the tax see ISCP, II, 174-175, 219, 234; ASLanz, p. 406.

2. For example, ASLhr, 991, 994, 1002, 1006, 1011, 1012. In 1004 it is the king and the East Anglian witan who decree the paying of tribute.

3. ASLhr, 1014. It is not stated, in the Chronicle, who imposed the tribute in 1018, the pay for the standing army in 1040, nor as in the tax of 1041 (ASLhr, s. a.), but in the latter two cases Florence of Worcester (s. a.) says they were imposed by the king. Furlitz (König und Witenagemot, pp. 59-61) doubts that the witan had much share in levying taxes. He says that the king himself lifted the heregeld. But he admits that the king and witan acted together on occasions.

4. Cf. Kern, Einleitung und I. A., p. 136: "The state therefore can accomplish this attack on private rights [i. e., taxation] only with the free consent of all concerned (or at least of their representatives)."

would possibly acquiesce in the levying of taxes for the sake of securing peace, but it is by no means certain that they regarded the taxation as legal. In time of peace, the levying of such taxes, it would appear, was felt to be an injustice. Indeed there is some reason to suspect that even when they were levied with the sanction of the witan, they were still not regarded as having been levied by representatives competent to consent for the community. ¹

There can, for example, be no doubt that the strange geld ² imposed in 1041 was regarded as illegal by the inhabitants of Worcester. Yet apparently Harthacnut's witan sanctioned it, for the king sent all his earls to punish the people for the slaying of his two huscarles who had been attempting to collect the tax. ³

1. This may even be saying too much. Fern correctly writes: "We have here learnt two things: (1) that the monarch could, for example, exact taxation only after he reached an understanding with the community, and (2) that this understanding, at least in theory, took the form of negotiation with every individual, as to whether he was willing to pay" (Kingship and law, p. 194). But it may be doubted whether this principle had become clearly established in eleventh century England, where, except for the heregeld in the last two generations of the Anglo-Saxon state, new taxation was such an unheard of thing, that it is hardly to be expected that any principle, whereby new taxation could legally be imposed, would have evolved. This explains why, as is, I. V. Clarke noticed, the idea of consent does not appear to have been in any way associated with royal revenue in the Anglo-Saxon period (Medieval representation and consent, London, 1936, p. 250).

2. R13hr, 3 1041.

3. R13ig, 1041.

In the reign of Edward the Confessor there is no mention of the witan assenting to any taxes, although there is no doubt that Edward continued to collect the heregeld, or it would not have been necessary to abolish it in 1051. This abolition is said to have been performed by the king, and there is no mention of the witan acting in the matter.¹ The language used by the chroniclers, on this occasion, suggests that the tax was regarded as an unjust, and therefore illegal, one.² On the whole, I think, it may be said that it is doubtful if the Anglo-Saxons ever felt that the witan and the king - much less the witan alone - were competent to levy taxes on the nation. To employ modern terminology, it is questionable whether the witan and king ever had the constitutional right to impose new taxation. In a time of emergency, such as occurred during the reign of Ethelred, the community acquiesced in the levying of the geld. Since the war lasted such a long time, the tax, no doubt, acquired some

1. ASChr, D 1052; Fltig, 1051. On what evidence Liebermann bases his statement that the abolition was "enacted with the consent of the witan," I do not know (NA, #59).

2. ASChr, D 1052: "That tax distressed all the English nation during so long a space as is here above written. That was always paid before other taxes, which were variously paid, and with which the people were variously distressed." Later works emphasise even more strongly the unjust nature of the tax, but may reflect the views of their authors' contemporaries and not those of the Anglo-Saxons (see Iuard, Lives, pp. 51-52, 205-206).

status through age. No doubt, too, it continued to be unpopular. The very existence of this tax throughout more than half a century, argues that Anglo-Saxon monarch and government far less popular and far less representative than is often assumed, for had it reflected the views of the majority of the community, there can be little doubt that a tax as unpopular as the here geld would have been abolished long before it was. Again, had the witenagemot been a national assembly, whose members were regarded as representatives of the community rather than representatives of the king, the tax would either have been less unpopular or sooner abolished. Its very existence suggests that the Anglo-Saxon monarch was not as weak as is sometimes suggested; that he was in practice, though not in theory, more absolute than is commonly assumed. ¹

1. It may well be that the Anglo-Saxon monarchy and society bore a much closer resemblance to early provincial monarchy and society than to either those of eleventh century France or Scandinavia, both of which it no doubt resembled in many ways. The peculiarly personal relationship between king and magnate in England, under even a weak king, worked in favour of the monarchy, much more than did the contractual and more strictly defined relationship between king and vassal in France. Only the most powerful personalities could turn feudalists into a source of strength to the crown. Again, in Scandinavia the existence of alsherjarbing severely limited the exercise of power on the part of the king. In practice, an English king, if he took care not to offend the general sense of the community in too outrageous a fashion, and if he kept on good terms with the most powerful magnates, need hardly fear that his acts would be challenged. Much more, too, than in most other countries, does the English royal house of Burgundy seem to have been regarded as pre-eminently "throne-worthy." I suspect

It is, no doubt, right to say that the king and witan did at times levy taxes, but whether they were considered to have a constitutional right to do so is another matter. Moreover, before one can pass judgment upon the constitutional function of the witan in respect to taxation, one must answer the all important question of what is meant by the term witan. Are they prelates and earls, in whose appointment the voice of the king is the most powerful one, thegns, who are almost all household officials of the king or his provincial administrators, and a few royal chaplains? Or are they men who constitute a corporate body existing side by side with the king; a body for whose composition and existence he is only to a minor degree responsible; a body which becomes upon his death the sovereign power in the state until it has elected his successor? In the former case the power to levy taxes would tend to enhance the powers of the monarchy; in the latter case it would tend to limit them. In any event, in eleventh century Anglo-Saxon England feeling against new taxation was probably so strong that the whole question of the function of the witan in that field may be regarded as largely academic?

that to a great extent the following statement of Chadwick may be as applicable to eleventh century Anglo-Saxon society as to that of the Heroic Age: "Much has been written about the various powers possessed by the kings, but it is still by no means clear what they could not do, so long as they had a powerful and contented body of personal followers" (Heroic age, p. 366).

It is recorded that on several occasions the witan co-operated with the king in planning the defence of the realm against the Danes and others.¹ The reign of Edward the Confessor offers some examples of this, although at times the king alone is mentioned in connection with the calling out of military forces. The decision to dismiss the litmen in 1050 and 1051 would seem to have been taken after consultation with large numbers of witan.² Again the dispatch of ships to Sandwich in 1052, and the appointment of earls Ralph and Godwin to command them, were decreed by king and witan.³ It is clear that only minor decisions of a military nature were made by the king and a small number of witan,⁴ and that all major decisions were made by the king and all the leading magnates.⁵ This is indeed what one would expect in a society where military forces are raised for the occasion and are commanded by the great magnates whom the king has appointed over the various localities. Co-operation of king and magnate is

1. See HA, # 58.

2. AS1hr, # 1047, 3 1049, 1050. Benson has shown conclusively, I think, that only the naval forces, and not the standing army, were dismissed (King's household, pp. 168-169).

3. AS1hr, # 1052.

4. The king alone is mentioned as acting in AS1hr, 3 1045, 1049, and 1052. In the latter part of the Confessor's reign Harold is spoken of as the most important agent (AS1hr, 3 1050, 3, 3 1063).

5. Almost all the examples that Liebermann gives are of this nature (HA, # 58).

indispensable under such an arrangement, and very likely to be closer in this matter than in any other. That the Danish conquest made any appreciable difference here, cannot be shown, although the existence of a standing army and a permanent navy would make it unnecessary to call out the fyrd except when grave danger threatened.¹ But the importance of the earls and thegns, who were witan, would still be great, since they, no doubt, became closely connected with the standing army.

Its command would likely fall to some of the household officers of the king.² In any case harmony between king and magnates was absolutely necessary if the crown were to possess any real

1. There is little trustworthy information about the military resources of the England of the Conquest. It would seem that such expeditions as those against Scotland and Wales consisted of local levies butir used by the huscarls of the earls involved and, at times, those of the king. This seems clear from the account of Siward's invasion of Scotland in 1054 (AShr, D 1054), for some of both his and the king's huscarles perished. The naval force must have been raised for the occasion. Cf. also the account of the Welsh war in 1055, when Earl Godwin at first gathers forces. Only after his defeat is a force gathered, under Harold, from very near all England (AShr, D 1055). A national effort seems indicated also in 1063 (AShr, D 1063). How important the standing army - the bingmannali or here - was is difficult to determine. By and large I accept Jorgensen's views on this (King's household, pp. 152-166). I. Vinogradoff distinguished sharply between the bingmannali and the here (English society in the eleventh century, pp. 20-21, 35-36), but it seems clear that during the reign of the Confessor the latter term is used to describe the standing army (AShr, C 1049, D 1049, D 1052) which in Scandinavian works is called the bingmannali (Flateyjarbok, 111, 370; Heimskringla, p. 500).

2. Kemble thought this might well have been the function of the stallers (Saxons, II, 122). The local levies seem then to have been led by the sheriffs (Corris, Sheriff, p. 27).

military strength.¹ This, of course, is not to deny that the standing army may have considerably strengthened the royal power.

The question of what share the witan had in the holding of land is not simple. It is complicated by the fact that it is not at all certain what is meant by the terms bockland and folkland. There is fairly general agreement that bockland is a book-land which has been freed from certain public burdens.² There is hardly as general agreement that folkland is land held under folk-right, land subject to rents and services for the maintenance of the king, and comprising all land from which these burdens have not been removed by action of the king and witan.³ There would seem to be some reasons for thinking that this definition is too broad, and that folkland represents the ancient demands of the Anglo-Saxon kings.⁴

1. The crisis of 1051 is a good illustration of this. Godwin was outlawed in 1051 because the magnates were prepared to support the king. In 1052 Godwin had large forces and the magnates were unwilling to fight for the king who, such against his will, had to yield. At all stages of the conflict king and magnates were in consultation.

2. See ASng, pp. 302-307; J. . A. Jolliffe, "English book-right", JH, 1, 1-21; Turner, "Bockland and folkland", Historical essays in honour of James Lait, pp. 357-386.

3. Cf. ASng, pp. 306-309.

4. Turner (op. cit.) advances what seem to be strong arguments for this view. See my appendix U.



the subject, however, lies beyond the scope of this work, although the resolution of the problem would make it easier to assess the share of the witan in the booring of land. It may be said, however, that in what follows I assume that to book land means to remove from it certain burdens, to give the grantee the right to dispose of it at will, and to give it "immunity from challenge in the common moots and a procedure of defence which must have been a most enviable privilege in the conditions of law which then prevailed."¹

There is no doubt that king and witan co-operated in the making of land books. It is another matter how important the share of each was. It is not likely that this can ever be fully decided, for the conventional phrases used to describe the action of the witan may mean all or nothing.² It would probably not be far wrong, however, to view the king as the most important agent and the witan as witnesses rather than active parties, at least in the reign of Edward the Confessor.³ This seems to be confirmed by the fact that

1. Jolliffe, "English book-right", EME, 1, 13.

2. The formulae used in the Confessor charters are listed on p. 95 above. Jolliffe warns us: "To try to define the purpose for which king and witan intervene in the granting of book-land, or assess their several shares in the transaction, would be an anachronism" ("English book-right", EME, 1, 6). Again he writes: "King and witan, 'rex cum consilio sapientum', are the exacting power: to say more would be to force an unreal definition upon a practical age" (loc. cit.)

3. Cf. Jolliffe, "English book-right", EME, 1, 6: "Public consent in its fullest sense, both as to the authority and the

whenever private charters are witnessed by king and witan, they are said to have been made with the "cye es fullra leafe 7 and on his rewitnesses."¹ Even where the witan do not seem to witness, many private charters are said to have been made with the permission and consent of the king.²

occasion, is what is sought, and the king may almost, though never quite, fulfil this requirement alone." Liebermann (HA, # 28) says that in the eleventh century the king and a court council dispose arbitrarily of crown lands by means of the writ. This, as I have argued, establishes an unwarranted distinction between witan and court council, although it may be admitted that the announcement, by means of a writ, of a grant of land, might be taken to mean that those, to whom the writ is addressed, had no share in the transaction announced in the instrument. But it is by no means certain that such an interpretation is correct. The writ tells us nothing as to how the action it announces was arrived at. Nor is it to be seriously maintained that because a writ states: "Ich hylfe eow bat ich habbe geunnen isan minan preste des biscoprliche..." (CD, 835), that the king alone, without consulting any of his witan, made the appointment? Cf. V. H. Galbraith, "An episcopal land grant of 1085", HR, xliiv, 256: "For the sealed writ was in origin perhaps merely supplementary to the unaddressed diploma, whose provisions it notified in the form of a letter to the persons concerned. It...referred 'to an act of which it formed no part', and we may doubt if it was even meant to be preserved." I may say here, that I do not know of a genuine writ announcing a grant of land whose bestowal has been made in an extant genuine charter. It may, however, be mentioned that there is a writ (CD, 828) announcing that Atsere has given Ilesness (.) to Westminster, and that this gift by Atsere is recorded in the forged CD, 824. But the writ may be the basis of the forgery.

1. CD, 956.

2. Examples of both types are by no means confined to the reign of Edward the Confessor, but characterise the whole Anglo-Saxon period. See CD, 923 (1051-1052); ASS, xliiv (1042); CD, 745 (1032), 898 (ca. 1023), 683 (ca. 985, earl Alfrie also consents), 680, 681, 682 (all three ca. 977, and all with the permission of earl Alfhreth in addition to that of the king), 1347 (975-979). Numerous other examples might be given.

The number of land books, which are extant from the Con-
fessor's reign, testifies that it was customary to book land
in the presence of the witan. This is almost all that the
present state of our knowledge of this matter allows us to say.
It would be futile, and possibly meaningless, to ask whether
the consent of the witan was necessary when the king wished to
book land. Such a question has meaning only if by witan are
meant a large number of magnates gathered in a formal assembly,
in which, to be valid, the transaction must be confirmed. If
on the other hand the term describes merely the few magnates
who happen to be with the king and whom he consults more or
less formally, the question of validation does not arise. The
king, no doubt, alienated land in the presence of both formal
and informal assemblies, and it is doubtful whether he ever
made an important grant without consulting at least a few witan,
although I would hesitate to say that he did not feel competent
to do so.¹ All that can really be said is that there was a
customary, but not a fixed and invariable,² procedure in these

1. I think it likely that the advice and consent of the witan was felt to be desirable, not because the king was not competent to act without them, but to safeguard against a reversal of the grant by another monarch in the future.

2. Had it been fixed and invariable the number of witan attesting land charters might be expected to vary much less than it actually does. What, too, is the status of the writ? Is it supplementary to the land charter, or is it a substitute for it?

matters. It may also be added that unquestionably the king
and witan heard suits involving bookland, but I know of nothing
from the reign of Edward the Confessor to add to what J. H. P.
Jolliffe has written on that subject.¹

1. "English book-right", JHR, 1, 1-23.

CHAPTER FIFTEEN

The Witan and Judicial Matters

Suits dealing with bookland were dealt with by the king assisted by the witan.¹ Such suits, no doubt, formed the bulk of civil suits heard. In criminal matters, cases of treason seem to have been the principal ones.² Of the latter, in the reign of the Confessor, several examples occur in which sentence of outlawry was pronounced and in some of which, at least, the witan had a share. No discussion of the functions of the witan would be complete without an examination of these cases.

The reign of Edward the Confessor began, as is well known, with some dissatisfaction over his accession. It would seem that at least a part of the Danes in England would have preferred a Scandinavian king. Somewhat surprisingly Edward's mother seems to have been of this party. Her preference was, apparently, Magnus gúfi of Norway.³ Her activities must have

1. See Jolliffe, "English book-right", MHR, 1, 1-21. Cf. WA # 61.

2. Such cases form the bulk of the examples Liebermann cites of the witan's exercise of jurisdiction in criminal matters (JA, # 61). I may say that I am unable to follow him when he distinguishes between the witenagemot and what he calls the "king's judicial court." He himself admits that both employed witan for doomsmen. I do not know in what the distinction between the two consisted, unless it be the number of witan employed. But for the eleventh century the number would be of no consequence.

3. On this see ASng, pp. 420-422; HC, 11, 62-65; 1SCP, 11, 222-223.

brought her under suspicion. No formal trial¹ before king and witan seems to have taken place, but the language of the chroniclers implies that the king and witan came to the decision to take action against her.² Her lands and treasures were seized by the king, and the witan probably had some share in this, although it would be going too far to say that they adjudged Emma's property forfeit to the king after a formal trial.

No details are known concerning the banishment in 1044 of Gunhild, the niece of King Cnut, and her sons.³ The same is true of Esgod Clapa's expulsion in 1046.⁴ Both cases, however, were probably bound up with preference for the succession of a Scandinavian when ~~King~~^{di} Cnut died in 1042.

1. By this I mean a trial at which the defendant was present and permitted to make his defence. As will be seen from the account of the cases discussed below, the accused seems hardly ever to have been present, but to have been condemned in absentia.

2. Especially AShr, D 1043: "man zeradde þan cyni...." Earls Godwin, Leofric, and Siward took part in the despoiling of Emma, and were no doubt the most prominent in counselling the action. Both the date of the action and the language of the chroniclers argue against the assumption that the proceedings took place in a specially summoned meeting of all the witan. The AShr, C 1043, and A, F 1042, simply say that the king despoiled his mother. Florence of Worcester (1043) says that the king moved suddenly, and names the earls who acted with him. The reason for the despoiling of Emma, given by the above authorities, is unsatisfactory. We learn the true reason from an entry in the Translation of St. Mildred (Descriptive catalogue of materials relating to the history of Great Britain and Ireland, ed., F. D. Hardy, London, 1862 (RS), 1, 381), where Emma is said to have urged King Cnut to seize Ireland.

3. AShr, D 1045; FlWig, 1044.

4. AShr, C 1046, D 1047, L 1044; FlWig, 1046.

On the outlawry of Swegen in 1049 we possess more details,¹ but it is difficult to know exactly what happened. In 1046 Swegen made an expedition to Wales and on his return "ordered the abbess of Leominster to be fetched to him, and had her while it lasted him, and then let her go home."² Florence of Worcester says he wished to marry her.³ In 1047 Swegen departed from England,⁴ but whether voluntarily or as an outlaw is not known.⁵ His affair with the nun was hardly cause for outlawry, and it is the only offence he is known to have committed.⁶ It may of course be, that it was disappointment at not being allowed to marry the abbess that caused him to leave England.⁷ In any case he did leave, and this made it necessary to grant his earldom to someone. It was, accordingly, divided between earls Harold and Godwin.⁸

1. The various accounts are conveniently arranged in TSCP, II, 229-231.

2. AShr, C 1046.

3. FlWig, 1049.

4. AShr, E, F 1045.

5. A judicious examination of Swegen's case is to be found in Wilkinson, "Northumbrian separatism", RHEI, xxiii, 513-514. Prof. Wilkinson doubts that Swegen was formally outlawed, but thinks that he was in 1049 seeking "a personal reconciliation with the king."

6. Cf. TSCP, II, 115.

7. Freeman (MC, II, 89) held that Swegen in his disappointment at not being allowed to marry the abbess, "threw up his earldom, left his country...." Prof. Stenton (AShr, p. 423) thinks that Swegen had by his act "offended all responsible opinion," and that he then "abandoned his earldom, apparently because he was not allowed to marry her [the abbess]."

8. AShr, C 1049.

Swegen remained abroad until 1049, when he returned to the time the king lay with his fleet at Sandwich. Whether outlawed or not, it was now necessary for Swegen to be reconciled with the king, if he wished to regain his earldom.¹ What steps he took to effect this cannot be known with certainty since the accounts in the sources vary.² It seems certain, however, that Swegen obtained Beorn's aid in effecting a reconciliation with the king. The story of Beorn's attempt to assist in this matter is immaterial to our purpose, which is to determine the share of the witan in the whole episode.

On one thing, no matter how they differ in detail, all the accounts agree. This is, that Swegen's plea for restoration was not dealt with in any formal assembly, but by the king and a few magnates. The will of the king seems to have been the deciding factor.³ In one version of the Chronicle Swegen is

1. The emphasis laid on Swegen's promise to be faithful to Edward might suggest that his departure in 1047 was occasioned by a too favourable attitude toward Sveinn Ólfsson of Denmark, although this is belied by the friendly relations between Sveinn and Edward. Or can it be that when the king and witan refused Sveinn's request for aid, Godwin sent Swegen with ships, thus incurring the displeasure of Edward?

2. See TSOP, II, 220-231.

3. Anyone familiar with the Icelandic sagas and those of the Norwegian kings cannot fail to be struck by the similarity between the attempt of Swegen to be reconciled with Edward and attempts of various individuals to obtain pardon at the hands of the Scandinavian kings for some act committed against the latter. (cf. IF, II, 179-195, 214-216; VIII, 159-161; Reiskrinla, pp. 28, 292-297, 356, 472-479; Fjörutíu Íslendinga -bátir, ed., Þórleifr Jónsson, Reykjavík, 1904, pp. 140-143, 159-161, 517-523). It is to be remarked, that in spite of the great importance

said to have approached the king and secured restoration.¹ Harold and Beorn opposed this and evidently were able to persuade the king to reverse his decision and to order Swejen to leave the realm within five days. However, within two days Swejen won Beorn over to his side and persuaded him to intercede with the king. Another version states that Swejen made his request for reconciliation to the king.² Harold and Beorn opposed this, but the latter, it seems, was won over by Swejen. The king, however, refused to pardon the suppliant, who then persuaded Beorn to make another attempt to obtain a favourable decision from the king. But while Beorn was on his way to the court, Swejen slew him. In both versions it was clearly the king and the interested parties who played the leading roles. Clearly it was the king who could grant or withhold whatever Swejen was asking for.³

of national and provincial thing in the Scandinavian countries, especially Sweden, it is always the king who acts and decides, who punishes and pardons. Only on special occasions are matters of the gravest importance, such as war and peace, or the succession to the throne, dealt with at the thing. In other words, the government is the king's, although he sometimes relies heavily on the counsel of one or more of his courtiers. How much the more would this be the case in a society such as the Anglo-Saxon which knew no national assemblies. Indeed the Anglo-Saxon Chronicle everywhere speaks as if the government were the king's (including, of course, the witan or courtiers who happened to be with him). Only on occasion does it mention the summoning of all the witan, i. e., numerous magnates who do not habitually attend on the king. This is for the purpose of treating some very grave matter. Cf. in this connection a discussion of what to do with an individual who attempted to assassinate the king Olaf, in Heimskringla, p. 247. Note the informality of the proceedings.

1. ASChr, B 1046.

2. ASChr, C 1049.

3. Prof. Wilkinson takes as entirely the same view ("North German separatism", BILL, xxiii, 513-514).

after Swegen slew Beorn "se cing ba 7 eall here creaden Swegen for killing."¹ He was acting here with intent? Was it the here? Liebermann distinguished between the here and the witen and when he wrote: "the here banished Swen, but the witen confirm this outlawry."² He did not, however, exactly define the former. Freeman is of the opinion that the assembly, which outlawed Swegen, was a military court, although only of the standing army, and he had doubts as to the constitutionality of the act.³ Larson regarded the here as the standing army of huscarles, the army which was founded or at least given definite organization by Sveinn or Ingi in England, and known as the bingmannali.⁴ This explanation seems very reasonable.⁵ Larson's view is strongly supported by the fact that Scandinavian sources state that Beorn was

1. ASChr, C 1049.

2. NA, # 39. What his authority for the latter part of this statement is, I do not know. He cites only the ASChr, where I can find no support for his view.

3. N2, 11, 105-106. Freeman assumed that the same assembly had previously rejected Swegen's application for restoration. Liebermann says (NA, # 61): "...the king by himself could revoke outlawry"; and Steenstrup writes (Danelag, p. 296): "...konnen alene kunde tilbagekalde den, som var landflygtig efter Dom."

4. A judicious discussion of the origins of the bingmannali is to be found in Jón Jónsson, Víkingasaga, Reykjavík, 1915, pp. 298-300, where the various authorities are cited. Jónsson sees its origin in the entry of the Jómsvíking Þorkell into the service of Æthelred in 1012. Cf. also N2, 11, 444-446, 755-759.

5. King's household, pp. 152-169.

slain in the Þingmannalið in England. ¹ Larson advanced strong arguments that the force was an organised guild with a code of laws, the same as, or similar to, the leges Saxoniarum or Viðrlög. ² In these it is provided that a member of the force, who slew another member, should stand trial before the húskarlafstefna, ³ and if found guilty be driven off the king's estates with the name of niðingr, and be exiled from every land under God's rule. ⁴ There seems little doubt that Larson is

1. "En þessi voru vpphaf va mal þeirra Ásmundar og Sveins konungs at Sveirn Gudnason hafde veret Þiorn faudr hans j þinga-manna lidi vestr at Þinglandi" (Flateyjarbok, III, 370). Larson erroneously translates mál by conversation, but in this context it can only mean relations, matters, affairs or business. Among other references to the force in Scandinavian literature the following may be mentioned: Flateyjarbok, I, 203, 205; Heimskringla, pp. 189, 500, 506; Vallaljóts saga, ed., Valdimar Ásmundarson, Reykjavík, 1898, p. 24; Knýtlinga saga, ed., Vilhur Jónsson, in MÖN, xxix, ch. 7. The Þingmenn are mentioned as having been recipients of the Danegeld in the Laws of Henry I (Ancient laws and institutes of England, ed., R. Thorpe, London, 1840, I, 526). For references to the Þingmannalið on runic stones see Geo. Stephens: "Some accounts of Scandinavian runic stones", Archaeologia, xliii, 115-117.

2. See J. Langebek, Scriptores rerum Danicarum, København, 1774, III, 139-164. Modern historians seem generally agreed that the huscarles were an organised guild, and an important element in eleventh century England (cf. ASong, p. 406; Stenton, First century, pp. 119-121; Steenstrup, Danelag, pp. 127-154; 271-275; Rolf Nordenstreng, Vikingafærderna, Stockholm, 1926, pp. 90-93). The Viðrlög are summarised in Larson, King's household, pp. 160-165 and Sir J. H. Ramsey, The foundations of England, London, 1906, I, 413-414.

3. A gathering probably similar to the Norwegian hirðstefna (see Heimskringla, p. 246; IF, xxvi, 344).

4. Langebek, Scriptores, III, 162.



correct in his contention that it was this body, the húskarla-
stefna of the bingmannalið, that, together with the king,
declared Svezen níðing after the slaying of Beorn. It is not
the witan, but the standing army that decrees the exile of
Svezen.¹ Nor is this strange, if indeed the bingmannalið
was an organised body having its own code of laws. Beorn and
Svezen have, very likely, been two of its commanders, and its
competence to deal with Svezen was probably absolute, since he
was no longer an earl, but possibly even an outlaw.²

1. Prof. Wilkinson ("Northumbrian separatism", BPHI, xxiii, 514)
believes that the here acted and declared Svezen níðing, but
feels that it might have hesitated to pass a formal sentence
of outlawry on him. He adds: "Svezen was already, in fact, an
outlaw...." Whether this was so or not, the decision of a man
a níðing seems equivalent to a formal sentence of outlawry (cf.
Steenstrup, Danelag, p. 258: "...det at erklæres for níðing
indeholder ikke blot en moralsk, men en juridisk Dom, saa at
der herved er udtalt en Fredløskjendelse over Svend." Steenstrup
cites examples of similar cases). Prof. Wilkinson is, very
likely, correct in saying that the differences between a witen-
gemot and the here were perhaps "more clearly recognised than
Freeman would allow," and in rejecting an identification of
witan and army.

2. The bingmannalið is not a unique institution. Its ancestor
is probably the Jónsvíkingar (Flateyjarbok, I, 96-105, 153-203.
The laws governing this military association are to be found on
p. 166. The veracity of the saga and other authorities is
examined by Jón Jónsson, who concludes his discussion: "Övernig
sér því [the origin of the Jónsvíkingar, ca. 960-970] hefir
annars verið háttalað, þá mun Jónsborg mestmennis hafa verið
skipuð handgengnum mínum eða hirsmönnum Haralds Danakonungs,
og hafa þeir haft lögbundið skipulag, sem hirsmönnum er títt"
(Víkingasaga, pp. 234-235; cf. also p. 299)). Then we find at
this time a similar institution in the force of mercenaries
employed by the Byzantine emperors, its members were known

After being thus severely dealt with, Godwin left the country. In the following year, however, he was back in England, reconciled to the king, and fully restored to his former rank. Any attempt to explain this strange event must be pure speculation, since the sources give very little information beyond the bare statement: "man geinlagode Swegen eorl,"¹ which might be held to imply action by the witan. About all that can be said is that the in-lawing is evidence of the very unstable political situation in England around 1050. No doubt the various forces were maneuvering for position, although the crisis does not come until 1051.²

as Væringjar or the Varangians. Guðni Jónsson writes (ÍF, vii, 271-272): "Væringjar voru nefndir þorburlaðabáur þeir, er tengu á mála hjá diklastráskeisara, og var slíkt almennt á 11. og 12. öld. Nafnið er talið dregið af várar: trygðir, heit, og býðir því menn, sem bundist hafa í félagsskap eða broðralag eða svarið undir sömu lög" (cf. ÍF, v, 214). Again he says (ÍF, vii, 273): "...Væringjar höfðu sín eigin lög í sínum borgarhluta og stóðu beint undir keisara sjálfum." References to their assemblies (vápnabing) and virtual autonomy are to be found in ÍF, vii, 272-276 ("Þá váru þat lög þeirra, at hverr sá, er hann drœði, skyldi ennu fyrir týna nema lífinu."), and in Heimskringla, n. 449 ("urða ek, at þat veri réttir Væringja hér...at þeir skulu vera sjálfráða ok frjálssir um alla hluti fyrir öllum mönnum, en vera konungi sínum ok dróningu þjónustu skyldir.").

1. SShr, C 1050 and C 1047 only mention his return. Henry of Huntingden (Historia Anglorum, ed., I. Arnold, London, 1879 (LF), p. 193) says he was in-lawed "cautela Godvini patris sui."

2. One is tempted to see a connection between the arrival of nine ships of Lithuanians in 1050 and the return of Sweyn in that year. I am inclined to regard the dismissal of the permanent navy as being the work of Godwin, an attempt on his part to weaken the forces that might be arrayed against him, if a clash

The crisis of 1061 ended with the outlawing of Godwin and his sons. The accounts of this episode pose a problem similar to that of the earlier outlawing of Sweegen in 1049. What was the share of the witan and what the share of the here in these events? ¹

occurred between him and the king. If one knew whether the butsecarles (ASChr, I, D 1052) from stings, who joined Godwin in 1052, were sailors, as Plummer (1932, II, 239-240) and ref. Stenton (ASChr, p. 558), together with the majority of historians, hold, or the standing garrisons of stings and Sandwich, as Vinogradoff (English Society, pp. 20-21) argued, it would be easier to arrive at a conclusion, for it would hardly seem reasonable that men deprived of their employment by Godwin would join him. Probably no certainty is possible in this matter. I may say, however, that I do not find Plummer's argument convincing. The passage, which he cites from Domesday Book speaks of expeditions "uel terra uel mari." The butsecarles mentioned are thus more likely to have been soldiers who could fight on either land or sea. The use of the word by Florence in 1066 would seem to clinch the argument, not for, but against, the interpretation of sailor, for in speaking of the same event the ASChr, D 1066, uses the term burhwaru, which is usually translated burgesses or townsmen, but possibly more properly garrison. This word occurs in DD, 956, where it can only mean the townsmen or garrison of Lincoln. It may also be fairly asked: If butsecarles means the members of the permanent navy, i. e., the litstmen (another double edged term meaning, if AS, sailors, if ICel, warriors), how is their appearance in London in 1066 (sixteen years after the permanent navy was disbanded), in such numbers as to be influential, to be explained? It is true, as Plummer says, that the ASChr, A 1036, states that the litstmen of London supported Harold, but it is by no means certain that the word here means sailors and not the garrison and navy in London. However, even if in his instance it means sailors of the permanent navy, it should be remembered that in 1035 these would be of considerable importance, but non-existent or negligible in 1066. Vinogradoff's derivation of outsecarles from boi is quite acceptable, for the latter frequently has the meaning "a summons to the army or to a bing, e. g., Swedish budsticka (see Vilkinson, Icealndic-English dictionary, s. v. boi). However, I see little possibility of a definite conclusion, and pursue the matter no further.

1. The best treatment of the crisis is Vilkinson, "Freedom and the

The ori in 1 and the detailed story of this crisis are both largely irrelevant to the elucidation of this question. Godwin and the king came into conflict, and the former summoned his followers to Evesham while the king was at Gloucester with a comparatively small retinue. In the face of Godwin's threat he summoned earls Leofric and Siward, who came with a small company, no doubt some of their huscarles.¹ When the seriousness of the situation became apparent, the earls, and almost certainly the king as well, sent for greater forces. This brought to the side of the king possibly some prominent witan, large numbers of the standing army or bingmannali, and, it may be, some extraordinary levies also.² The bingmannali or here was probably eager to fight, remembering its recent encounter with Brocga, but the witan may have counselled caution, possibly pointing out that time was on the side of the king. Negotiations apparently were carried on, since a rendezvous at London was ultimately agreed on.

Crisis", BMJL, xxii, 368-387, and in the main I follow the reconstruction of events therein set out. Prof. Wilkinson's remarks on the various versions of the Anglo-Saxon Chronicle I regard as eminently sound.

1. In the following account I have drawn upon Æthyr, p. 1052, which Prof. Wilkinson has shown to be most reliable. Earl Ralph was probably with the king at Gloucester.

2. The later statement, that after a rendezvous at London had been agreed upon "the people were ordered out over all this north end, in Siward's earldom, and in Leofric's, and also elsewhere," suggests, however, that only the hires of the earls and the here of the king appeared at this time.

At that place Godwin and his sons were to appear and take their defence against the charges which had been levelled against them.

The language used by version D of the Anglo-Saxon Chronicle in reporting these events is not without significance. It is not a witenagemot that is decreed for London but a stefna, and "sceolde Godwine eorl 7 his sunu þar cuman to wibernale." This would seem to suggest that the here rather than the witan made the decision, although it would be rash to rely too heavily on the Chronicle's language alone, for this, as has been pointed out, is extremely loose and unexact. Yet it would seem equally rash to deny the here a large share in the proceedings at Gloucester. It may even be possible that at that meeting the here took the leading part, at London the witan. At Gloucester the spiritual witan, with the exception of two or three prelates, may well have been absent. Certainly they would be present at London. At Gloucester, under the threat of civil war, the decisions may well have been made in assemblies of the armed retainers of the king and earls. This, too, is what one might expect. Faced with the threat of armed conflict, kings often made their decisions after asking the opinion of their armies.¹ All the more would

1. Numerous examples could be cited from the sagas of the Norwegian kings (Heimskringla, passim) of decisions made in the presence of, and with the acquiescence of, the whole army just prior to battle, or when the arrival of an enemy force was feared.

this be the case where the army was a professional force, having a definite organisation and a code of laws governing the behaviour of its members, one of whom, we have seen reason to believe, was Edward.¹ It seems not unreasonable to conclude that the assembly at Gloucester was primarily one of the here, and that the decisions made there were made by the king and here, rather than by the king and witan.² The two are, of course, not entirely distinct, for many witan would be members of the here, and their functions as witan and warriors might and would overlap. But the here was more limited in its functions than the witan, for it could deal with only such matters as affected its members or were of a military nature. In addition the spiritual witan were not members of the here. Therefore, when the crisis was not resolved by armed conflict,

1. Presumably, Edward and his other sons were also members.

2. The distinction between the here and the witenagemot has been, as noticed above, suggested by Prof. Wilkinson ("Northumbrian separatism", *BJRL*, xxiii, 514). He has also in his "Freeman and the crisis" (*BJRL*, xxii, 578, 579) suggested that the gathering at Gloucester was not a witenagemot, but one of partisans in arms. With this I would largely agree, but would call the gathering one of the here, rather than one of partisans in arms. I would also add that it was not a witenagemot, not because Edward and the witan present were not competent to deal with the matter, but because it was not expedient to do so with it, and because the here, being a highly organised body with a code of laws, was under the circumstances (the presence of many witan and the military nature of the gathering) the logical body to settle whether the matter was to be put to the issue of arms or settled by more peaceful means. However, it must always be remembered that we are primarily making distinctions which would never have occurred to an Anglo-Saxon.

they would naturally, if only for practical reasons, be asked to support the king.

Thus, when the assembly at Gloucester ended without recourse to armed conflict and it was decided to settle the dispute in a council, it would inevitably follow that both the witan and the here would act with the king at London, even though the latter had acted alone, or at least played the most prominent part, at Gloucester.¹ In such an important matter the king would, for practical reasons, wish for the support of every influential man in the community. Either witan or here would be quite competent to outlaw Godwin and his sons, but the action of both would have greater weight.

That both bodies acted at London is borne out by the language of the Chronicle, but the here seems to have anticipated

1. I believe that, in view of what has been said above, one is justified in placing considerable emphasis on the language of the Chronicle, and that it greatly strengthens the view that it is the here that acts at Gloucester. It decides on a stofna (an Old, not an AS, word) at London, using a word that designates meetings of the standing army, i. e., the húskarlstefna. Again, Godwin is summoned to come to wíðermale. This word is no doubt the same as the Old viðræli, which, besides its ordinary sense of conversation or a talking to either, seems to have had a more technical sense, that of defence, recital, or counter-plea (indeed this sense may be detected in the Icelandic proverb: "Viðrælis er hver maður verður."), and this, in our case, is the only sense it can have (see Old Norse, Icelandic-English dictionary, s. v., viðræli, and especially Þorvaldur Nægstad og Alf Torp, Gamalnorsk Orðbog med Nýnorskending, Kristiania, 1900, s. v., viðræli). It seems therefore reasonable to suppose that wíðermale is used in a technical sense meaning a defence offered to a charge laid under the viðræli.



the action of the witan, for Swegen was outlawed ("man ƿillige ƿa Swegen eorl") and then on the morrow the king held a witenagemot. This seems the most logical explanation, although it cannot be asserted that man does not mean the witan rather than the here. Yet it would seem strange that the witan would outlaw Swegen before they outlawed his father and brothers. It is quite understandable that the here would do this because the slaying of Eorm in 1049 still rankled.

It would seem that Godwin was summoned to appear before both the king (and presumably his witan) and the here. At least it is difficult to understand otherwise the language of the Chronicle: "ƿa ne onhagode him to cumenne to witerale on gear bone cyng 7 on gear bone here be him mid was for ƿa on niht aweg 7 se cyng hefde ƿas on morgen witenagemot 7 ead ƿ hine utlage 7 eall here hine 7 ealle his suna."¹ It is emphasised that Godwin was unwilling to come before the king and before the here, and then the sentence is said to have been pronounced both by the king and by the here.² It would thus seem safe to conclude that sentence of outlawry was pronounced on Godwin and his sons by the king and his witan, and

1. ASChr., D 1052. Italics mine.

2. Larson's account (King's household, no. 156-167) agrees with mine in emphasising the part played by the here in the crisis, but he seems inclined to identify here and witenagemot to a far greater extent than I think is warranted.

in addition by the here acting in the húskarlastefna.¹

In the in-lawing of Godwin, however, the here appears to have played a small part, if any. Of course, Godwin was able to regain his position because of the armed forces he was able to muster. The witan, however, played an important part in preventing bloodshed and arranging a pacific settlement. King Edward seems to have vigorously opposed any reconciliation with Godwin,² but to have been overruled by the witan led by bishop Stigand who, it appears, was the principal mediator.³ This is a singular instance in which the witan seem to have imposed their will on the king.⁴ They play, thus, the major role in the restoration of Godwin, and have, no doubt, to bear the responsibility for the outlawing of the Frenchmen,⁵ for

1. This is in harmony with the concept of the witan advanced in this work. The witan were a relatively small number of aristocrats, lay and spiritual, whom the king consulted on all matters of government. The here was the standing army, enjoying a degree of autonomy under the king, and having a code of laws regulating the actions of its members. It is a corporate body, which the witenagemot is not, and it is noteworthy that the language of the chroniclers bears this out. A witenagemot never performs an act, the individual witan do; the here performs many acts in its corporate capacity, its individual members never. Cf. ASChr, C 1049, D 1052.

2. ASChr, E 1052.

3. Loc. cit. His role is comparable to that of Icofric at Gloucester (Flig, 1051).

4. How else is one to understand the words of ASChr, D 1052: "Then the king however refused for some while; so long until the people who were with the earl were much excited against the king and against his folk; so that the earl himself with difficulty stilled his people. Then went Bishop Stigand to them, with God's surport, and the wise men, both within the town and without, and they resolved that hostages should be fixed on each side and it was so done"? Had the king proceeded to extremes, it is impossible to say what would have happened.

5. ASChr, C 1052.

this must have been equally as distasteful to the king as the restoration of Godwin.

During the remainder of the reign only two individuals are known to have been outlawed. In the twice repeated outlawry of earl Ælfgar the sources give little information which would enable one to assess the share of the witan in the proceedings. According to one version of the Chronicle,¹ Ælfgar was outlawed in 1055 in a witenagemot at London. This version also gives one to understand that it was earl Harold who arranged the terms of reconciliation. From this one might suspect that Harold was the man responsible for Ælfgar's outlawry in the first place. Nor is it unreasonable to see in this episode a part of Harold's maneuvering for position.² Even less is known of the details of the second outlawing of Ælfgar in 1058 and his subsequent restoration.³

1. ASChr, C 1055. In other versions, D and H 1055, mention only his outlawry, the former saying he was almost without guilt, the latter that he was charged with being a traitor and confessed this, although involuntarily. Version A is silent as to how he was restored, but D says that after the great evil had been done, then "man geseðde þone ræð þe man Ælfgar eorl þeinnlagode 7 ageaf him his eorlðon 7 call þe him of-genumen was." Florence of Worcester (1055) says he was "sine culpa" and that Harold arranged the terms of his reinstatement.

2. Freeman was uneasy as to Harold's share in the matter: "...he Harold may perhaps have felt that he was himself in some sort the cause of all that had happened if he had promoted any ill-considered charges against his rival" (H2, II, 403). Prof. Stenton (ASang, p. 566) speaks of Ælfgar as having been outlawed twice "by a court under Harold's influence."

3. Only ASChr, D 1058 (echoed by Ælfig, 1058) mentions it, giving no details. Prof. Stenton (ASang, p. 566) suggests that the allocation of the earldoms in 1057 may have driven Ælfgar to rebellion.

The witan of England can hardly have played an important part in the outlawing of earl Tostig in 1065. This was really the work of the Northumbrians, and the role of the witan must have been limited to persuading Edward to accept the inevitable. There is no reason to suppose that Edward and the witan banished Tostig, but they did give way to the demands of the Northumbrians that he depart from England. ¹

In none of the above cases can the witan really be said to perform the function of a high court of justice, for it is not known that any of the individuals outlawed (unless it be Tostig) appeared before them as before a tribunal to make his defence. On the contrary, the sentences, if they may be called such, were pronounced on the edict in his absence and, it seems, in accord with the wishes of the monarch rather than on the basis of evidence of guilt. ² This is, of course, not surprising, for the issues are political rather than judicial, and are decided by the armed strength of the protagonists. The witan, no doubt, offer counsel, but they can hardly be said to hand down a verdict, much less a judgment arrived at

1. See A. Ehr, G. D. 1065, S. 1064; Vita Edwardi, pp. 421-423. The best recent treatment of the revolt is Gillman, "Northumbrian separatism", J. I., xxiii, 504-526.

2. By and large it may be said that in a civilized nation an individual, who had offended the former, could expect justice at the king's hands in proportion to his own ability to appeal to the king, or to rally friends to his support. This is strikingly apparent in the Scandinavian cases cited on p. 197 above, and there is little reason to think that conditions were much different in England.

after a judicious examination of the facts of the case.¹
The witenagemot as a high court of justice is, therefore,
little in evidence during the reign of Edward the Confessor.
The activities of the witan in the above cases belongs
rather to the political than the judicial sphere.

1. Or, if this is too solemn terminology, after offering the
defendant every opportunity to clear himself. Godwin, it is
true, was offered this to some extent in 1051, and he did
clear himself in 1052 before his reconciliation with the
king, but both instances smack of formality, and have little
real meaning as far as a judicial trial is concerned.

CHAPTER SIXTEEN

Conclusion

In effect the foregoing explanation of the witan in the reign of Edward the Confessor seems to substantiate the view that the witenagemot was little more than a court council. Its essential members were the great prelates and the great earls. In addition there attended such themes as filled the household offices and provincial posts and the clergy of the royal chapel and writing office. The word witenagemot had no technical meaning beyond the literal meaning of a meeting of the witan, that is a meeting of such royal counsellors as happened to be with the king, or such as he summoned ad hoc. In no case should it be understood as meaning a corporate body, which, in its corporate capacity, had either well defined functions or clearly accepted jurisdictions. A witenagemot was the occasion on which the king or his counsellors transacted business of one kind or another. Even the word witan can hardly be said to have meant anything except as it was used to describe the men whom the king consulted, his counsellors, who are in the main only the members of his court. These courtiers are the equivalent of the Scandinavian "hirsmenn," "ráðgjafar," or "bandrengrir menn," the men who

in Knut's reign are called "counsellors reddesten," or even like Stigand who is called King Edward's "reddesten 7 his handgrest." The witan are men of substance who hold important ecclesiastical or civil offices. They are individuals on whom the king relies for the government of the country. There is nothing to show that they were a numerous body, and there is nothing to show that any of them had any constitutional right to be counsellors of the king.

The witenagemot, again, is a national assembly only to the extent that the king's court is the centre of the government of the country. In fact it is difficult to discuss the witenagemot without implying to it such more modern characteristics than it actually possessed. As is well known, representative government, which appeared in the later Middle Ages, was an institution of very slow growth, and it is necessary, in discussing government in the early Middle Ages, to avoid reading into words the implications of later ages. Representative government means much more in the nineteenth century than it does in the eleventh. As has been emphasized above, royal officials in the Middle Ages had a dual function. They were representatives of the crown and they were also representatives of the folk. But they were not representatives of the latter in the sense that the folk had different interests than the king. There is no antithesis between the two parties.

Both exist to maintain the law; in fact, that is the sole function of both parties. Both co-operate to ensure that to every individual justice be done. Machinery to guarantee this justice does not as yet really exist, or if it does exist, it is in a very rudimentary form. The greatest safeguard of the rights of both king and folk lies in the deep-felt and almost implicit idea of the supremacy of law. Certain methods of procedure are right, not because they are constitutional, but because they are old and satisfactory. In an Anglo-Saxon, what was important was not machinery but principles, not methods but results. The state exists, not to tell one what is right, but to preserve a way of life which is right. Modern society is legislative society. Mediaeval society is preservative society.

Nineteenth century historians, with their veneration for constitutional government, focussed their eyes on the machinery through which, and to which, the nineteenth century system of government had evolved, and not on basic ideas. In their constitutional government existed only where institutions similar to those of their ideal government could be found. Without these institutions, it was almost inconceivable to the nineteenth century historians, that the rights and liberties of the subject could be maintained. For them the conflicting interests of the state and the individual were real. They saw

in the primitive society of the Anglo-Saxons a conflict between government and subject, which only a much later and more complex society could feel and consciously envisage. Without machinery to protect him the Anglo-Saxon was, in their eyes, helpless before the tyranny which characterises all governments.

In actual fact, this is very far from the truth. The Anglo-Saxon was protected, not by machinery, but by the earnest and deeply affirmed principle of the supremacy of law, to which all alike owed obedience and for the maintenance of which all alike were duty bound to strive. In a society so primitive and unselfconscious as that of the eleventh century Anglo-Saxons, no machinery could be devised which would serve to curb the desire for power on the part of individuals or the king, if the fundamental ideas of right and wrong were not genuinely felt and sincerely accepted by the majority of the people. With the development of more absolutist ideas after the conquest, it required three or four centuries for the barons to devise machinery which was at all capable of curbing the ambitions of powerful kings.

With identical machinery at all times, the Icelandic republic experienced in the period 930-1264 vastly different circumstances. It knew in the tenth century a period of aristocratic rule, during which the idea of the supremacy of law was strong. This idea limited to a great extent any abuse

of power, the opportunity for which was afforded by the unequal distribution of wealth among a relatively small number of chieftains. In the eleventh century Iceland, with the same elements, and with the old pagan ideas of the supremacy of law still vital and possibly reinforced by new Christian conceptions, experienced a golden age, in which the rule of law was facilitated by the break-up of the great estates of the previous century and by a more equitable distribution of wealth. The twelfth century witnessed the decay of old he then principles, and the new Christianity was unable to fill the void quickly enough. At the same time the introduction of the tithe was making possible the resumption of wealth and power into the hands of a few families. As a result, Iceland, still with the same machinery of government, experienced a period of lawlessness and anarchy which ended only with the exhaustion of the state and the passing of the republic.

The witan of England were not a corporate body; they were not a body with definite rights and fixed functions; they did not constitute a national assembly in any real sense of the term; they were **not** representatives of the nation in the nineteenth century meaning of that word. In short, any attempt to discuss them from the standpoint of representative and parliamentary government must end in misunderstanding.

The witan were creatures of the king, but they were not creatures in the same sense as the officials of the royal household in the later Middle Ages. Those latter, as the bureaucracy developed and the central government extended its jurisdiction, became conscious of a dichotomy of crown and subject. Inevitably as royal government grew, the need of the crown for revenue increased and the interests of the monarch grew greater than the interests of even the greatest subject. That seemed of vital importance to the royal bureaucrats of the later Middle Ages, was often an unnecessary or foolish venture from the standpoint of the subject. Much of the business of the crown was of no interest to the individual subject and he saw no personal benefit accruing from it. It was the resultant cleavage which forced the later Middle Ages to attempt the reconciliation between strong government and individual liberty.

Anglo-Saxon land, on the other hand, hardly knew these problems which accompany centralisation and the growth of wealth and culture. The witan certainly felt no cleavage between the interest of folk and crown. They were servants of both; in fact both king and witan were but representatives of the sole existing reality, the race, whose welfare was assured in the maintenance of the good, old law. Both king

and witan are tending toward the same end. To surmise that either has certain exclusive functions, or that one is superior to the other, is to introduce distinctions which have no meaning.

The importance of the witan does not lie in their existence as a curb upon royal power. It lies rather in their representation, unconscious though it may have been, of the principle that all elements of society - crown or witan or folk - exist for the purpose of guaranteeing the fundamental principles on which the well-being of society depends. In this there can be no distinction between king and witan. Co-operation to this end is the only real duty of both. It is in this embodiment of the co-operative principle of government that the witan are important. It was this that they unconsciously handed down to William the Conqueror and his successors. Parliament and our present institutions of central government are, as far as machinery is concerned, basically of feudal origin. But much of the spirit of these institutions - and that is the all important factor - is of an Anglo-Saxon origin. This spirit, which also permeated the institutions of local government, is our most important legacy from the Anglo-Saxons. In many ways the Conquest was a calamity; it may well be, however, that the need of William the Conqueror to impose as the successor

of the Anglo-Saxon king, helped to preserve the fundamental Anglo-Saxon idea of king and witan, king and folk, as partners, not rivals, in the work of government. It has leavened the whole of our history.

APPENDIX A

Opinions of some Historians on the Functions

of the Witan

CANON I

Kemble:

First and in general, they possessed a consultative voice, and the right to consider every public act, which could be authorised by the king (Saxons, II, 204)

Liebermann:

Kemble concludes correctly that no action of political import existed for which they might not be consulted (NA, I 53).

The operative word is wight, not right as with Kemble. Liebermann goes on to qualify by saying that the whole sum of functions "may never have belonged to any single assembly...it is but a collection from hundreds of seats ranging through four centuries. Without this general warning Anglo-Saxon policy would appear much more parliamentary than it really was" (loc. cit.).

Stubbs:

The part taken by the witan in the transaction of business was full and authoritative (II, I, 140, cf. 141).

It may be safely affirmed that no business of any importance could be transacted by the witan in which they had not, in theory at least, a consultative voice (ibid. p. 148).

Stenton:

It was the duty of the council to advise the king on any problems which he might choose to bring to its notice....There are few matters of importance to the state on which an Anglo-Saxon king cannot be shown to have consulted his council (ADAMS, p. 544).

Morris:

Kemble in holding; it [the witenagemot] had the right to consider every public act which could be authorized by the king" seems to give too favourable an impression of its importance. Not all the numerous functions attributed to the witan for a period of four centuries could well have been performed at one period (SMITH, p. 53).

Morris adds: "One may agree with the conclusion of Chadwick, that the functions of the witan were never properly defined" (loc. cit.), and then go on to define them in some detail.

Jolliffe:

The popular principle in the Anglo-Saxons was satisfied either when they elected the king directly or by delegation of function to those who were representative of the law-abiding of the community, and this made it possible for the judgments and political decisions of a nation to be made by a few of its wise men in council, the witenagemot, consilium sapientum (SMITH, p. 25).

CANON II

Kemble: The witan deliberated upon the making of new laws which were to be added to the existing law-right, and which were then promulgated by their own and the king's authority (Saxons, II, 205-206).

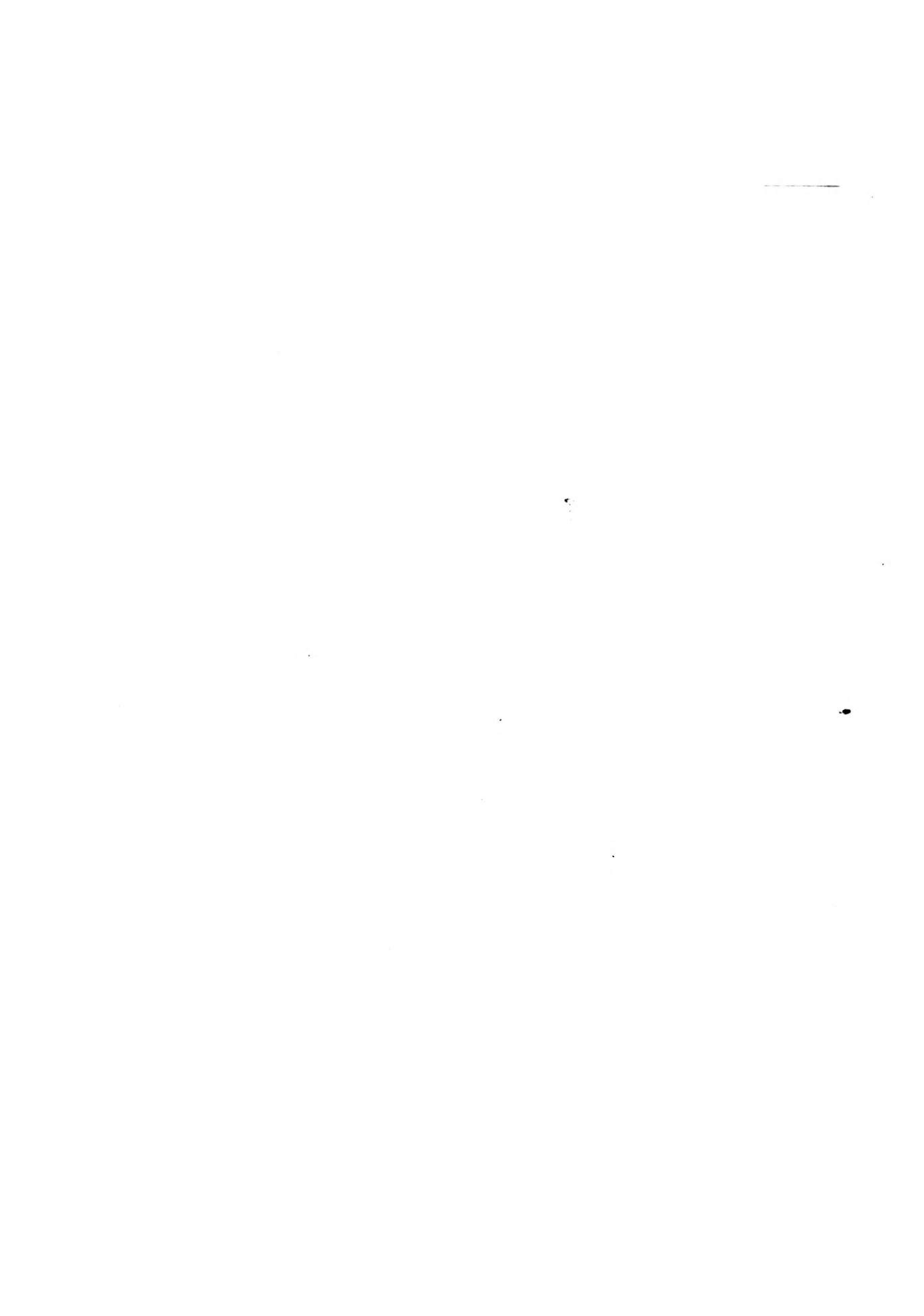
Is it not manifest that he [Canterbury], like Alfred, really felt the legislative power to reside in the witan, rather than in the king (ibid. p. 213)?

It is hardly necessary to say that the expression, legislative power, must be greatly qualified, whatever Kemble may have meant by it. As Jolliffe says: "of legislation, as we understand it, there was, of course, almost nothing" (CHM, p. 29).

Liebertmann: Legislation was not possible without the witan-consent....AS A RULE THE WITAN SIMPLY CONSENT....BUT they did not lack altogether the initiative power (HA, # 60).

Stubbs: It is in legislation alone that we can affirm that their [the witan's] right to advise and consent was invariably recognised (III, I, 157; cf. 141-143).

Stenton: During the century before the conquest his [the council's] consent is recorded to the issue of laws...(ASB, p. 244).



Morris:

On some occasions the king is said to have issued new laws by the counsel of the witan, in other cases these are mentioned as enacted both by the king and witan (CH1216, p. 61).

Citing Davis (JHR, xxviii, 425) Morris says (p. 60) that in the tenth century the witan "discussed concerning such legislation [the enactment of new laws], and this after its adoption was promulgated by the executive branch of the government." As far as I can understand, Davis says nothing to warrant this statement of Morris. The only passage I can think he refers to is: "At least as early as the time of Athelstan it was the custom to send a copy of a new law to each shire-reeve in the form of a writ...copies may have been forwarded to every person of local consequence." Morris is referring to p. 429 of Davis: "We have a letter addressed to King Athelstan by the bishops, theas, eorls and ceorls (comites et villani) of Kent? But this, again, would not seem to warrant the inference drawn."

Jelliffe:

The king must not lay down the law unsupported, not because his folk are jealous, but because it is not in him to do so (JHR, p. 24; cf. p. 177).

Any alteration of custom would naturally affect the whole race, and so the central assemblage was the authority for general codes...(ibid. p. 25).

Section III

Hemble: The witan had the power of making all laws and treaties of peace, and of settling in its name (Saxons, II, 213).

Liebermann: Foreign policy was in many cases deliberated and decided by the witanageot (Eng., I, 54).

Liebermann cites many examples of this, but with exceptions.

Stubbs: The participation of the witan in the determination of war and peace...is abundantly proved by the chronicles of the same reign [that of Alfred the Unready] (OH, I, 148).

Stenton: During the century before the conquest his [the council's] assent is recorded...to negotiations with foreign powers (Eng., I, 144).

Morris: In a third category may be placed powers relating to foreign policy and to peace and war. Treaties with continental powers are more than once said to have been considered by the witan (OH1216, p. 61).

He cites examples from the time of Alfred, Edward the Elder and Athelred.

Jolliffe: He makes no explicit statement of its content is implied (cf. Eng., I, 103).

CANON IV

Kemble: The witan had the power of electing the king (Saxons, ii, 214).

Liebermann: In one respect the witenagemot towered above the crown. It possessed the recognised power to elect the king and it did on several occasions actually depose him (NA, # 49).

Liebermann gives examples of legal depositions in NA, # 50. Chadwick (Studies, pp. 359-366) emphatically argues against the view that the witan either elected or deposed kings as a constitutional practice. Although Liebermann refers to his views he hardly disposes of his arguments.

Stubbs: It may be sufficient however here to lay down the rule, that both the formal election or nomination to the act of coronation, and the actual selection when the necessity for a free choice occurred, belonged to the witan (CH, i, 151).

Stenton: Under such conditions [contested successions] it was the obvious duty of the late king's council to take the initiative in the choice of his successor, and this, combined with the traditions of the time when it had been for a dead lord's followers to proclaim and protect his heir, brought a strong elective element into English kingship. The greatest persons in the land admitted its existence (Angles, p. 544).

Morris:

It seems necessary to ally with Lieberman (rejecting Chadwick) that election could slip into ceremonial form only when the succession was settled before a king's death or when his eldest son, his brother or his brother's son survived without a rival (ibid., p. 60).

Jellicoe:

Instances both of election and deposition persist throughout the Saxon period, but it is difficult to feel that they represent a settled constitutional rule. Rather they are the result of social habit in the interplay of the principle of kinship within the royal house and of the folk principle throughout the whole community, finding their highest expression through the witanas in the witenagemot of the nation (ibid., p. 51-52).

Stenton also holds that the "feeling that a king ought to be descended from a royal stock was shared by men of all classes in pre-Conquest England" (ibid., p. 543).

CANON V

Kemble: The witan had the power to depose the king if his government was not conducted for the benefit of the people (Saxons, II, 219).

Liebermann: (See above p. 226).

Stubbs: The right of deposing a worthless king seems to be a corollary from the right of election; but it is not in reality so simple a matter either in history or in theory; for the right of an elected, accepted, crowned and anointed king is fenced around with sanctions that cannot be broken by the mere resolution of his electors. The cases in which the power was exercised by the witanagemot must be dealt with singly (III, I, 153).

After examining various cases Stubbs asserted that there were instances in which "on any theory, the deposition was decreed by the national council" (ibid. p. 155).

Stenton: I have not been able to find any explicit statement on this question. On one occasion he remarks: "But Sigeberht, the next king, was deposed by his own subjects," (ibid., p. 203) but the exact meaning of this, as far as the witan are concerned, is not clear.

Morris: Kings were sometimes displaced by conspiracies of nobles (III216, p. 35).

This would seem to imply that deposition was not really one of the constitutional powers of the witan, but Morris makes no explicit statement.

Jolliffe: (see above p. 227).

Kern (Kingship and law, p. 86) states: "If real condemnation of the monarch by legal or ecclesiastical authority is unknown. The people simply abandoned their king; they absolved themselves from obedience, and chose a new ruler. This new election was the decisive step, and usually the only formal legal one; it marked the end of the deposed king's reign."

CHAPTER VI

Kemble: The king and the witan had power to appoint prelates to vacant sees (Saxons, II, 221).

Liebermann: The co-operation of the witan in the creation of bishops and abbots is indeed mostly hidden under the dry report of the bare fact of the prelate's succession; on other occasions the king alone is mentioned as the nominating power. But half a dozen cases where the witan appear, do not look like exceptions...but seem rather to be the more accurate expression of normal proceeding (R., # 56).

Böhmer (Kirche und Staat, p. 50) unhesitatingly states that the king and witan had the right to nominate to office the great bishops and abbots. He also says that if the chapter named a man, the king could set him aside, and even set aside the will of the witan. He adds that the king could also, without observing the rules of canonical procedure, depose bishops and call them to account before his courts. He gives the king much more power than he does the witan.

Stubbs: The nomination by the king in the witan's consent was frequent in the case of the archiepiscopal and greater sees; the consent of the national assembly to the admission of a new member to their body being; in all cases implied, on behalf of the

most important element in it, by the act of consecration performed by the comarvincial bishops (Ju, 1, 150).

Stubbs allows considerable variety in method of appointment, and says that it would not be safe to regard the expressed consent of the witan "as an absolute condition of appointment" (ibid. pp. 149-150).

Stenton:

It is doubtful whether an Anglo-Saxon king thought it necessary to consult his witan before he appointed an ealdorman or earl, but he certainly asked for their advice in the use of his ecclesiastical patronage (ibid., p. 544).

In another passage Stenton seems to speak as if the king alone were in the habit of appointing to ecclesiastical office, at least in the last century of the Anglo-Saxon state: "But the language of contemporary chroniclers leaves no room for doubt that the control of the church through appointments to its higher offices rested, in practice, in his [the king's] hands....In the writs by which a king ordered a bishop or an abbot to be put in possession of the rights and property of his church, he naturally represents himself as the giver of the see or the abbey.... There is no sign that the king's ecclesiastical patronage was ever contested by the English churchmen of the age" (ibid. pp. 538-539). Don Knowles, speaking of the method of appointing vacant abbacies in and after the time of Dunstan, says: "This in practice came to mean that abbots, like bishops, were appointed by the king, who might or might not have ascertained the wishes of the community, and the appointments usually took place at a meeting of the witan, and with the advice of the monk-bishops and abbots who were members of that body" (The Monastic Order,

p. 336). As to the Confessor, Knowles says that he "bestowed" abbacies on occasion, but that three "different methods can be seen at work in his reign: the direct appointment of an outsider as a reward for his services...the presentation of a person of Edward's choice to a group of monks summoned to court to 'elect' him...and the designation by an abbot of his successor" (loc. cit.)

Morris:

The witan exercised certain appointive powers, although these seem often to have fallen to the king alone. The national council was sometimes consulted concerning ecclesiastical appointments.... Liebermann shows that there is a good amount of evidence in favour of the appointive power of the witan, but the king could hardly have shared this with them except when he wished to call for their aid (J.M. 1216, pp. 61-62).

Jolliffe:

No explicit statement, but he writes: "The king and witan could appoint and depose ealdormen..." (CHM, p. 136). Noble, commenting on a clause from the Laws of Edward the Confessor, wherein it is provided that ealdormen are to be elected by the folkmoet, wrote: "There cannot, I imagine, be the slightest doubt that the ealdormen of the several districts were appointed by the crown, with the assent of the higher nobles, if not of the whole witenagemot. But it is probable that in the strict theory of their appointment, the consent of the county was assumed to be necessary" (Saxons, II, 148). In this matter Stubbs maintained: "As the consent of the witenagemot to the deposition of the ealdormen was apparently requisite...it is probable that in theory the election of these

officers belonged to the king and witan conjointly (CH, I, 149). He goes on to say: "The election to

the office of ealdorman was appointed by the king's favour and by hereditary claims than by a substantive selection except in a few exceptional cases" (II, 1, 197). Stenton writes: "Even the earls...were in fact officers of the king's appointment" (AS&NG, p. 539). Liebermann had this to say: "That the witan took part in the governmental nomination of ealdormen was, in spite of the inadequacy of evidence to be inferred..." (NA, - 57).

CANON VIIKenble:

[The witan] had also the power to regulate ecclesiastical matters, appoint fasts and festivals, and decide upon the levy and expenditure of ecclesiastical revenue (Saxons, II, 222).

Liebermann:

But the national assembly interfered also with the inner life of the church....Homilists of the beginning of the eleventh century felt no objection to witan, laymen included, prescribing penitence and penalties in favour of churches (Ita, n. 56).

Böhmmer (Kirche und Staat, p. 50) asserts that the king and witan had this power: "kurz, alle rechtlich gearteten Handlungen und Vorgänge des kirchlichen Lebens, die Gesetzgebung, die Rechtsprechung, die Besetzung der Stellen, die Gründung und Suppression von Kirchen und Klöstern, die Anteilung der kirchlichen Abgaben waren hier noch völlig an die Mitwirkung und Zustimmung des Staates und seiner Organe gebunden."

Stubbs:

The laws in the enactment of which the witan-council joins are not merely secular ones: the ecclesiastical legislation of Ini, Alfred, Ethelred and Canute is, equally with the temporal, transacted with the counsel of the witan. The great influence exercised by the bishops and other ecclesiastics in the assembly may be seen

for the fact that no jealousy of this legislation appears during this long period (ib., i, 143).

Stenton:

The lay and spiritual powers were associated in every action of the old English state and in the working of all its principal institutions (AS&NS, n. 538).

Dom Knowles (The monastic order, n. 150) says: "In the first years of the revival [Dunstan's]... the leaders felt themselves responsible for the houses which had sprung from their own foundations, and exercised wide but wholly personal and informal powers of visitation and correction. When they passed away no one took their place, and if, between 1000 and 1066, any individual considered himself responsible for maintaining monastic discipline, it was a conscientious and energetic king, such as Inut, acting in concert with his Witan of bishops and abbots."

Morris:

The power of regulation [of the church] passed from the witan to ecclesiastical officials and councils [after the Conquest] (EB 1216, n. 243).

Rose Graham (Ecclesiastical studies, n. 164) writes: "The feast days of St. Dunstan and St. Edmund were decreed by the Witan." P. A. Green (The Leofric Missal, Oxford, 1893, p. xxv) mentions instances of the Witan canonising saints, e. g., Dunstan in a Witenagemot at Winchester under Inut in 1033.

Julliffe:

assent implied (see EB 1160, p. 29).

CANON VIII

Kemble: The king and the witan had the power to levy taxes for the public services (Saxons, 11, 223).

Hiebertmann: The witan influenced also the finances of the country....King and witan decreed the heavy Dane-geld no doubt on all occasions though we are expressly told so only seven times....The abolition of the Dane-geld was also enacted with the consent of the witan in 1051 (ib., 4 50).

Hiebertmann adds: "The liberal Gelyman, who about 1200 attributes to the witan the grant of all taxes, seems influenced by the programme of the future" (loc. cit.)

Stubbs: The imposition of extraordinary taxation was directed by the king with the counsel of the witan....The participation of the witan...in the furnishing of funds, is abundantly proved by the character of the same reign [that of Edward the Confessor] (ib., 1, 148).

Stenton: During the century before the conquest its [the council's] consent is recorded...to the imposition of taxes (ib., p. 144).

Farris: The national council, which in 991, authorized the only direct tax mentioned in the Anglo-Saxon period, the danegeld (W1211, p. 3).

Jolliffe: see also ib. (loc. cit., pp. 127-131).

Canon IX

Feible:

The king and witan had power to raise the
army or fleet when occasion demanded (ibid.,
ii, 224).

Feible admits that the king "always possessed
of himself the right to call out the bar or armed
militia of the freemen..." but adds that in extra-
ordinary circumstances "the authority of the witan
was added to that of the king; and that such
extensive levies were ^{made} than by merely calling out
the herald or landstare," e. g., naval "levies"
(ibid. p. 224-225).

Liebermann:

Not did their [the witan's] legislation dis-
regard army and navy.... they are expressly named
as helping to call out the military force of the
country on seven occasions between 982 and 1052,
and they are often mentioned behind the ineffective
subject man as co-operating with the king in the
same function. The responsibility for the rash
dismissal of the navy in 1009 is thrown on the
king, ealdormen and "high witan"....The commanders
of the navy in 1052 were appointed by king and
witan (ibid. p. 56).

Stubbs:

The participation of the witan...in the dir-
ection of the fleet and army is constantly proved
by the chronicles of the same reign [that of Edward
and the Godwinson] (ibid., i, 146).

Stenton: During the century before the conquest is [the council's] assent is recorded...to measures and action for the defence of the land. (ibid., p. 544).

Morris: The assembly in this period [reign of Edward] is mentioned as taking counsel with the king regarding the military levy, the movements of the army and fleet, the defence of the realm in general (ibid., p. 61).

Jolliffe: assent implied (see ibid., p. 29).

CANON X

Kemble: The witan possessed the power of receiving and granting, as well as of guaranteeing grants of land, and of permitting the conversion of freehold into villeinage, and vice versa (Saxons, ii, 229).

Hiebertmann: [Speaks of holding land] with the witan's consent....the occupation of land even by a royal prince was stigmatised as illegal because lacking the witan's license....they controlled the giving away of crown land not as a circle of personal associates and vassals of the king but as a national representation (ibid., p. 62).

Though the king sometimes commanded and perhaps normally induced his witan to subscribe his charters, the words expressing their consent are no lifeless phrase of promulgation from which could hardly have survived 400 years in many hundreds of records. They mirror the real co-operation of the aristocracy (ibid., p. 26).

Hiebertmann adds: "In the eleventh century the voice of the witan in the land charters sounds deeply subdued as compared with former emphasis... and now when the king conveys land by writ addressed to the county court, all trace of national witan is suppressed. Monarchy, meaning the government by

king and court council, gradually came to dispose of crown lands arbitrarily..." (11, # 29).

Stubbs:

But where a grant was made by which the land given was released from special obligations and made allodial or heritable for ever, the consent of the nation, the owner, as must be supposed, if the land so released, was imperatively necessary (21, 1, 145).

Later Stubbs says that the participation of the Witan in grants of land "is often mentioned in a way that shows it to have been formal and perfunctory, and after the end of the tenth century it ceases to be expressed at all" (1st ed. p. 157).

Stenton:

That no [the king] was expected to secure its [the council's] assent before creating privileged estates in land is made clear by innumerable charters which assert that a royal gift of such an estate has been approved by the magnates of the kingdom (Song, p. 544).

No one but the king can turn folkland into bookland, and he will rarely, if ever, do without the consent of his council (Angl, p. 306).

Morris:

In the tenth century the approval of such grants [of land, fiscal rights, and jurisdiction] was no mere formality, and it was regarded as advisable to influence individual members [of the

witnagemot] to gain their assent. In this case finds the witan showing the clearest traces of independence as against the king. By the eleventh century, however, evidence of such an attitude is lacking (OR1216, p. 63).

Jolliffe:

To try to define the purpose for which King and Witan intervene in the granting of land, or assess their several shares in the transaction, would be an anachronism. Public enactment in its fullest sense, both as to the authority and the occasion, is what is sought, and the King, by almost, though never quite, fulfil this requirement alone....King and Witan, "rex cum consilio sapientium", are the enacting power: to say more would be to force an unreal definition upon a practical age ("English book-right", HRF, 1, 6; cf. HRMed, p. 74).

CANON XI

Kemble: The witan possessed the power of adjudging the lands of offenders and intestates to be forfeit to the king (Saxons, II, 228).

Liebermann: The king, himself next to God to whom his witan's decrees for his property. He might mean lands forfeited or escheated to the crown by the witan's judgment (EA, # 62).

Liebermann also says: "The competence over the land and its owners, though by certain laws reserved to the king, clearly belongs also to the witan according to many charters" (EA, # 62).

Stubbs: (See under Canon XII, where agreement is implied).

Stenton: (See under Canon XII, where agreement is implied).

Morris: Kemble finds an instance in which the lands of a certain man condemned for treason by judgment of the witan were bestowed upon the king (11216, p. 62).

Jolliffe: Land which lapses to the king through failure of heirs or forfeiture, or folkland which is granted to the king in the freer law of bookright, he must obtain by the judgment of his witan (CHMed, p. 28).

TABLE XII

Perble: Initially the witen acted as a supreme court of justice, both in civil and criminal cases (ibid., ii, 225).

Liebermann: He admits the importance of the witen as a court of justice, but makes an unwarranted, I think, distinction between the witenagemot as a court of justice and other royal courts (ibid., p. 61). In effect this is the same distinction as he makes between the witenagemot and a supposed privy council (cf. loc. cit.)

Stubbs: The king and witenagemot may be said to have possessed a supreme jurisdiction "over all persons and over all causes," although from the nature of the case it may not have been frequently exercised. The sentence of outlawry issued so often in the struggle between the houses of Godric and Godwin may stand as the best illustration (ibid., i, 147).

Stenton: It was in his council that a king would prosecute suspected traitors against whom he felt strong enough to take legal action (ibid., p. 174).

Jerris: Much clearer, and probably much more independent of the crown, stands the high judicial power of the witan. This included jurisdiction both in civil and criminal causes. It seems to have been a marked

off from the jurisdiction of the ordinary courts by being limited to causes of national import and to those which touched the king, members of the witan and the king's thegns. In numerous instances in the eleventh century the assembly pronounced outlawry (JHLP16, p. 82).

In a footnote Morris adds: "A later account represents the king as pronouncing outlawry pro se suo..." (loc. cit.). He does not, however, indicate whether he accepts this or not.

Jolliffe: The witan are the repositories of law and the final judges of right... (CHMed, p. 28).

The most characteristic function of the witenagemot, that from which it took its name, was the giving of judgment, the dooming of dooms as supplicites, and it is of this function that we have most record (ibid. p. 29).

It is still true of the curia as it was of the witenagemot, that the king cannot give a valid sentence without the judicium seniorum; he calls for their judgment (1 id. p. 177).

As to outlawry, Jolliffe says that the king came to gain greater and greater control in this matter: "...and under that the sole right of extending the peace to outlaws and a bribe for the: back into the peace was secured to the king..." (ibid. p. 108).

Finally a word may be said on works which take no account to treat the witenagemot in detail. They are on the whole very much alike. The functions of the witan are usually listed, often with little qualification, but some give with a touch that will they give with one hand they will take with the other. For example, F. W. Fitzling writes:

...at least on paper its [the witenagemot's] powers seem vast; it can elect kings and depose them; the king and witan legislate; it is with the counsel and consent of the witan that the king publishes laws; the king and witan nominate the ealdormen and the bishops, make grants of the public lands, impose taxes, decide on peace and war, and form a tribunal of last resort for causes criminal and civil. It is a supreme legislative, governmental, and judicial assembly (The constitutional history of England, Cambridge, 1913, p. 58).

If King said this, Fitzling goes on to warn the reader that this may "easily raise a false notion in modern minds. The whole business of a central government is as yet but small." Then he states that there is no legislation to speak of, no taxation to speak of except the Danegeld, that recourse to the witenagemot as a court of justice is not encouraged, and so on. This leaves one asking: What is then the position of the witan? As far as there is work to do, must it be done by them or is this artificial? Are there powers only on paper? How important are they really?

A. B. White says that the business of the witan ^{was} "varied and unclassified; it was the king's advisory body, it gave him moral support. But as has been said, the character of the king

largely determined its influence at any given time. In the very late Anglo-Saxon period its authority was declining [for the earls were too powerful] * (The making of the English constitution, New York, 1925, p. 54). He then warns us not to confuse the witenagemot with a modern parliament; it was an aristocratic body standing for aristocratic interests. It had a share in making written laws. He sums up:

Despite high sounding functions...the real power at the centre was the king; the Witan's work was small and distinctly advisory to the end...the whole central power came into little actual contact with the people. The witan did not have enough to do to bring about, even in the course of centuries, a self-conscious development of powers and privileges (ibid., p. 58).

J. H. Adams treats the subject cursorily. However he states, with qualifications, that the witenagemot was at once the highest legislative and the highest judicial body in the kingdom...the witenagemot was also the king's council and gave him advice on questions of policy and action in particular cases...ecclesiastical matters were no exception subject to its approval as those concerning the state... (Constitutional history of England, New York, 1925, pp. 15-16).

APPENDIX B

List of witnesses signing Royal and
Private Charters

Alfuar, earl of Mercia (ob. ca. 1062). He was earl of Mercia during Harold's exile 1051-1052. He succeeded to the throne when Edwin died in 1053. In 1057 on the death of his father he became earl of Mercia and retained this until his death sometime after 1060. His signature before he became earl seems to be or very infrequently, or at least cannot be readily distinguished from other letters of the same name. Signs 19, 735, 736 (per eius sum), 805, 810, 811, 813, 956, 963, 964.

Alfuar, then, the brother of Godgar and Gern. It is difficult to identify this man with any certainty. He signs 20, 768, 770, 771, 774-776, 778, 780, 781; 248, 11, after xii. About other charters there is doubt. There is an consiliarius who signs alone, with brithric consiliarius on 20, 811, and there is an princeps on 20, 213. The Willelmus of 21, 787, may be either he or the other. The latter he is, for he is grouped with Wostin and Woda and Wernar and Wernar. As to his identity little can be said. He is not a consiliarius, as his signature suggests (21, p. 434), but a princeps or dux.

who witnesses 3D, 139, and he must have lived in the West of England.

Alfgar, then, the father of Peorhric (1D, 804). It is very likely he is the same man as the son of GD, 812 and 813. He held lands in 911 and 912. Witness 1D, 805.

Alfgar, then, of 1D, 1334, may have signed some of the above charters. The puzzling thing about the witness lists is that earl Alfgar is not seen to sign more than one or two charters before he becomes earl, for there seems little doubt that it is always he, the father of Ordgar, who signs the charters I have ascribed to him. It would be very tempting to identify earl Alfgar with 1D, the brother of Ordgar, but this does not seem possible (see 11, 11, 679-683). If it is wrong, some difficulties would vanish, and one could identify Ordgar with the 1D, who was sheriff of D. At any rate, one may conclude from the above that the Alfgars, who sign the Confessor's charters, all come from central, west or south-west England.

Alfgat, minister. In GD, 767, the name occurs twice, but I think that its first appearance must be the result of a clerical error, since it precedes those of the bishops, and the witness list as a whole appears jumbled. I cannot help but identify

this man, or men, except to say that one may be the sheriff of
 of ix (2D, 858). Another possibility is a Saxon. In this
 this name held land, according to DB, in i, ix, xii, xv, xvi,
 i, Co, Ht, Io, He, St, Ea, Tk, Sf, I, C, Mu. Signs 2D, 767,
 772, 775, 811; 2A, ii, letter xii.

Alfreat, notarius. This may have been one of the clerks in
 the king's writing office. An Alf presbyter held 7 acres in
 C and So. Signs 1D, 829.

Alfwifa Emma, queen mother. She was the wife of (1) Canute,
 (2) Godwin. Her death occurred 6 March 1042. She was reconciled
 by the king in 1043, but whether she was still in disgrace
 when she died is not known. Signs 1D, 767, 768, 771, 773-775,
 779, 788, 916, 962, 1332.

Alfnor, thegn. This is probably the Alfnor of 99 (see
Brassey 3603), who is called praepositus. He may have been
 sheriff of So. There was a sheriff of Hereby this name, but he
 was killed in 1056 (2A, c 1056). Signs 1D, 806, 813, 815,
 824, 825, 912.

Alfnof, thegn. This is probably a J. Landwehr (see 1D, c 1000
s. n. Alnod). It is possible that he is a son of the Alfnor of
 I have situated the name Alfnof. Signs 1D, 819.

Alfric, archbishop of York 1023-1051. MS A, 767-772, 774-776, 778-781, 783-787, 791, 794, 797, 812, 816, 1035.

Alfric, bishop. This name occurs on DD, 813, but no bishop of that name was living in 1069. Bishops of that name are known from Iredon, 977-985, and from Alchen, 1023-1038, in addition to the above archbishop.

Alfric, abbot of Evesham ca. 1033-ca. 1055. MS A, 771, 772, 797, 807, 812, 939.

Alfric, monk of Worcester. This may be the brother of earl Odda, and Miss Robertson is probably right in thinking that the scribe misread win for men when copying this charter in which alone this name with such a designation occurs (see ASC, p. 457). MS A, 797.

Alfric, thegn. This signature is found on DD, 769, 787, 787, 788, 962 (filius Alfrici); MS A, pp. 300-302; MS B, ii, text xii.

There are several possibilities here:

(1) Alfric Athgares son who signs DD, 978 (i. e. 1040). He was queen Emma's thegn in the eastern counties, and a large landowner in Devon where he may also have been sheriff (DD, 932). He certainly signs DD, 788 and 962.

(2) An Alfric who held lands in Devon was sheriff there (DD, 103).

(3) The brother of Earl Goda. His lands seem to have been in
He. His death occurred in 1053 (DB, 10, 1, 259).

(4) An Alfric who is spoken of in DB (1, 189) as a former
sheriff of SD and was Godriesen.

Alfsige, abbot. There is an abbot of this name at Peterborough
but he died in 1042 (AShr, p. 1041). The Miss Liberian says
(ALB, n. 405) that he was abbot of Peterborough from 1019 to
1055, I do not know, especially since Jeffric a gift out to
that abbey is received in 1052 (AShr, p. 1052). The Alfsige
who signs these charters is therefore likely to be the
abbot of St. Benedict at Fulne (1019-ca. 1046). Signs SD,
769, 774, 775.

Alfstan, abbot of St. Augustine ca. 1032-1046 (ALB, n. 420)
Signs SD, 769, 772, 774, 775, 776, 778, 780, 816.

Alfstan, thegn. The name occurs frequently. The best known
man seems to be the one who held lands in So, DE, HE, CR, AI,
HT, and SD, as well as in I, where Boscombe, with which he is
often identified, is located. SD, 767 grants him sevenmancton,
W. He is very likely the sheriff of SD, 945, although of what
shire is uncertain. Fible (Saxons, 11, 167) names it AI.
Signs SD, 767, 769, 770, 772, 773 (as stal or), 774-776, 778-
781, 793, 800, 813, 812.

Alfstan, monk of Worcester. Miss Robertson thinks that the name on DD, 797 might be an error for Aln, but this does not seem likely in the case of Alfstan, for an Aln scarpus signs DD, pp. 247-248, although it may well be true in the case of Oddmund of Alfric (DD, p. 457).

Alfwald, bishop of Sherborne 1046-1052. Signs DD, 784, 787, 790, 793, 813, 916, 956; DD, pp. 300-302. DD, 772 is also signed by Alfwald. This might be an error for Alfwald, bishop of London, although the witness list seems spurious in a case.

Alfwald, thegn. This name is difficult to identify. It may be that of a thegn of Lincoln, or more likely that of a thegn of Le (see DD, p. 1, 316a, 318a, 318b, 320a). Signs DD, 801, 813, 823.

Alfwald, thegn. This is the brother of Lefwine (r. v.). Signs DD, 962.

CO.

Alfwald, bishop of London 1035-1044. Signs CO, 769, 771, 772 (?), 774, 775, 78a, 78b.

Alfwald, abbot. This name occurs on CO, 775 with the title Dux along with others who must be abbots but are also titled Duces. There does not, however, seem to be any other of his name, and it may be an error for Alfwald of Wiltshire.

who died in 1057. It is possible also that it may be that of Elfward, bishop of London, who was also abbot of Wesham (Flwig, 1044), in which case, however, he must have signed both as bishop and abbot.

Elfward, the gn. This name is very common and occurs frequently. It may, at least in some instances, belong to E. of London, Eo (see SS, r. 459 and also 449, 489). It seems clear that the witness was either from the west or southwest of England. Signs DD, 769, 770, 778, 787, 792, 793, 800, 839 (de Knifarton). 1372.

Elfwig, abbot of Bath 1060-1066, or Elfwig, abbot of the New Minster, Winchester, and brother of Godwin. The latter was slain at Hastings and was abbot of the New Minster ca. 1063-1066. The name Elfwig occurs on DD, 772, 775, 778, 813 and 817. The signature of either of these men on the first three charters is impossible, and only that of the former in 813 if the dates for their term of office are correct. There is great mystery about the brother of Godwin (see SS, II, 705-707), and he may have been an abbot earlier than 1063. It is also possible that -wig may have been written instead of -wine (cf. PNEB, p. 125). This would remove the difficulties.

Alfwig, thegn. This is the sheriff of 911 (possibly the same man as the Alwi vicarius who held of the Confessor (Morris, Sheriff, p. 25). The name occurs twice with the title of praefectus on DD, 767, and I suspect the second instance is an error. Signs DD, 767, 792, 793, 800.

Alfwine, bishop of Winchester 1032-1047. Signs DD, 767, 769-776, 778-781, 783-785, 788, 813, 1332, 1335.

Alfwine, abbot. There are three abbots of this name:

- (1) A. of Buckfast. His dates are not known but probably include the early years of the Confessor's reign (see BNW, p. ...).
- (2) A. of the New Minster 1035-1057.
- (3) A. of Ramsey 1043-1079.

Of these the last is the most important, for he was an intimate of the Confessor. Most of the charters bearing his name are probably attested by him. No. 1 may attest DD, 767 and 1332; no. 2, DD, 773 and 956; and no. 3, DD, 772, 774-776, 778-781, 787, 791, 796, 800, 809, 813, 824, 963, 964, 1332; 112, p. 30 - 302.

Alfwine, thegn. This is probably the A. Wulfred's son and possibly known as the Red, who is well known from Canute's reign and lived in K (Dravidal, p. 150). He signs DD, 769, 770, 773, 788, 962; TAM, 11, letter xii.

Estan, thegn. This is a ðe then, the father of ðe Swin
(c. v.). Signs HD, pp. 247-248.

Ethelfrith, thegn. He held lands in De and So (ENDB, s. n.).
Signs DD, 311.

Ethelmar, bishop of Elmham 1047-1070, brother of Stigand.
Signs DD, 735, 801, 813, 956.

Ethelmar, thegn. This is likely the son of Kola bas a minces
heahterefa (ADHR, n. 1001), who met the Vikings who came up
the Axe at Pinhoe, D. Signs DD, 767, 787, 796; ENDB, 11,
later xii.

Ethelmund, thegn. Possibly a thegn of Wa or L (ENDB, s. n.).
Signs DD, 813.

Ethelnoth, abbot of Mantonbury 1053-1078. Signs DD, 801, 811,
813, 815, 817, 822, 964; HEB, pp. 300-302.

Ethelnoth, thegn. This is probably the child who held lands
in K, Sr, So, D, Do, S, HX, Ha, and who is called by Florence
of Worcester (1067) satrapam Ethelnothum Cantuariensem (FDH,
s. n.). He was probably sheriff of Kent. Signs DD, 800, 824.

Ethelric, bishop of Durham 1042-1056. Signs DD, 779. This

is the only time his signature occurs, and it may even be an error on the part of the scribe who possibly meant A. of Selsey, who, however, only signs once.

Athelric, bishop of Selsey 1057-1070. Signs 10, 310.

Athelric, thegn. Whist lists the name is probably that of G. Bigga who was a big Westish landowner (Journals, pp. 149-150; PADB, s. n.). Signs 30, 767, 770, 773, 793, 800, 1372; TSM, 11, Exeter xii.

Athelric, thegn. This is bishop Leintheah's brother in law. Signs 32, 767; HLL, pp. 247-248.

Athelric Rufus, thegn. I am unable to identify this man. Signs 33, 362.

Athelsige, abbot of St Augustine, Canterbury ca. 1061-1079.

His dates are uncertain. He fled England after the conquest and was succeeded by Abbot Scotland. Signs 10, 771, 809, 813, 817, 822, 824, 825, 963, 964.

Athelsige, thegn. This is a brother who was the steward of Queen Lady's (1122, s. n.). Signs 11, 317, 318.

Athelstan, bishop of Hereford 1012-1056. Signs 31, 767-769, 771, 774-776, 778-781, 784, 797, 912, 916.

Athelstan, abbot of Abingdon 1044-1048. Signs DD, 776, 778, 780, 781.

Athelstan, thegn. This is likely a landowner in I (DD, i. c. v s. n. Adestan). Signs DD, 819.

Athelweard, abbot of Mertonbury (ob. 1053). Signs DD, 767, 769, 772, 774, 776, 779-781, 785, 787, 791-793, 796.

Athelweard, thegn. Probably this is the A. Lechesone of D (PNEB, s. n.). Signs NLE, pp. 300-302; ENEM, 11, Exeter xii.

Athelwig, abbot of Evesham 1058-1077. Signs DD, 772, 778, 809, 811, 822, 823; NLE, pp. 247-248.

Athelwig, priest. I do not know who this is unless it be the above abbot before he was raised to that office. Signs DD, 796.

Athelwig, thegn. This may be A. of Inetford, one of the wealthiest thegns of Hampshire and possibly sheriff of the former county (DNDB, s. n.). Signs DD, 767, 771, 775, 864.

Athelwine, bishop of Durham 1056-1071. Signs DD, 813.

Athelwine, dean of Rochester. He may have become prior (s. DD, p. 457). Signs DD, 797, 807, 812.

Athelwine, thegn. This is probably A. of Fenner of Fenwick

and sheriff of Lu (INDB, s. n.). It could also be, as is
on LD, 962, s. the Black (Chron. Hanseensis, p. 209) who
was sheriff of Lu. Signs LD, 769, 811, 962; Flam, 11,
Exeter xii.

Adridg, thegn. I am unable to identify this man. Signs LD, 771.

Agerund, thegn. He is possibly a thegn of 1 (FDa, s. n., and
LD, index s. Agerund). Signs LD, 819.

Askell, thegn. He was the son of Toki and an important land-
owner in I (LD, pp. xl-xli, xliv, and index s. Askell, s. of
Toki). Signs LD, 808.

Azur, thegn. This is a well known thegn of 1 (ASC, p. 458;
NE, 11, 582). Signs LD, 805, 807, 823; NE, pp. 247-248.

Azur, thegn. This is probably a thegn of 1, v. 1. LD is
called dispensator reus 1. (INDB, s. n.). Signs LD, 769,
813 (reus capifer); Flam, 11, Exeter xii.

Azur, thegn. This man, called the Red, may be a thegn of K
(ASC, p. 437). Signs LD, 773. It is difficult to determine
the particular Azur in each case for the name is a very
common one.

Baldwin, abbot of Mury at Edmunds 1065-1096. Signs 99, 809, 813 (regis capellanus), 824, 825.

Beorhtæor, abbot of Troyl and 1018-1048. Miss Bertson thinks B. may have been alive as late as 1053 (99, p. 498) Signs 10, 956.

Beorntric, abbot of Alnesbury 1062-1070. Signs 10, 817, 964.

Beorntric, priest. This is possibly the above abbot before he was elevated to that office. Signs 99, 792, 793, 800.

Beorntric, tægn. The name occurs often on the witness lists, and likely belongs to more than one individual. The would probably be the Wiltshire tægn and companion of Godric of Laxfield (see Douglas, Wendell documents, p. xciii), and would sign 99, 813. Another might be B. Alfric's son who held lands in D, Ds, G1, and so (99, p. 458; 100, pp. 197-198; 101, no. 1, 239-240, 292a, 293a). A tægn in Ds is another possibility (99, p. 489). Signs 99, 767, 769, 772, 774-776, 778, 780, 781, 796, 800, 805 (Alfrics sunu), 807, 810, 811 (consiliarius), 813, 815, 823, 964; 103, pp. 247-248, 300-302.

Beornweald, bishop of Ramsbury 1005-1045. Signs 10, 767-769, 771, 772, 774, 775, 778, 779, 810, 1332.

Beorhtwine, bishop of Sherborne 1023-1045. Signs D, 767, 771, 772, 774-776, 780, 781, 916.

Beorhtwine, thegn. This is probably the B. predives who gave land to the church of Worcester (ASC, n. 461). Signs D, 813, 823; W.S.M., 11, Exeter xii; HLL, pp. 247-248.

Beorn, earl of the Middle Angles ca. 1045. He was slain by Sween in 1049. King Sveinn Olafsson of Denmark was his brother. Signs D, 770, 781, 784, 787, 812. He never signs as minister.

Bondi, thegn. This is the well known stallar of Edward. He held lands in Br, Bk, Wd, Sd, N, Wth, . Bond thinks he was sheriff of Wd (W, xix, 31). Signs D, 810, 811, 813 (regis p. latinus), 822 (stallere), 824, 825.

Brand, abbot of Peterborough 1066-1069. Signs D, 983.

Harrod (Harhtredus), thegn. Delling identifies him as a thegn holding lands in Wd, Bk, Wth (DNB, s. n.). He was a very important landowner (see W.H., Bk, 1, 240b, 241a; W.H., Wth, 1, 287).

Carl, thegn. This may be the C. who held lands in W, Br, W, .

W, and so (PNDB, s. Karl). There is a J. father of Ælric and Ædwine in K (VCH, K, 111, 223, 231). The name is a case on one and more than one Earl may sign. Signs 22, 767, 769, 773, 774-776, 778, 780, 781; FAB, 11, Exeter xii.

Coolmar, thegn. One man of this name is mentioned in 1. He held lands in Co, and is no doubt this thegn (PNDB, s. n.). Signs HIC, pp. 247-248.

Ceorlic, thegn. This was probably a thegn in Co. Signs 22, 791.

Jeolweald (Celfpendus), thegn. A man of this name is mentioned in 22, holding lands in Sf (PNDB, s. n.). Signs 22, 791.

Jola, thegn. I am unable to identify this man. He with this name held in Ex, Sr, M, F, G, H, D, Db, Te, Wf. Our man may be the same. Signs 22, 795.

Jyncward, thegn. This may be the J. to whom, along with Ædwin and bishop Hereman, 22, 948, is addressed, although it is strange that 22 shows no lands under that name in Br, and it may well be that Kemble (Saxons, 11, 167) is wrong in making him sheriff of Br. There can be little doubt that the man we have here is J. sheriff of Co. Names by sea of this name are found in 22 in Co, G, H, and a (PNDB, s. n.; Morris, sheriff, p. 43). Signs

D, 767 (praefectus), 792 (praepositus), 796 (praepositus), 800 (praepositus), 807.

Dynesite, reprobator of York 1091-1160. Signs D, 716 (presbyter), 800, 806, 817, 856; III, pp. 300-302.

Dynsike, them. No only entries in III under this name are in D and Co. Signs D, 793.

Dudea, them. It is difficult to identify the signatures they belong to more than one individual. There is a Co themn (PHEB, s. n.; cf. AD, pp. 448, 450). Signs D, 767, 770 (dux), 771, 787, 791, 833, 1332; III, pp. 30 - 32.

Duce, bishop of D 1113-1108. Signs D, 767, 768, 770-772, 774-776, 778-781, 784, 787, 791-793, 800, 807, 812, 816, 856, 1332; III, pp. 300-302.

Dudry, cu en. Edward married D, the daughter of D D D, in January 1244. Signs D, 776, 778-781, 783, 789, 794, 805, 807-810, 813, 815, 817, 819, 822-825, 916, 956, 1063, 1084, 1335.

Dudner, them. This seems to be the D, at D D D was signs D under Dout (D, p. 411; Crawford, p. 151). Signs D, 769, 773; III, pp. 300-302. Held in F.

Admar, thegn. This is probably the aire who had lands in D, So, and W, and likely the man known as Attile, (atula) of Ht, Wx, and Wk (PHDB, s. n.). Signs LD, 811.

Admund, abbot of Pershore ca. 1060-1085. Signs LD, 814, 821, 964; HLS, pp. 247-248.

Adno, bishop of Rochester 1034-1049. Signs LD, 767-769, 771, 774-776, 778-781, 784, 912, 916, 962.

Adno, thegn. He was king Edward's staller, killed in 1067 or 1068. His lands lay in Br, W, Ha, So, and possibly elsewhere. He may have been sheriff of Ha (ASS, p. 489; PHDB, s. n.; Morris, sheriff, p. 37; VCH, Br, 1, 295, 377a, 466a). Signs LD, 824, 825.

Adric, thegn. This is possibly the A. of Laxfield who was a wealthy thegn of Ht and Wk (Dugdale, Feudal documents, no. xcxcii; ASS, p. 426). He might also be a wealthy Kentish thegn (ASC, n. 451). Signs LD, 813, HLS, pp. 247-248.

Adsize, archbishop of Canterbury 1038-1050. Signs LD, 767-772, 774, 775, 778, 779, 784-788, 791-794, 796, 800, 912, 916, 935, 1332; PSA, 11, Exeter xii.

Adward, king; 1042-1066. Signs 29, 767-776, 778-783, 785-787, 788, 791-793, 796-798, 800, 801, 805, 806, 807-811, 813, 815, 817-819, 822-825, 812, 816, 839, 956, 962-964, 1332, 1335; Engl., ii, Exeter xii; ibid., pp. 247-248, 30-300.

Adwold, priest. He is probably one of the clergy at Evesham to Christenburgh. Signs 30, 767, 788.

Adwig, thegn. This may be a cilt of He. Signs 11, 813.

Adwine, thegn of Westminster 1049-c. 1070. Signs 10, 771, 800, 810, 824, 825.

Adwine, earl of Mercia c. 1062-1071. He was the son of earl Alfgar and a brother of Mercar. His lands were chiefly in W., St., S., Y, and D. Signs 20, 801, 809, 824, 825, 864.

Adwine, thegn. It is difficult to definitely identify this man. He may have been the above A. before he became earl, or a wealthy thegn (18, 28). In the latter case, however, the date of the first charter would seem somewhat early (for this, feudal documents, pp. cxiii-cxiv; ibid., p. 199-200). There is a sheriff of an unknown county with this name and sign as such in 1080 and 81 (Morris, Sheriffs, p. 45), but this is probably the son of Burgred (q. v.) and too young to sign these charters. Signs 21, 769, 796.

Eadwulf, thegn. I cannot identify this man, but men with this name held lands in Y, Hf, D and W. He signs ED, 791 and may have been a Devon thegn. GD, 787 is a grant to an A. in Co. (See also Eadulf).

Ealred, archbishop of York 1060-1069. He was previously bishop of Worcester, appointed in 1046, and also bishop of Hereford, appointed in 1056. Some of the signatures below are those from the time before he was elevated to York.

Signs ED, 770, 772, 784, 791-793, 798, 800, 801, 805-810, 813, 817-819, 822-825, 912, 916, 939, 956, 963, 964; ESAM, ii, Exeter xii; HE, p. 247-248.

Ealdred, scribe. I have no information on this man. Signs ED, 815.

Ealipisus, thegn. This may be Alwine or Alwin, but it is impossible to identify him. Signs ED, 791.

Earnrest, thegn. This is also thegn (HE, s. n. v. Signs ED, 823; HE, p. 247-248.

Earnwig, abbot of Peterborough 1042-1052. Signs ED, 797.

Eadlaf, thegn. There is a thegn of this name in HE and may be our man. Freeman mentions a husband of this name, but he was from the neighbourhood of Durham (HE, iv, 304). Signs ED, 770-772.

Aczwulf, thegn. There is an A. in 1 (LD, p. 64, no. 29) who seems to be the only man by this name in DE. Signs 33, 770, 787, 791.

Asbern, thegn. Probably the son of Atelric III (1) in this case. Signs 30, 813 (regis consanguineus).

Asbern, thegn. This is probably the brother of Edgar and Alfgar (LD, 1374). Signs 12, 767, 813.

Asgar, thegn. This is King Edward's staller who becomes also as regiae procurator culae (LD, 813) and as regis a pifer (LD, 808). He was sheriff of Northampton, Sheriff, p. 37, but held land in many counties (DNB, s. Asceirr). Signs 10, 771, 801, 806, 808-810, 811 (Veilitzen says that this A. may be a so man and not the staller, loc. cit.), 813, 822-825, 816, 856.

Averluer, thegn. This man held lands in So and D (DNB, s. n.). Signs 30, 811.

Ærowine, thegn. There is a liber homi in LD. Signs 10, 816.

Biso, bishop of Wells 1061-1088. Signs 10, 809, 811, 813, 822, 824, 825.

Godman, priest. This is a chaplain of King Edward and the

father of Godric, Abbot of Inchcolmbe (Synon of Durham, ii, 171). Signs 10, 767, 791. This may be the same as an presbyter who had lands in D.

Godric, abbot of Inchcolmbe 1054-ca. 1069. Signs 10, 745, 801, 823; HLB, p. 247-248.

Godric, dean of Christchurch, Canterbury. Signs 10, 773.

Godric, priest. This is likely a monk of Worcester. Signs HLB, p. 247-248.

Godric, deacon. This is likely a monk of Worcester. Signs HLB, p. 247-248.

Godric, tithing. This is probably Godric of Durham (r) (1008, s. n.; 1013, p. 439). Signs 10, 773, 789; 1013, ii, letter xii.

Godric, tithing. The signature Godric occurs frequently and may in some of the cases below be that of Godric of Durham, but in other instances it may be that of Godric, sheriff of Br (1013, 340, 345; 1013, Br, 1, 293-294, 331-334, 343-350);

Godric, son of Addeve, lawman of J (1013, p. xxix, xxxii, 3, no. 1); Godric, tithing of Earl Godwin in (1013, p. 390);

or a Kentish landholder, son of Earl (1013, s. 393). Signs 10, 769 (1013), 781, 801 (filius sua p'u, i. e., the 1013 and 1014), 824, 825, 826, 856; HLB, p. 247-248 (the tithing of Earl Godwin).

Godsunu, tægn. This name must be corrupt. Signs 10, 767.

Godwine, bishop of St Martin's, Canterbury c. 1049-1061.

The date of his appointment is uncertain but he was probably made bishop when Siward resigned (ASchr, C 1048, D 1049; VJ 15, 1049). His signature does not occur on the charters unless he is the Godwine meant on CD, 825.

Godwine, bishop of Rochester 995-1046. There may possibly have been two incumbents of this see with his name in this period, but Don Knowles lists only one (The monastic order, p. 698). Signs 20, 769, 771, 773, 784.

Godwine, abbot of Finchcombe ca. 1042-1053. Signs 10, 771, 775, 797, 912, 916, 939; Engl, 11, Exeter xii.

Godwine, earl of Wessex ca. 1018-1053. Signs 10, 767-776, 776-781, 783, 784, 786-788, 791-794, 796, 797, 800, 807, 912, 916, 939, 1332, 1335; Engl, 11, Exeter xii.

Godwine, priest. It is difficult to identify this man unless he be the above bishop of St Martin's, whose appointment is sometimes dated 1050 or 1051 (BRN). This would permit his signing the first three charters and all the fourth, if my dating of this be correct. Signs 10, 791-793, 800.

Godwine, deacon. This is likely a monk of Worcester. Signs HC, pp. 247-248.

Godwine, thegn. The name is too common to allow of certain identification. A Kentish thegn probably signs LD, 770 (Cr. Col, p. 151). The Godwine praepositus civitatis xanfordi of LD, 750 is likely the one who signs LD, 793 as praepositus civitatis. There is a sheriff of LD by this name and he may be the reginae dapifer of LD, 813. The name also occurs on LD, 787, 916, 1372, and TasM, ii, Exeter xii.

Grimcytel, bishop of Ely 1039-1047. Signs LD, 767, 768, 771, 774-776, 778-781, 784.

Gyrth, earl of SA 1057-1066. He may have held some smaller earldom before 1057 (DC, ii, 532) which would account for his signature as comes on LD, 801. Signs LD, 771, 801, 810, 811, 813, 815, 817, 824, 825; MLD, pp. 300-302.

Hakon, thegn. It is uncertain who this man is. Earl Sveen had a son by this name, but it is probably not he. Men with this name held in Ha, B, Ch, Db, F, I, and J. (Collis, Introduction, ii, 138-139; LD, index s. Hacon). Signs LD, 819.

Harold, earl of Wessex and later king. It is not definitely known when Harold became an earl, but judging from the charters,

he signs as earl for the first time in 1045. He signs LD, 776 and 780 as minister, but 781 as dux. Signs LD, 776, 780, 781, 785-787, 791-793, 796, 800, 801, 806, 808-811, 813, 815, 817, 819, 822-825, 916, 939, 956, 963, 964; AS, 11, Exeter xii; DL, pp. 301-302.

Heca, bishop of Selsey 1047-1057. He was a royal chaplain before his appointment (Flig, 1047). Signs LD, 792, 793, 956.

Herdinus, thegn. He was the son of a dnoth staffor (DL, 1v, 755-759; AS, p. 489). His lands lay in So and Br. He signs only once and that as reginae pincerna, LD, 813.

Hereman, bishop of Ramsbury 1045-1055, and of Sherborne 1055-1078. He was a royal chaplain (Flig, 1045). Signs LD, 767, 776, 780, 781, 783, 784, 786, 787, 791-793, 796, 800, 801, 810, 811, 813, 822, 824, 825, 956, 1335.

Hugo (Hugelinus), thegn. He attests once as cubicularius (LD, 809) and once as revis camerarius (LD, 810). He held lands in Hu, Br, , and Sa (DB, Hu, 1, 354a). Signs LD, 771, 809, 810, 823.

Indulf, thegn. There is an I. in So (DL's, Introduction, 11, 152). He may be the same man, however, as Indulf (. v.). Signs LD, 806, 808, 819

Ingold, thegn. I am unable to identify this man. One of this name held lands in Y, Bk, and Sf. Signs 1D, 801.

Leafcild, thegn. This must be the sheriff of Devon of 1D, 869 and 870. Signs 1D, 769, 788.

Leafnoth, thegn. Possibly the Leafnoth who signs 1D, 770 is a Db thegn, while the one who signs 11D, pp. 300-302 is a Do one (ASV, p. 155; FDB, s. n.). There is a Leafnoth, son of Osmund, who held in Bk (1D, 950).

Leofric, bishop of Exeter 1046-1056, of Cornwall 1046-1070, and Exeter 1050-1072. He was a royal charlain (71 1a, 1046), and probably attested 1D, 767 as priest. He also signs 1D, 784, 786, 787, 792, 793, 796, 800, 801, 810, 811, 817, 817, 824, 825, 956, 963; 11D, pp. 300-302.

Leofric, abbot of Peterborough 1052-1066. He was a nephew of earl Leofric. He also held the abbeys of Burton, Coventry, Croxland and Thorney before his death (S1, p. 467). Signs 1D, 785, 813, 815, 824, 825, 956.

Leofric, earl of Mercia 1032-1057. Signs 1D, 768-773, 775, 776, 778-781, 783-788, 791-794, 796, 797, 800, 805, 807, 810, 823, 912, 916, 1332, 1335; FDB, 11, Exeter xii.

Leafric, priest. Two priests of this name sign DD, 767. One is probably the Leafric who became bishop of Exeter, but who the other is I do not know and the name may have been repeated in error.

Leafric, thegn. There is a Leafric who is referred to as praepositus holding in D (PHDB, s. n.) who may be the same man as the one people makes sheriff of that county (Saxons, 11, 168). There is also a Leafric, brother of Leafnoth and son of Osmund (DD, 950), who held in D, but the name is such a common one that identification is difficult (PHDB, s. n.). Signs DD, 767, 916.

Leafsige, abbot of Hy. His dates are usually given as 1029-1045, but Miss Robertson argues that this may be wrong and that he did not die until 1054 or 1059 (ASB, p. 467). If she be right his signature on DD, 800 and 801 could stand. Signs DD, 769, 774, 775, 778, 800, 801, 856. There is a second abbot Leafsige on DD, 856, but I have no idea who this could be (cf. ASB, p. 467).

Leafsige, thegn. It is difficult to say who this is. It might be homo testis conitis in D, or homo & ille conitis in D. Signs DD, 778.

Leafstan, abbot ofbury St Edmunds 1044-1065. Signs D, 810, 813. Another abbot of this name signs the latter charter, but no other is known and this may be a clerical error.

Leafwine, bishop of lichefield 1053-1067. Signs D, 811, 823, 956, 964.

Leafwine, earl. The date of his appointment and the territories embraced by his earldom are uncertain. Freeman argues that he was appointed ca. 1057 (D, 11, 583-585). The earliest instance in which his signature as dux occurs, with the exception of the spurious D, 771, is H13, pp. 300-302 (1059). It cannot be asserted that wherever the signature Leafwine minister occurs it is that of the future earl, although it is possible that he was old enough to sign at the beginning of the reign of the Confessor. Signs as minister or nobilis D, 767, 769, 797, 792, 793, 800; F. 11, 11, Exeter xii; as dux D, 771, 809, 810, 813, 815, 817, 824, 825, 963; H13, 300-302. He held lands chiefly in F, Sx, W, D, Dx, Ha, and bk.

leafwine, thegn. The one who signs D, 962 is called filius stan, and is mentioned in D as holding lands in k and t (D103, s. n.). This may be the same man as signs D, pp.

300-302. If it is not, identification is difficult (see DD, s. n.; VCH, Bk. 1, 275).

Locre (locar), thegn. There is only one man of this name in DB and he held lands in St. Signs DD, 819.

Lyfing, bishop of Exeter, Cornwall, and Crediton 1036-1046. Signs DD, 767-772, 774-776, 778-781, 912, 916, 1352; Engl, 11, Exeter x11.

Lyfing, priest. This is possibly the pres yter homo addone of Ht (PNDP, s. Loofing). Signs DD, 792, 793, 795.

Lyfing, thegn. He has the king's staller. Signs DD, 767, 807, 813 (regis carifer), 956.

Mergeat, thegn. Probably the same individual as the only one with this name in DB. He held lands in Lei, Ea, and I. He was the father of Ethelric (PNDP, s. n.). Signs DD, 912.

Merleswegen, thegn. This is the well known sheriff of J, who had lands there and in Bl, So, Y, and D. Signs DD, 806, 808.

Manni (ulfnar), abbot of Wvesham 1044-1059. Signs DD, 771, 797, 807, 912, 916, 939, 956.

Manni, thegn. There is a M., father of Alfstan, a 10th-century landowner in Wx, and a M. the Swarthy in Sf. Signs FAS, ii, Exeter xii.

Morcar, earl of Northumbria 1065-1071. Signs LD, 316 (min) 825 (comes).

Nefetofi, thegn. I am unable to identify this man. Probably the name is corrupt. Signs LD, 792, 793, 800.

Normann, thegn. This must be the sheriff of Wth (LD, 963, 994; PNDB, s. n.; Morris, Sheriff, p. 35). Signs HLG, pp. 247-248.

Osca, earl of Devon, Somerset, Dorset and Cornwall 1051, and he may have been earl of Hereford and Gloucester after Godwin's return (OS, pp. 456-458; VCH, 10, 1, 201, says he belonged to the foreign party). He died 1056. Signs most of these charters as minister, nobilis or miles. He signs LD, 797 as monk, but as his Robertson has argued this may be the result of a scribal error, mon for min (OS, p. 457). As dux he signs LD, 805; he also appears as such in LD, 99, and FAC, iv, 32. Signs LD, 767-771, 774-776, 778-783, 787, 791, 805, 1332; FAS, ii, Exeter xii.

Ordgar, thegn. This is surely the brother of Alfstan (c. v.) who appears in LD, 939 as Ordgar Deuonensis. There is another

man of the same name who, with Alfric Eithelard's son, was a deputy of Queen Emma in the eastern counties (III, p. 426). There is also another Ordgar who was sheriff of Devon (Merrie, Sheriff, p. 35). It seems most reasonable, however, to believe that it is the first of these men who signs the majority of these charters, although this cannot be definitely asserted. Signs OD, 767-771, 774-776, 778-781, 783, 787, 939, 1332; PL, ii, Exeter xii.

Ordlaf, thegn. I am unable to find an example of this name in the reign of the Confessor, although it occurs in earlier times, e. g., Ordlaf the earl in 901 (HE, p. 395). Signs OD, 787.

Ordric, abbot of Abingdon (c. 1052-1066). Signs OD, 792, 796, 800, 810, 813, 817, 822.

Ordwig, thegn. Miss Robertson identifies him as the man who held Acton Beauchamp of the church of Worcester (III, p. 419). Signs OD, 807, 823.

Ordwulf, thegn. There is a thegn of this name in ES (ES, Introduction, ii, 102). Signs OD, 771, 774, 775, 779, 787, 791; HL, p. 300-302.

Osbeorn, chaplain. This is very likely the man who later became bishop of Exeter (1072-1103), and was an intimate of King Edward (RP, p. 201; WSP, Sr, 1, 281). Signs DD, 815, 825.

Osbeorn, thegn. This is probably the son of Earl Godard. He was slain fighting Macbeth in 1054. There is, however, a possibility that it is Osbeorn Pentecost who may have been sheriff of Here (Morris, Sheriff, p. 37), but I think this less likely. Signs DD, 778.

Osbert, canon of St Mary, Bouen. I have no information on this man, but he must have been the agent of his church in connection with the subject matter of the charter he signs, DD, 870.

Osbur, thegn. He may be Osbur de Redeford (Bd) or the reference may possibly be to Osbur staller (q. v.). Signs DD, 1335.

Osgod, thegn. This is probably the Osgod Blapa who was the king's staller and held land in the eastern counties. He was outlawed in 1046. Signs DD, 767-772, 774-776, 778-781, 783, 1335.

Osgod, thegn. This is Osgod apud Heclia (Hagley,). Signs DD, 805, 807, 823.

Osnor, thegn. This is probably a D thegn (Bd, pp. 448-449). Signs DD, 770, 787, 1332.

Oswulf, thegn. This is probably Oswulf filius Trane regis regis regis, who had lands in Pt and Bk (PNDE, s. n.). Signs 29, 778, 787.

Oswulf, thegn. This is Oswulf filia, a thegn of W (AS, c. 101). Signs 29, 737, 788.

Owine, thegn. This might be a thegn of W, and is so almost certainly in the case of 29, 805. In the case of 29, 856, and possibly 912, the individual may be, as his Robertson links (29, p. 468) a lawyer of Lincoln. If that is so it is likely the Owine referred to in 13, p. 64, no. 29. Signs 29, 805, 812, 856.

Peter, priest. This is probably the chaplain of the King, and later of the King, who became Bishop of Hereford (1072-1085). On him see 13, Br, 1, 370; 13, Br, 1, 406, 471b, 522. Signs 29, 791, 813, 815, 825.

Ralph, earl of Hereford c. 1050-1057. He was a nephew of the King and is said to have accompanied him to Ireland. Signs 29, 785, 791-793, 796, 800, 956.

Ralph, thegn. He was the king's steward under W and W and W under William, dying ca. 1070. His lands in 13, p. 64, no. 29, and 13 (29, p. 463-464; note, Complete version, ix, 503-571). Signs 29, 791, 801, 810, 811, 824, 825 (W minister),

808 (regis cariferi), 813 (regis culicus), 822, 823 (as staller), and 816 (as More, which I do not know the meaning of, and possibly the reference is to another man).

Herens ld, crist. He seems to have been the last insertion of the king's chamberlain in an latter part of the reign, and is often called chancellor. Whether he had any office under the Conqueror is a much debated question, for most of the documents in which he appears is such the character of doubtful authenticity (i. e., 11, 809, 813, 824, 825, 821) or post-Conquest (12, 10, 100b). He held lands in Le, Wk, W, Wb, Wc, and Wd. Signs 11, 791-793, 796, 800 (all as crist), 810 (regis similarius), 820 (as crist), 821, 822, 824, 825 (all as regis similarius).

Robert, arch^{is} bishop of Exeter 1051-1052. ... of London 1044-1051, and all the signat^{ur} ... from that period. He never signs as archbishop. Signs 11, 7-4, 7-5, 791-793, 800.

Robert fitz Lyne, the n. This is the well known staller of king Edward and sheriff of ... (11, 11, 353; 12, 17; Douglas, Feudal documents, n. xcii). He is ... the Robert and Godward of 11, 111 and 112. He held lands in ... of, W, Wb, Wc, Wd, Wf, and Wg. Signs 11, 771, 785-811, 813 (regis cariferi), 15 (staller), 824, 825, 826.

Rodbeorht, priest. I do not know who this is, unless it be
bisaop Robert of Hereford (1079-1095). Signs 2D, 742, 793,
796, 800, 825.

Rymhtricus, thegn. The name must be corrupt, should possibly
be Brihtric. Signs 1D, 731.

Siferth, thegn. Abbot Brand had a kinsman of this name in
Lincoln (1D, p. xliv, cf. p. xlii). Miss Robertson thinks he
was a lawman of Lincoln (ASJ, p. 468). Signs 2D, 956.

Sihtric, abbot of Tavistock 1046-1082. Signs 2D, 787, 813.

Siric, thegn. This is possibly the I man mentioned in 1D,
p. 200, no. 5, and p. 201, nos. 12, 13. Miss Robertson thinks
he was a lawman of Lincoln (ASJ, p. 468). Signs 2D, 956.

Siward, co-adjutor bishop to Leasige, archbishop of Canterbury,
1044-1048. He was abbot of Abingdon and signs the first six
charters as abbot, the next two as bishop, and the rest as
archbishop. Signs 2D, 767, 769, 774, 775, 773, 916; 778, 734;
776, 780, 781, 783, 1335.

Siward, bishop of Rochester 1058-1075. He was abbot of
Chertsey before he became bishop, and signs the first six
charters as abbot. Signs 2D, 769, 776, 778-780, 1332; 810
824, 825, 963.

Siward, earl of Northumbria ca. 1033-1055. Signs JD, 767, 768, 770, 772, 774-776, 778-781, 784, 785, 787, 791-794, 796, 797, 800, 818, 912, 916, 939, 956, 962, 1332.

Siward, thegn. This is probably a P thegn of Shilke who enjoyed special exemptions and privileges (ASL, n, 419). Signs JD, 771, 772, 916.

Siward, thegn. Feilitzien says that the S. of JD, 824 is S. of Amersham, Bk (MDDB, s. Sigeward). There is, however, a S. holding in Co and He who is said to have been a kinsman of King Edward (VCH, 9, 1, 321a). The Siward burn who held in Db and Wa was an important thegn (VCH, Db, 1, 300-301; VCH, Wa, 1, 282-283). Signs JD, 813, 827-825.

Spearhafoc, abbot of Abingdon 1048-1050, and bishop-elect of London 1051. Signs JD, 793.

Stigand, archbishop of Canterbury 1052-1070. He was previously bishop of Elmham (1044-1047), and bishop of Winchester (1047-1052). Signs JD, 773, 784, 786, 787, 788 (as priest), 791, 792, 793, 796-798, 800, 801, 806, 808, 810, 811, 813, 815, 817, 819, 824, 825, 912, 956, 963, 964; HIC, pp. 300-302.

Svegen, earl of Oxfordshire, Gloucestershire, Herefordshire, Somersetshire, and Berkshire. He was the oldest son of Godwin,

And seems to have been made earl as early as 1043. In 1047 he was outlawed, returned to England in 1050 and shared the outlawry of his father in 1051. He died 1052 on his way home from a pilgrimage. I think the signature Svein of 10, 962 is his, prior to his appointment as earl. Signs 10, 767-771, 774-776, 778-781, 784, 912, 916, 962.

Svein, the m. I do not know who this man is. Signs 10, 915. It is possible that the man was the thegn of 10, 10 in Wk (Wk, 10, 1, 272b).

Swithgar, notarius. I have no information on this man. Signs 10, 809, 813, 824.

Thored, thegn. Feilitzen identifies the Dored of 10, 778 as the loret who held lands in (PNDB, s. lōrē). The name is a common one and men bearing it held lands in Hf, 3a, 3b, 3t, Y, and Bk. Signs 10, 771, 774-776, 778, 780.

Thurgisl, thegn. This is likely the 10 who was King Edward's thegn in Bd (Bd, s. n.). Signs 10, 962.

Thuri, earl. The only earl with this name is the Thuri comes who held under Harthecnut (10, 1, 520, 11, 573-574), and who may possibly have lived until ca. 1044 (10, 11, 574). If this is so, he could sign 10, 962 and, if by date is correct, 797. These are the only two carriers from the roll of the 10 on which his name occurs.

Thurkil, thegn. This is probably Turchillus unio of the who held considerable estates there (PNIEB, s. n.; AS2, p. 400). He may be identical with Turchil the Dane, "one of the leading thegns of the eastern "Midlands" (VIII, Hu, 1, 370). There is, however, a thegn of this name in Br (VIII, Tr, 1, 294, 351b). Signs DD, 767, 778, Pa, 1, 11, Exeter xii.

Thurgod, thegn. He is called lugen and seems to have been one of the lawmen of D (LD, p. 95, no. 1; p. 96, no. 7; p. 97, no. 13; p. 99, no. 29; p. 187, no. 6; Steenstrup, Danelag, p. 197; AS2, p. 468). He held lands in Y, Mt, G, and I. Signs DD, 956.

Tofi, thegn. In the early charters this signature probably belongs to Tofi the Proud who was the king's stallor. In the later charters it may belong to the Tofi who was sheriff of So (DD, 821, 837, 839; Morris, sheriff, p. 75). The two men are often confused (see on them AS2, p. 186; AS2, p. 400; ND, 1, 792-794). Signs DD, 767, 778, 791, 792, 800, 1332; Pa, 1, 11, Exeter xii.

Toki, thegn. It is difficult to identify this man. There is a large landowner of this name, the son of uti, who held lands in Nth, 1c1, 9b, Mt, Y, and I. Steenstrup thinks he was a lawman (Danelag, p. 197; cf. LD, p. xxx). Then there is

the well known Toki, the father of Aki. The latter is associated with bishop Walred of Worcester (DD, 805; cf. Gravel, p. 144). It is not certain, however, that either of these men sign these charters (cf. MDB, s. n.). Signs DD, 767, 1352.

Uostig, earl of Northumbria 1055-1065. He was outlawed in 1065 and died at Stamford Bridge in 1066. Signs as minister DD, 767, 787, 791-793, 796, 800; PLM, 11, Exeter xii; as dux DD, 771, 785, 801, 806, 808, 810, 811, 813, 815, 817, 818, 822, 916, 963; HLJ, pp. 30-302.

Ufic, thegn. I am unable to identify this man, but he may have been from Essex (cf. AD, pp. 191-192). Signs DD, 788.

Ulf, bishop of Dorchester ca. 1049-1052. Signs DD, 792, 793, 794, 796, 800.

Ulf, thegn. He is called son of Iofi and occurs frequently in DD (see pp. xiv, xli-xliv, lxxxviii, and the index s. Ulf, Uope sunu; cf. also AD, p. 207-208). An ulf was sheriff of Mx (DD, 843), and another a portreeve of London (DD, 872). As far as I know none of the portreeves of London attest charters, but writs are addressed to them (see table, Exons, 11, 174). Signs DD, 806, 815, 819.

Ulf, thegn. He is called Ulf of Ilinc-In and is probably

identical with Ulf Fenisc, a very large land owner in the Danelaw. Steenstrup thinks he was a lawman (Danelaw, p. 127), but this is not certain, although his importance cannot be denied (cf. DD, pp. xxxi, xxxvii, and the index s. Ulf, Fenisc of Fünen). Signs DD, 806, 808.

Ulfketel, thegn. This might be the U. cild of U (DD, xxxi, p. 104), or the U., who was sheriff of De (DD, 802), but there are many men with this name (DNM, s. Ulfketel). Signs DD, 767, 816; DNM, ii, letter xii.

Ugen, thegn. This is probably the Ugen who held lands in De and was one of the men of Earl Godric (DD, p. 458; DNM, p. 144). He may be the same man as the Ugen who held the ten Wawen (VHM, ca, i, 234). Signs DD, 805, 830.

Ualter, bishop of Hereford 1061-1079. He was a royal chaplain (DD, p. 300). Signs DD, 809, 813, 823-825.

Ualter, no title but probably thegn. I have no information on him. Signs DD, 815.

Ualtheof, earl of Northumbria 1065-1075. He only held part of this earldom under the Confessor. Signs DD, 819.

Wigot, thegn. This is a very wealthy landowner of Wallingford who had lands in Sx, Cr, Ha, Br, Ht, and Bk (DB, s. Wigot). He was a kinsman of King Edward (DB, 862; DB, 11, 99). It is not at all certain that Wigot was sheriff of W, as Freeman (DB, iv, 728) would make him, for the bulk of his land seems to have lain elsewhere (DB, s. Wigot; DB, iv, 729-730; cf. DB, xlvi, 14, where Darlington writes: "In some instances magnates addressed by name are not known to have held land in the region concerned, and it is reasonable to regard them as royal officials." Darlington is speaking of post-Conquest times, but the same would apply to pre-Conquest England). However it does not seem possible to arrive at a definite conclusion. Signs DB, 813 (re is vi carat), 824, 825.

Wigot, thegn. He is called Wigot of Lincoln (see DB, . 241, no. 16). Signs DB, 809, 819.

Wightsire, thegn. I do not know who this man is. Signs DB, 733, 800.

William, bishop of London 1051-1075. He was a royal chaplain (Fl 1g, 1051), and signs the first three charters as priest. Signs DB, 732, 733, 800, 811, 813, 815, 817, 824, 825, 812, 856, 963.

Wistan, abbot of Loucestre. His dates are uncertain (D, ii, 691). Signs D, 823, 864. He probably signed the following charters before he became abbot: D, 797, 807 (with Osulf), and H10, pp. 247-248 (as sacerdos)

Wulfbold, thegn. One with this name held lands in Devon and Ex. Signs D, 769.

Wulfgar, thegn. This is probably ulgar at Wivere of D, 887, a So thegn (SHDB, s. n.). Signs D, ii, Exeter xii.

Wulfmar, thegn. This may be an lf thegn. Freeman says he was a sheriff (W, v, 213). He might also be a So thegn. Signs D, 912.

Wulfnoth, abbot of Thorney, Westminster, 1032-1040. Signs D, 773, 779.

Wulfnoth, thegn. It is difficult to identify this man. Edward had a huscarl of this name (D, i, 759). A huscarl with this name is called praefectus palatinus in D, 845. This would explain the title praefectus which is given to Wulfnoth in D, 767. A king's thegn of this name held in Devon. Signs D, 767, 770, 772; H10, pp. 300-302.



Wulfric, abbot of Ely 1045-1069. His Robertson tale of Wulfric's appointment may be dated ten years too early (RE, n. 487). He is said to have been a kinsman of Edward (RE, III, 83). Signs CD, 813, 817.

Wulfric, abbot of St. Augustine, Canterbury, 1045-1061. Signs CD, 773, 816.

Wulfric, thegn. This is probably Wulfric of Wernsforda (Wernsford, Ha) (REDB, s. n.). Signs CD, 824, 825.

Wulfsize, bishop of Ely 1039-1053. Signs CD, 771, 774-776, 780, 781, 785, 797, 798, 812, 816, 839.

Wulfsize, abbot of Thertsey. His dates are uncertain, but he signs between 1042 and 1045. Signs CD, 767, 778.

Wulfsize, thegn. This is probably the Wulfsize bas e n s erefa of CD, 789 (RE, n. 440), but nothing more is known of him. I suspect he may be a thegn and the son of Wami. Signs RE, II, Meter xii.

Wulfstan, bishop of Worcester 1062-1095. Signs CD, 771, 797 (as monk), 801, 807 (as monk), 809, 823, 824, 825; RE, pp. 247-248 (as s. cardos).

Ulfstan, thegn. This is possibly a ulfstan tenuis who held in Bk. Signs 11, 800.

Ulfweald, abbot. There is a Ulfweald, abbot of Chertsey, who died in 1084, but this can hardly be the man, for Wifric and Siward seem to have been abbots of Chertsey between 1042 and 1058. This man might have followed Siward and signed charters after 1058. There is another abbot of this name, of Bath, but he also seems too young for the early charters. His dates seem to be 1061-1084. I do not know of any other abbots with this name. Signs 11, 769, 771, 773, 782, 793, 800, 810, 824, 825.

Ulfward, thegn. This is likely ulfward the White who held lands in K, Ox, Bk, , Bl, C, Ha, Co, De and elsewhere and I (112, p. 462-467; 111, s. n.; 111, pt. 1, 216-217). Signs 11, 801, 825; 111, 11, inter xii.

Ulfwig, bishop of Dorchester 1052-1067. At this time Dorchester was the see of Lincoln. Ulfwig with Ulf the Norman who was promoted to Dorchester in 1049 (Barstow, pp. xiii-xiv). Signs 11, 779, 801, 806, 808, 813, 818, 819, 824, 825, 863 (cancellarius).

ulfwine, monk of Worcester. Signs 11, 797; 12, pp. 197-218 (sacerdos).

Wynsige, thern. He was the king's chamberlain (chamberlain) (I rson, king's household, p. 129; 1297, s. n.). He held i ad and bk. He is usually called Tenesi. Signs 11, 823.

Yfingus, re is danifer. This seems an error for Yfin (q. v.). Signs 11, 113.

APPENDIX C

Number and Classification of Charter
Witnesses

Title	Royal charters	Private charters
King	42	14
Queen	19	6
Queen Mother	7	4
	68	24
Archbishop	76	15
Bishop	251	32
Abbot	152	34
Priest	33	8
Chancellor	6	
<u>Notarius</u>	3	
Chaplain	6	
Deacon	2	4
Canon	1	
Monk	6	2
Untitled (chaplains)	2	1 (bishop)
	538	103
Earl	174	37
Thegn	341	21

<u>Title</u>	<u>Royal charters</u>	<u>Private charters</u>
Reeves	11	1
<u>Staller</u>	4	7
<u>Chamberlain</u>	2	
<u>Cubicularius</u>	1	
<u>Regis dapifer</u>	4	
<u>Reginae dapifer</u>	1	
<u>Procurator aulae regiae</u>	1	
<u>Regis pincerna</u>	2	
<u>Regis aulicus</u>	1	
<u>Regis palatinus</u>	1	
<u>Consilarius</u>	2	
<u>Regis consanguineus</u>	2	
Untitled (all thegns)	18	41
	565	107
Grand total	1171	234

APPENDIX D

List of Bishops Attesting Charters

Alfwald, Sherborne, 1046-1058
Alfwearð, London, 1035-1044
Alfwine, Winchester, 1032-1047
Ethelmar, Elmham, 1047-1070
Ethelric, Durham, 1042-1056
Ethelric, Selsey, 1057-1070
Ethelstan, Hereford, 1012-1056
Ethelwine, Durham, 1056-1071
Beorhtwald, Ramsbury, 1035-1045
Beorhtwald, Sherborne, 1023-1045
Daduc, Wells, 1032-1060
Eadnoð, Dorchester, 1034-1049
Giso, Wells, 1061-1088
Godwine, St Martin's, Canterbury, 1049-1061
Godwine, Rochester, 995-1046
Grimcytel, Selsey, 1039-1047
Heca, Selsey, 1047-1057
Hereman, Ramsbury, 1045-1055
Hereman, Sherborne, 1058-1078

Crediton, 1046-1056
Leofric, Cornwall, 1046-1072
 Exeter, 1050-1072

Leofwine, Lichfield, 1053-1067

Lyfing, Worcester, 1038-1046

Sivaard, Rochester, 1058-1075

Ulf, Dorchester, 1049-1052

Walter, Hereford, 1061-1079

William, London, 1051-1075

Wulfsig, Lichfield, 1039-1053

Wulfstan, Worcester, 1062-1095

Wulfwig, Dorchester, 1053-1067

APPENDIX B

List of Archbishops Attesting Charters

Alfric, York, 1023-1051

Cynesige, York, 1051-1060

Godsige, Canterbury, 1038-1050

Haldred, York, 1060-1069

(bishop of Worcester, 1046-1062)

(bishop of Hereford, 1056-1061)

Robert, Canterbury, 1051-1052

(bishop of London, 1044-1051)

Siward, co-adjutor, Canterbury, 1044-1048

Stigand, Canterbury, 1052-1070

(bishop of Licham, 1044-1047)

(bishop of Winchester, 1047-1052)

APPENDIX IV

List of Abbots Attesting Charters

- Alfric, Wershore, 1033-1055
- Alfsige, Peterborough, 1005-1042
- Alfsige, St Benedict at Hulme, 1019-1046
- Alfstan, St Augustine, Canterbury, ca. 1032-1045
- Alfwig, Bath, 1060-1066
- Alfwig, New Minster, Winchester, 1063-1066
- Alfwine, Buckfast, ca. 1046
- Alfwine, New Minster, Winchester, 1039-1057
- Alfwine, Ramsey, 1043-1079
- Athelnoth, Ely, 1053-1073
- Athelsige, St Augustine, 1061-1079
- Athelstan, Abingdon, 1044-1048
- Athelweard, Glastonbury, ab. 1053
- Athelwig, Ivesham, 1058-1077
- Baldwin, Jury St Edmunds, 1065-1098
- Beorhtmar, Ely, 1018-1048
- Beorhtic, Malmesbury, ca. 1062-1070
- Brand, Peterborough, 1060-1069
- Edmund, Wershore, ca. 1060-1065

Madwine, Westminster, 1049-1070
Earnwig, Peterborough, 1042-1052
Godric, Winchcombe, 1054-ca. 1069
Godwine, Winchcombe, 1042-1053
Leofric, Peterborough, 1052-1066
Leofsige, Ely, 1029-1045 (or possibly 1055)
Leofstan, Bury St Edmunds, 1044-1065
Manni, Evesham, 1044-1059
Ordric, Abingdon, 1052-1066
Sihtric, Tavistock, 1046-1082
Siward, Chertsey, ca. 1042
Siward, Abingdon, ca. 1044
Spearnafoe, Abingdon, 1048-1050
Wistan, Gloucester, ca. 1066
Wulfnoth, Thorney, 1032-1049
Wulfric, Ely, 1045 (or possibly 1055)-1065
Wulfric, St Augustine, Canterbury, 1045-1061
Wulfsize, Chertsey, ca. 1042-1045
Wulfwald, Chertsey, ob. 1084
Wulfwald, Bath, 1061-1084

APPENDIX G

Abbeys whose Abbots Attended Charters

Name of Abbey	Value in pounds ¹
Abingdon (Jr)	462
Bath (So)	81
Buckfast (J)	17
Eury St Edmunds (Jr)	539
Chertsey (Jr)	198
Croyland (J)	52
Gloucester (C)	768
Wesham (Wo)	129
Glastonbury (So)	827
Gloucester (Jl)	99
Salisbury (J)	178
Faversham (So)	81
Peterborough (Hia)	323
Winchester (Hia)	658
St Augustine, Canterbury (K)	635
St Benedict at Hulme (Hf)	96
Tavistock (J)	78
Thorney (Hx)	53

1. The value is that in ibid., as interpreted by W. H. St. John (The monastic order, pp. 702-703)

<u>Name of Abbey</u>	<u>Value in pounds</u>
Westminster (12x)	583
Winchcombe (21)	82
Newminster, Winchester (12a)	390

APPENDIX E

List of Lords Attesting Charters

Alfjar, 1051-1062

Beorn, 1045-1049

Godwine, 1062-1071

Godwine, 1018-1055

Gyrth, 1057-1066

Harold, 1045-1066

Leofric, 1032-1057

Leofwine, 1057-1066

Morcgar, 1065-1071

Odda, 1051-1056

Olph, 1050-1057

Siwcard, 1033-1055

Swegen, 1043-1047

Thuri, ob. ca. 1044

Tostig, 1055-1065

Waltheof, 1065-1075

Note: The dates are in many cases only approximate.

APPENDIX I

List of Sheriffs Attesting Charters

Doubtful cases are indicated by (?).

Alfgat, Mx	Godwine, So
Alfnoð, So (?)	Leofcild, E
Alfric, Hu, Sf	Leofric, Wo (?)
Alfric, C	Lerleswegen, L
Alfstan, Ht (?)	Norðmann, Hth
Alfwig, Gl	Ornar, C
Ethelnoð, K (?)	Osborn, He
Ethelwig, Nf (?)	Robert Fitz Anore, E
Ethelwine, Wa	Tofi, So
Ethelwine, Hu	Ulf, Mx
Godi, Bd	Wigot of Wintonore, (?)
Gyneward, Wo	Wulfmar, (?)
Hadnoð, Ha (?)	Wulfsize (?)
Hadwine, (?)	
Asgar, Mx	
Godric, Br	
Godwine, <u>praepositus civitatis Exnasterci.</u>	

Note: Some of the above may not have been shire reeves,
but king's reeves of one kind or another.

APPENDIX J

List of Priests, Monks, and Chaplains

Attesting Charters

Alfgat, <u>notarius</u>	William, royal chaplain
Elfstan, <u>sub. roas</u> and monk	Wistan, priest and monk
Ethelwix, priest	Wulfstan, priest and monk
Haldwin, royal chaplain	Wulfwig, chancellor (?)
Hynesige, royal chaplain	Wulfwine, priest and monk
Hadweald, priest	
Hodman, royal chaplain	
Hodric, priest and monk	
Hodwine, priest	
Leofric, priest	
Leofric, royal chaplain	
Lufing, priest	
Osbeorn, royal chaplain	
Peter, royal chaplain	
Regenbald, chancellor (?)	
Rodbeorht, priest	
Stigand, priest	
Swithgar, <u>notarius</u>	

APPENDIX K

List of Names Attesting Charters

Name	Probable location of lines	Number of attestations
Alfgar	31	12
Alfgar	61, 70	3
Alfgar of Ninehead	30	1
Alfgot	11x, 30	5
Alfnod	20, 11e	6
Alfnod	1	1
Alfric (more than one man)	37, 11f, 11i, 11e, 1	7
Alfstan	30, 30, 11a, 3r, 31, 1t, 3d, 1	17
Alfwald	10 or 1.	3
Alfwald	11k, 11t	1
Alfwearð	30	9
Alfwig	61	4
Alfwine	K	6
Astan	11k	1
Athelfrith	30, 30	1
Athelmar	1	4
Athelmund	11a or 1.	1
Athelnoth	K, 37, 30, 3, 30, 1, 3x, 1a	2

Name	Probable location of finds	Number of associations
Athelric	K	7
Athelric	Wo	2
Athelric Rufus	(?)	1
Athelsige	So	2
Athelstan	L	1
Athelward	D	2
Athelwig	Nf, Sf	4
Athelwine	Wa	2
Athelwine	Hu	2
Adridg	(?)	1
Agemund	L	1
Áskell	L	1
Azur	Vo	5
Azur	Br	3
Azur	K	1
Beorhtric (more than one man)	W, Do, D, M, Wo or So	23
Beorhtwine	Wo	4
Bondl	Br, Bk, Bd, Gl, O, Nth, .	6
Burgræd	Bd, Bk, Nth	1
Carl (more than one man)	Sx, Sr, Ka, W, So or T	10
Geolmar	Wo	1
Geolric	So	1

Name	Probable location of find	Number of attestations
Beolweald	Sf	1
Bela	V	1
Cyneheard	Br, G, H, G1, Wa	5
Cynesige	So, Jo	1
Dodda	So	8
Eadmer	K	3
Eadaf	Lt, Gx, Gk, D, So, L	1
Eadnoth	Br, F, Wa, G	2
Eadric	Hf, H, or I	2
Eadwig	He	1
Eadwine	Hf, H, or I, Wa	2
Eadwulf	Y, Hf, G, Gf, Jo	1
Ealpisus	(?)	1
Earngeat	So	3
Eglaf	So, Y	3
Egswulf	I	3
Eshern	F	1
Eshern	Hf	2
Eskar	Gx or So (possibly a different Eskar sign on one of these)	14
Everwacer	So, D	1
Freowine	Gf,	1
Godric	K	3

Name	Probable location of Lands	Number of Attestations
Godric (more than one man)	Er, I, Wo, K	8
Godsunu	(?)	1
Godwine (more than one man)	K, , So	7
Hakon	Ka, U, Jh, Db, S, L	1
Hardingus	So, Ir	1
Hugo	Hu, Br, S, Wa	4
Radulf	So	3
Inzold	Y, Bk, Sf	1
Leafcild	E	2
Leafnoð	Db,	1
Leafnoð	So	1
leafric	Wo or Bd	2
Leafsige	Bd, U	1
Leafwine	Bk, Ht	2
Loce	Nt	1
Ljying	Ha, W, So, He, Db, Bk, Ht, Y, K, Nth La, S	4
Mergeat	Lei, Wa, I	1
Merleswegen	I, H, So, Y, D	2
Manni	Bx or Sf	1
Nefotof1	(?)	3
Norðmann	Nth	1

Name	Probable location of finds	Number of Attestations
Ordgar (more than one man)	D, SA, C	16
Ordlaf	(?)	1
Ordwig	Co	2
Ordwulf	So	7
Osbeorn	Y or He	1
Oscar	Bd	1
Osric	Ca	15
Osric apud Healfon	Co	7
Oswar	D	7
Oswulf	Ut, Lk	2
Oswulf	L	2
Owine	Co or I	3
Ralph	NF, Sf	11
Robert fitz Rymarc	L, Sf, I, So, He, Hu, Ca, t, I	9
Rymtricus	(?)	1
Siferth	I	1
Siric	L	1
Siward	K	7
Siward	Bk, or Co, no, or Db, Ca	4
Svejen	Bk	2
Thored	W	6
Thurgisl	Bd	1
Thurkil	He or Dr	3

Name	Probable Location of Lands	Number of Attestations
Thurgod	I, Y, Mt, ?	1
Tofi	So	7
Toki	Ath, Lei, Do, Mt, Y, I, Co	2
Ufic	S	1
Ulf	I or Mx	3
Ulf fenisc	I	2
Ulfeytel	S or He	3
Ugen	Vo or Mx	2
Walter	(?)	1
Wigot of Ellingford	Bk, Mx, Sr, Ha, Mt, Bk	3
Wigot of Lincoln	L	2
Wightsige	(?)	2
Wulfbeald	Sf, Mx	1
Wulfgar	So	1
Wulfmer	Mf or Vo	1
Wulfnoth	Ha	4
Wulfric	Ha	2
Wulfseige	Mx	1
Wulfstan	Bk	1
Wulfweard	k, Mx, Bk, S, Ml, Y, Ha, So, Do, Ir, 1	3
Wynsige	Bd, Bk	1

APPENDIX I

Scandinavian Names on the Murters

Agenund (Águndr), thegn

Áskell, thegn

Azur (Ösurr), thegn (three men)

Beorn (Björn), earl

Bondi (bóndi), thegn

Brand (Brandr), abbot

Earl (Karl), thegn

Jola (Voll), thegn

Leborn (Ásöjörn), thegn (two men)

Lejar (Ásgeirr), thegn

Grimeytel (Grímkell), bishop

Gyrth (Gyrðr), earl

Hákon, thegn

Harald (Haraldr), earl and king

Ingold (Ingaaldr), thegn

Ioere (Iok'ir (?)), thegn

Charleswejon (Carlo-landinavian, Carlo-landinn), thegn

Þommi, abbot

Þan'li, thegn

Þorcar (Þorhar), earl

Þofatofi (from Þóvi), thegn

Norðmann (Norðmaðr, but possibly no), thegn

Odda (Oddi), earl

Osbeorn (Ásbjörn), thegn

Osbeorn (Ásbjörn), chaplain

Osgod (Ásgautr), thegn (two men)

Thored (Þórir), thegn

Thurgisl (Thorðils), thegn

Thuri (Þórir), earl

Thurkil (Þorkell), thegn

Thurgod (Þorgautr), thegn

Tofi (Tóvi), thegn

Toki, thegn

Tostig (Tósti), earl

Ulf (Úlfr), bishop

Ulf (Úlfr), thegn

Ulfcytel (Úlfkell), thegn

Vagen (Vagn), thegn

Valtheof (Valþjófr), earl

Vigot (Vigot), thegn (two men)

In all, these men attest 222 times. Among them are thirty one thegns, eight earls, two bishops, two abbots, and one chaplain.

APPENDIX B

The Authenticity of the Witness Lists
of the Charters

Note: I have assumed that a witness list is genuine whenever the names on it are those of individuals who were living and in a position to attest at a time when the charter purports to have been made. When the charter carries its date I have assumed that the witness list is genuine whenever it admits of being assigned to a year or period of years during the Confessor's reign.

Charter	Date	Comment
<u>CD</u> , 767	1043	Genuine.
<u>CD</u> , 769	1042-1044	Doubtful. The only name on the witness list which might cast doubt on its genuineness is that of abbotulfild. The abbot of Shortsey of this name died in 1034 (<u>ibid.</u> , s. a.), but the year of his appointment is not known. However ulfsige would seem to have been abbot between 1040 and 1045, and to have been followed by Edward who held the abbey until he became bishop of Rochester in 1058. This would seem to indicate that the earliest date at which ulfsige could

Charter	Date	Comment
		<p>have become abbot of Chertsy in 1058, but an abbot of this name signs several charters, some of which seem in other respects unimpeachable, e. g., <u>CD</u>, 793 and 800. In <u>LD</u>, 771, which is a forgery, Alfwald is designated abbot of Chertsy. There seems no possibility of certainty in this matter, but I would hesitate to reject a witness list solely because the name Alfwald appears on it.</p>
<u>CD</u> , 770	1044	<p>Doubtful. The charter bears the date 1044 but Aldred, who signs as bishop, did not become bishop of Worcester until 1046. If the charter did not bear the date 1044, it might be assigned to 1046, and it is, of course possible that the scribe made an error.</p>
<u>CD</u> , 771	1044	<p>Spurious. This witness list is irreconcilable with this date, nor can it be assigned to a later time, for Alfwald, bishop of London, who died in 1044, signs. Its spuriousness is indicated by the signature of witnesses as bishop Alfwald, Carlislewine, Godwin and Gyth, and the abbot Godwine of Westminster and Althelstan of Abingdon.</p>

<u>Charter</u>	<u>Date</u>	<u>Comment</u>
<u>8D, 772</u>	1044	Spurious. Impossible names are those of bishops Alfwald of Sherborne and Alred of Worcester, and that of abbot Ethelwig of Evesham.
<u>8D, 774</u>	1044	Doubtful. The only name that occasions difficulty is that of Alfyfu anna who was despoiled by Edward in 1043. It is possible that a reconciliation took place between the king and his mother, for her name appears also in <u>1D, 775</u> and <u>779</u> , which seem genuine in other respects. It is an argument against a reconciliation, that her name does not occur after 1045, but I would hesitate to brand a witness list as spurious for the sole reason that her name occurs in it.
<u>1D, 775</u>	1044	Doubtful. The only names causing difficulty are those of Alfyfu anna and an Edward who seems to be an abbot, and may be Ethelward of Evesham who died in 1053. It is possible, too, that this Edward may be the bishop of London who was also the abbot of Evesham (<u>1D 1g, 1044</u>), and that he sits in the witness list.

<u>Charter</u>	<u>Date</u>	<u>Comment</u>
<u>CD</u> , 776	1045	Genuine.
<u>CD</u> , 778	1045	Doubtful. The names of abbots Lulfwald and Ethelwig cause difficulty.
<u>CD</u> , 779	1045	Doubtful. Miss Robertson brands the charter a forgery (<u>ASJ</u> , p. 433), as did Noble, but the only name on the witness list that causes difficulty is that of <u>Alifu</u> <u>Abba</u> .
<u>CD</u> , 780	1045	Genuine. The witness list contains exactly the same names as <u>CD</u> , 776.
<u>CD</u> , 781	1045	Genuine.
<u>CD</u> , 783	1046	Genuine.
<u>CD</u> , 784	1046	Genuine, unless the signatures of <u>Adside</u> as Archbishop and <u>Edward</u> as Bishop arouse suspicion.
<u>CD</u> , 785	1047	Suspicious. <u>ostig's</u> name as used is not acceptable, nor are those of <u>Earls</u> <u>Alph</u> and <u>Alfar</u> . The two abbots <u>Lyding</u> and <u>Georic</u> , designated as abbots of <u>Swentry</u> and <u>Lvashan</u> respectively, are unacceptable as no abbots of these names are known from these places. The only abbots with these names about this time are <u>Alf</u> of <u>eterborough</u> (1052-1066) and <u>Alf</u> of <u>inchebo</u> (1044-ca. 1069). The date 1047 (Noble dated

<u>Charter</u>	<u>Date</u>	<u>Comment</u>
		the charter 1044-1047) is fixed by the signatures of bishop Alfwine of Exeter (1037-1047) and of bishop Theobald of Elmham (1047-1070).
<u>CD</u> , 786	1049	Genuine. This was marked spurius by Leach. But the witness list causes no difficulty.
<u>CD</u> , 787	1049	Genuine.
<u>CD</u> , 791	1050	Genuine.
<u>CD</u> , 792	1050	Doubtful. The only difficulty is the name of Abbot Ordric of Abington, who seems to have become abbot in 1052 when Atholf died (<u>CD</u> , II, 122), and that of Alfwald.
<u>CD</u> , 793	1050	Genuine. The witness list is almost identical with that of <u>CD</u> , 792. The name of Spearhafoc appears in place of that of Ordric. The scribe may have erred in entering the name of the latter on 792. Alfwald is the only difficulty.
<u>CD</u> , 794	1044-1050	Genuine. The date is fixed by the signature of Edgýða as queen, for she married Edward in January 1044, and the signature of Archbishop Leofsige who died in 1050 (Rebble dated this 1038-1051). The witness list may be incomplete, for full with the

<u>Charter</u>	<u>Date</u>	<u>Comment</u>
		names the following, is written: "cum ceteris optimatibus meis cui assunt in curia mea multis." The charter was marked spurious by Kemble.
<u>DD</u> , 796	1050	Genuine. Kemble dated this 1052, the date given in the charter itself, but this cannot be accepted for the witness list. Archbishop Adso, who signs, died in 1050; Synesio and Robert, who sign as priests, became archbishops in 1051. The charter carries the signature of Earl Ralph who does not seem to have become earl before 1050 (<u>DC</u> , II, 111). There must be either an error in the date on the charter or the substitution of a genuine witness list for the one that should have accompanied the document. Abbot Paris's signature is the only one not compatible with 1050.
<u>DD</u> , 797	1044	Genuine or very likely so. The date assigned to this charter by Kemble, 1052-1053, is unaccredited, for Archbishop Hrico, who signs it, died in 1051. The date would seem to be fixed by the signature of Earl Hauri, who may have lived as late as 1044.

<u>Charter</u>	<u>Date</u>	<u>Comment</u>
		(<u>NC</u> , 11, 974), and of <u>Winn</u> who was appointed to <u>vesham</u> in that year. As <u>Miss Robertson</u> has argued, the designation of <u>Winn</u> and <u>Winn</u> as names is probably a scribal error.
<u>D</u> , 800	1049-1050	Genuine. The date of this charter, 1054, is impossible for the witness list, whose date is fixed by the signature of <u>Winn</u> , who became bishop of <u>Exeter</u> in 1049, and of <u>archbishop Wulfstan</u> , who died in 1050. The only name not reconcilable with this date is that of <u>Leofric</u> , abbot of <u>Wulfstan</u> , but <u>Miss Robertson</u> has argued convincingly that he did not die until 1055 (<u>ibid</u> , p. 457).
<u>D</u> , 801	1055	Spurious. This is indicated by the signatures of such men as <u>archbishop Wulfstan</u> , <u>bishop Wulfstan</u> , and <u>earls North and Edwin</u> . Yet it cannot be later than 1055 as <u>Leofric</u> of <u>Wulfstan</u> signs.
<u>D</u> , 806	1055-1060	Genuine. <u>Temple</u> dated this 1051-1060, but it must be after the appointment of <u>Wulfstan</u> as <u>earl</u> and before the death of <u>archbishop Wulfstan</u> .

<u>Charter</u>	<u>Date</u>	<u>Comment</u>
<u>10</u> , 808	1060	Genuine.
<u>10</u> , 809	1060	Spurious. The date, 1060, cannot be accepted, nor are the witnesses reconcilable with any date, for they include both Carl Lecfric and a certain Edwin who was not permitted to marry till 1065.
<u>10</u> , 810	1061	Doubtful. This was perhaps spurious by design, but the only indisputable signature is that of Carl himself.
<u>10</u> , 811	1061	Genuine.
<u>10</u> , 813	1062	Doubtful. The witness list is a most unusual one, but I would hesitate to say that it was not genuine. Carl's signatures are, however, not in accord with the date. If- wold, Bishop of Sherborne, died in 1060. I know of no Alfrie bishop at this time. Witnesses by the name of Lecfric attest, but I know of only one, that of Henry St Edmunds (1044-1065). I have also had great difficulty in identifying some of the others who attest.

<u>Manuscript</u>	<u>Date</u>	<u>Comment</u>
<u>30</u> , 815	1065	Doubtful. The date in the charter, 1065, is irreconcilable with the signature of Earl Godwin who died in 1062. If the scribe erred and should have written 1062, that date would accord with the witness list as it stands.
<u>10</u> , 17	1065	Genuine. The only difficulty is the misspelling of archbishop Harold's name as A. lard.
<u>30</u> , 819	1060-1066	Genuine.
<u>10</u> , 804	1065	Genuine. The witness list is in conformity with records in other sources of the same date.
<u>10</u> , 829	1065	Genuine. The only agreement is accord with the expected date of the charter is that it is signed by Godwin.
<u>10</u> , 912	no date	Spiritus. The witness list contains names of both bishops of Winchester and of Exeter. This is not possible, for the same succeeded Rufus in 1066 and that year, when the name of bishop William of London is not reconcilable with the names of several other witnesses, i.e., the names of the other witnesses.

<u>Charter</u>	<u>Date</u>	<u>Comment</u>
<u>LD</u> , 116	1043	Spurious. Impossible on the basis of bishop Waldred, who is not known to that rank until 1046, and of Earl Godwin, who was not given a earldom until about 1045. May, however, be a mistake in a clerical error, on the charter is from 1046, for Roger Alfward of London, who died in 1044, and the earl Godwin Berthulf, who died in 1045, are not.
<u>LD</u> , 1332	1042	Genuine.
<u>LD</u> , 1335	1042	Genuine.
<u>LD</u> , 11, 11, Exeter xii	1044	Genuine.
<u>LD</u> , pp. 300-302	1059	Genuine. The only name causing difficulty is that of Ewald, bishop of Exeter (1046-1058).

<u>Charter</u>	<u>Date</u>	<u>Content</u>
<u>30</u> , 768	1043	Genuine (cf. <u>MSB</u> , p. 433-434).
<u>30</u> , 773	1044	Genuine. The only marks of doubt or difficulty are those of doubt arising from the date (1045-1061, cf. <u>MSB</u> , 435-437) and of the year. It is possible that the true date of the charter is 1045.
<u>30</u> , 788	1042-1043	Genuine. The date is fixed by the date of the signature of the priest (cf. <u>MSB</u> , 438).
<u>30</u> , 805	1051-1056	Genuine. The date is fixed by the signatures of Earl Godwin, who is mentioned as living in the charter of 1051 (<u>MSB</u> , ii, 161), and of Earl Godwin, who died in 1056.
<u>30</u> , 807	1051-1053	Genuine. The date is fixed by the signature of Archbishop Lynecestre (1051-1060), and that of Earl Godwin, who died in 1053.
<u>30</u> , 818	1050-1057	Genuine. Both Edward and Godwin, who succeeded him, signed the charter. It is possible that the charter was issued by Archbishop Lynecestre with the consent of Godwin, Edward and Godwin.
<u>30</u> , 822	1061-1065	Genuine. The date is fixed by the signatures of Archbishop Lynecestre, who died in

<u>Charter</u>	<u>Date</u>	<u>Content</u>
		Disc, and Abbot of Saint, 77 of whom were appointed to their offices in 1061, and that of Earl Godwin, who was outlawed in 1055 (cf. <u>ibid.</u> , pp. 463-473).
<u>DD</u> , 823	1062-1065	Doubtful. The date is fixed by the signature of Bishop Wifstan, who was appointed in 1062, and that of Earl Godwin, who was banished in 1065. The only signature that causes difficulty is that of Earl Godwin, who died in 1067.
<u>DD</u> , 939	1046-1050	Genuine. The date is determined by the signature of Bishop Wifstan, appointed to Worcester in 1046, and that of Archbishop Adulf, who died in 1050.
<u>DD</u> , 956	1053-1055	Genuine. The date is fixed by the signature of Bishop Wifstan, who was appointed to Hereford in 1053, and that of Earl Godwin, who died in 1055.
<u>DD</u> 962	1042-1043	Genuine. The date is determined by the signature of Godwin, who came to the throne in 1042, and that of Godwin, who signed with the thegn. He received his earldom in 1043.

Quarter	Date	Document
<u>LD</u> , 963	1060-1062	<p>spiritus. Item 911. The name of the man- ner of Abbot Bruno, who was appointed to Mertonborough in 1060, and who died in 1062. (See also p. 1061).</p>
<u>LD</u> , 964	c. 1062	<p>beautiful. Item 912. Bruno, who succeeded to his baronial office. It is not known that Bruno would in any way re- venge the death of his father (cf. <u>LD</u>, II, 476). The signature of Bruno, who was of Malmesbury, also causes difficul- ty. However the date of his appointment (usually given as 1063) may well have been 1062. The information given by William of Malmesbury (<u>OP</u>, p. 420) is not exact. speaks of the abbot as having held office for seven years before being removed by the Emperor in, it would seem, 1070.</p>
<u>HL</u> , no. 247-248	1060	<p>Remains. Bruno's date, 1058, cannot be as cited. The true date is fixed by the signature of Aldred, who became Archbishop in 1060, but signs here as Bishop, and that of abbot Bruno, who was appointed to Merton- shire in 1060.</p>

APPENDIX II

Dates of the witness lists of the charters—

D = Doubtful witness list

G = Genuine witness list

S = Spurious witness list

Royal Charters

<u>Year</u>	<u>Charters</u>	<u>Validity</u>
1042	<u>10</u> , 1332	D
1043	<u>10</u> , 767	G
	<u>10</u> , 916	G
1044	<u>10</u> , 770	D
	<u>10</u> , 771	D
	<u>10</u> , 772	D
	<u>10</u> , 774	D
	<u>10</u> , 775	D
	<u>10</u> , 797	G
	<u>Anna</u> , ii, <u>Eketer</u> xii	G
1045	<u>10</u> , 776	D
	<u>10</u> , 778	D
	<u>10</u> , 779	D
	<u>10</u> , 780	G
	<u>10</u> , 781	G
1046	<u>10</u> , 783	G
	<u>10</u> , 784	D
	<u>10</u> , 1335	D
1047	<u>10</u> , 785	D
1049	<u>10</u> , 786	D
	<u>10</u> , 787	G

Year	Charts	Validity
1050	<u>20</u> , 791	✓
	<u>20</u> , 792	D
	<u>20</u> , 793	?
	<u>30</u> , 795	0
1055	<u>30</u> , 801	0
1059	<u>210</u> , pp. 300-302	0
1060	<u>20</u> , 808	0
	<u>30</u> , 803	?
1061	<u>20</u> , 810	D
	<u>20</u> , 817	0
1062	<u>20</u> , 813	0
1065	<u>20</u> , 815	D
	<u>20</u> , 817	✓
	<u>20</u> , 824	0
	<u>20</u> , 825	0
1042-1044	<u>20</u> , 769	D
1044-1050	<u>20</u> , 794	0
1049-1050	<u>20</u> , 800	?
1055-1060	<u>20</u> , 806	0
1060-1066	<u>20</u> , 839	0
To date	<u>20</u> , 812	0

Private Returns

<u>Year</u>	<u>Shanters</u>	<u>Quantity</u>
1043	<u>30</u> , 768	3
1044	<u>30</u> , 773	3
1060	<u>312</u> , p. 247-248	3
1062	<u>30</u> , 964	3
1042-1043	<u>30</u> , 783 <u>30</u> , 100	3 3
1046-1050	<u>30</u> , 933	
1050-1057	<u>30</u> , 118	3
1051-1053	<u>30</u> , 307	3
1051-1056	<u>30</u> , 305	
1053-1055	<u>30</u> , 356	3
1060-1062	<u>30</u> , 963	3
1061-1065	<u>30</u> , 822	3
1062-1065	<u>30</u> , 103	3

APPENDIX O

Occasions on which the Confessor Consulted or
may have Consulted his Witan.

Place	Date	Business	Authorities
1. London	5-10 June 1042	Accession of Edward	<u>ASchr.</u> , C 1042, E, F 1041; <u>FLWig.</u> , 1042.
2. Winchester	3 April 1043	Coronation of Edward	<u>ASchr.</u> , C, D 1043; <u>FLWig.</u> , 1043.
3. Gloucester	16 November 1043	Despoiling of Emma and Stigand	<u>ASchr.</u> , C, D 1043; <u>FLWig.</u> , 1043.
4. London	Ca. Lamas 1044	Appointment of Wanni to Evesham. Outlawry of Gnnhild (?).	<u>FLWig.</u> , 1044; <u>ASchr.</u> , D 1045; <u>Chron. Evesham</u> , pp. 87-88.
5. Sandwich	1044	Gathering of the fleet	<u>ASchr.</u> , C 1044
6. ?	23 January 1045	Marriage of Edward	<u>Ibid.</u>
7. ?	Spring 1045	Appointment of more- man to Ramsbury	<u>ASchr.</u> , C 1045, E 1045, E 1043; <u>FLWig.</u> , 1045.
8. Sandwich	Summer 1045	Gathering of the fleet	<u>ASchr.</u> , C 1045; <u>FLWig.</u> , 1045.
9. ?	Christmas 1045	Appointment of Wulf- ric to St Augustine's	<u>ASchr.</u> , E 1043 ² .

Place	Date	Business	Authorities
10. ?	Easter 1046	Appointment of Leofric to Crediton and Baldred to Worcester.	ASchr. E 1044, D 1047; <u>Flwig.</u> 1046.
11. ?	Christmas 1046	Outlawry of Osgod Clapa.	ASchr. C 1046, E 1044, D 1047; <u>Flwig.</u> 1046.
12. ?	Spring or Summer 1047	Sveinn's request for aid. Appointment of Heca to Selsey.	ASchr. D 1048, E 1045, C 1047; <u>Flwig.</u> 1047.
13. ?	Autumn or Christmas 1047	Appointment of Stigand to Winchester.	Schr. C 1047, D 1048, E 1045; <u>Flwig.</u> 1047.
14. ?	Summer 1048	Sveinn's request for aid. Appointment of Spearhafoc to Abingdon.	ASchr. D 1049, E 1046; <u>Flwig.</u> 1048.
15. ?	1048	Appointment of Ethelric to Lindisfarne (Durham).	<u>Flwig.</u> 1048.
16. ?	Spring 1049	Baldwin's revolt and the emperor's request for aid. Mission of Eudoo, Wulfrio, and Alfwine to Rheims.	ASchr. C 1049, D 1050, E 1046; <u>Flwig.</u> 1049.
17. Sandwich	Summer 1049	Gathering of the fleet. Return of Swegen.	ASchr. C 1049, D 1050, E 1046; <u>Flwig.</u> 1049.
18. London	Midlent 1050	Dismissal of nine ships. Mission of Hereman and Baldred to synod at Rome.	ASchr. C 1049, E 1047.

Place	Date	Business	Authorities
19. ?	Autumn 1050	In-lawing of Swegen. Report of bishops from Rome.	<u>ASChr</u> , C 1050, E 1047.
20. Exeter	1050	Transfer of Crediton to Exeter.	<u>CD</u> , 791.
21. London	Midlent 1051	Appointment of Robert to Canterbury, of Spearhafoe to London, of Rotholf to Abingdon. Meregeld abolished and all <u>lithmen</u> dismissed.	<u>ASChr</u> , C 1050, D 1052, E 1048; <u>Florie</u> , 1050; Chron. Abingdon, i, 463.
22. ?	Ca. 30 June 1051	Archbishop Robert's report on his return from Rome.	<u>ASChr</u> , E 1048.
23. Gloucester	August 1051	Visit of Eustace. Proposal to punish men of Dover.	<u>ASChr</u> , E 1048; <u>GR</u> , i, 241-2/2.
24. Gloucester	8 September 1051	Affair of Eustace	<u>ASChr</u> , E 1048, D 1052; <u>Florie</u> , 1051.
25. London	21-22 September 1051	Outlawry of Godwin. Appointment of William to London and of Goda and <u>Aelfgar</u> as earls.	<u>ASChr</u> , E 1048, D 1052; <u>Florie</u> , 1051.
26. ?	Christmas (?) 1051	Visit of Duke William.	<u>ASChr</u> , L 1052; <u>Florie</u> , 1051.
27. ?	Midlent 1052	Dispatch of fleet to Sandwich.	<u>ASChr</u> , E 1052.

Place	Date	Business	Authorities
28. London	14 September 1052	Return of Godwin.	<u>ASChr</u> , F 1051.
29. London	15 September 1052	In-lawing of Godwin; outlawing of Irencham; Stigand's appointment to Cantebury and Leoric's to Peterborough.	<u>ASChr</u> , E 1052, C 1052; <u>Flig</u> , 1052.
30. Gloucester	Christmas 1052	Welsh war.	<u>ASChr</u> , D 1053; <u>Flig</u> , 1053.
31. Winchester	Easter 1053	Succession of Harold to Godwin's earldom, and of <u>Alfgar</u> to Harold's.	<u>ASChr</u> , C, D, E 1053; <u>Flig</u> , 1053
32. ?	Christmas 1053	Appointment of Leiwine to Lichfield, of <u>Agelnoth</u> to Glastonbury, and of <u>Harald</u> over Winchester.	<u>ASChr</u> , C, D 1053; <u>Flig</u> , 1053.
33. ?	Easter 1054	Expedition against <u>Scots</u> .	<u>ASChr</u> , C, D 1054; <u>Flig</u> , 1054.
34. ?	Summer 1054	Mission of <u>Harald</u> to the emperor.	<u>Flig</u> , 1054; <u>ASChr</u> , C, D 1054.
35. ?	Early in 1055	Appointment of <u>Testig</u> as earl of Northumbria.	<u>ASChr</u> , D, E 1055; <u>Flig</u> , 1055.
36. London	20 March 1055	Outlawry of <u>Alfgar</u> .	<u>ASChr</u> , C, L, E 1055; <u>Flig</u> , 1055.
37. ?	Ca. 31 October 1055	Welsh war	<u>ASChr</u> , C, D, E 1055; <u>Flig</u> , 1055.

Place	Date	Business	Authorities
38. Gloucester	November-December 1055	In-lawing of Elfgar. Here- man's request for Malnes- bury.	<u>Flwig</u> , 1055; <u>ASChr</u> , C, D <u>1055</u> .
39. ?	Eidlent 1056	Appointment of Leofgar to Hereford.	<u>ASChr</u> , C 1056; <u>Flwig</u> , 1056.
40. ?	Autumn 1056	Welsh war	<u>ASChr</u> , C 1056; <u>Flwig</u> , 1056.
41. ?	Autumn or Christ- mas 1057	Appointment of Elfgar as earl of Mercia, and of Athelric to Eelsey.	<u>ASChr</u> , D, L 1057; <u>Flwig</u> , <u>1057</u> .
42. Gloucester	23 April 1058	Outlawry of Elfgar. Con- secration of Athelwig to Evesham.	<u>ASChr</u> , D 1058; <u>Flwig</u> , 1058; <u>Chron. Evesham</u> , p. 88 (cf. <u>MM</u> , xlvi, 3).
43. ?	Summer 1058	Appointment of Siward to Rochester, of Wulfstan to St Peter's, Worcester, and of Hereman to Wilton.	<u>Flwig</u> , 1058; <u>ASChr</u> , D, B <u>1058</u> .
44. ?	Autumn or Christ- mas 1058	In-lawing of Elfgar.	<u>Flwig</u> , 1058; <u>ASChr</u> , D 1058.
45. London	Whitsuntide 1059	Confirmation of Herewald. Visit of Malcoln.	Stubbs and Madden, Councils, i, 292; <u>MC</u> , ii, 446-447, 691- 693.
46. Waltham	3 May 1060	Consecration of Waltham	<u>De Inventione</u> , ch. 16.
47. ?	Christmas 1060	Appointment of Baldred to York, and of Walter to Hereford.	<u>ASChr</u> , D, E 1060; <u>Flwig</u> , 1060

Place	Date	Business	Authorities
48. ?	Easter 1061	Appointment of Giso to Wells, and of Athelsige to St Augustine's.	<u>ASChr</u> , E 1061.
49. Gloucester (?)	Easter 1062	Appointment of Wulfstan to Worcester.	<u>Flwig</u> , 1062; <u>Vita Wulfstani</u> , pp. 74-75.
50. ?	September 1062	Declaration of Waldred that his consecration of Wulfstan set no precedent.	<u>Flwig</u> , 1062.
51. Gloucester	Christmas 1062	Welsh war.	<u>Flwig</u> , 1063.
52. ?	Ca. May 1063	Welsh war.	<u>Flwig</u> , 1063; <u>ASChr</u> , D 1063.
53. ?	Autumn 1063	Welsh affairs.	<u>ASChr</u> , D 1063.
54. ?	August 1065	Welsh war. Appointment of Baldwin to bury St Edmunds.	<u>ASChr</u> , D 1065; <u>Flwig</u> , 1065; <u>Liebermann, Geschichtsquellen</u> p. 245.
55. Britford	Ca. 25 October 1065	Northumbrian revolt.	<u>ASChr</u> , C 1065; <u>Vita Eduuardi</u> , p. 422.
56. London	Christmas 1065	Barrowing of Westminster.	<u>ASChr</u> , C, D 1065; <u>Flwig</u> , 1065.
57. London	6 January 1066	Election of Harold	<u>ASChr</u> , C, D 1065; <u>Flwig</u> , 1066.

APPENDIX F

Classes of Witnesses on U. S. Charters

See table in pouch on inside of back cover.

APPENDIX Q

Classes of Witnesses on Private Charters

	1042-	1051-	1050-	1061-	1062-	1046-	1042-	1061-	1053-	Total					
Date	1043	1044	1053	1057	1065	1050	1043	1062	1055	1058					
Charter	CD, 768	CD, 773	CD, 805	CD, 807	CD, 818	CD, 822	CD, 823	CD, 939	CD, 962	CD, 963	CD, 964	CD, 956	CD, 956	CD, 247-248	
King	1	1	1	1	1	1	1	1	1	1	1	1	1	14	
Queen	1	1	1	1	1	1	1	1	1	1	1	1	1	6	
Queen Mother	1	1					1							4	
Archbishop	2	2	1	1	1	1	1	1	2	2	2	2	2	15	
Bishop	7	3	2	1	2	3	2	1	4	1	1	9	1	39	
Abbot	4	4	2	2	4	3	3	3	3	6	6	6	3	34	
Earl	4	2	3	2	4	2	3	2	4	3	3	4	4	37	
Thegn			3	5	1	1				2			10	21	
Priest		2				1						5	8		
Monk				2										2	
Sheriff		1												1	
Staller		1			3						3			7	
Leacon		1		1									2	4	
No title	3	4	5	2		10	3	10				5		42	
Total	18	17	16	11	17	7	14	22	13	15	15	16	31	22	234

Note: Of the untitled names all are almost certainly those of thegns except that of one bishop (CD, 962) and possibly those of five lawmen (CD, 956).

APPENDIX B

The Accession of Edward, 1042

The accession of Edward to the throne has been held to bristle with difficulties. Freeman dealt with it at length,¹ but in a rather unsatisfactory manner, concerned as he was to prove that Edward had not been in England when Har^{de} Godwin died and that his acquisition of the crown was the work of the patriot Godwin. Actually, as Flunier pointed out,² the matter is fairly straightforward if one follows the primary sources.

There can be little doubt that Edward returned to England in 1041, likely at the invitation of Har^{de} Godwin - an invitation tantamount to a recognition of Edward as his heir. In this both the Anglo-Saxon Chronicle and Wulfstan of Worcester are agreed.³ The incomium Emmae also testifies to his return:

Hic ita peractis, et omnibus suis in pacis tranquillitate compositis fraterne [Hardecnutus] carere tuo amore nuncios mittit ad Edwardum, rogans, ut veniens secum obtineret regnum. Qui fratris jusioni obediens, an licas partes advehitur....⁴

1. ME, 11, 3-20, 525-533.
 2. TECP, 11, 221-222.
 3. ASChr, C, D 1041, E, W 1040; Fl 1g, 1041
 4. Emmae, Anthonii Regina, Richardi I., Ducis Normannorum Filiae, incomium, in Historiae Anglicanae Selecta Monumenta, ed., J. Caseres, London, 1807, p. 36. Cf. also Liebermann, Lesetze, I, 533.

The Anglo-Saxon Chronicle also states that Edward was "to cinge gesæren."¹ I am unable to see why these words should not be understood as meaning that Edward was designated, and lively consecrated, king during ^{de} ~~re~~ ~~gnant's~~ lifetime. It was only common mediaeval procedure.² The refer^{re} ~~ence~~ to a consecration at Inverbury in the Vita Edwardi,³ if indeed this rhetorical account is of any value, may refer to this association of Edward with ~~re~~ ^{de} ~~gnant~~ of the barne.

As to the events of 1042, our principles ^{do not} are agreed that Edward was elected and acknowledged king, in London after ~~re~~ ^{de} ~~gnant's~~ death.⁴ As I have already said, this is not an election in any sense except that allegiance was sworn to Edward and homage paid to him as king.⁵ I am unable to

1. ASChr, I, D 1041
2. Liebermann (NA, I 49) cites examples of the recognition of the son of the king's future monarch during his father's lifetime. I may say that I cannot follow L. S. Stevens's argument that the above words cannot be understood in the sense I have indicated (ibid., xix, 142).
3. n. 395.
4. ASChr, I, F 1041; FLig, 1042.
5. I refer to the ceremony which took place whenever a new king ascended the throne, signifying the acceptance of the king by his subjects, or, in the case of the Anglo-Saxon kings, by such witan as were present. I am unable to recall an English word which exactly translates the Icelandic expression, hylling konungs, að hylla konung, a ceremony which took place at each change of ruler at the following althing in Iceland. No election was, of course, involved, although the right of refusal is implicit in the very necessity for a hylling, without which the king is no king. In the majority of cases, I imagine, that is all that was Anglo-Saxon election involved. The election of Harold in 1065 may have been an exception.

place much reliance on Willm of Winchester's account of an assembly at Willingham,¹ and I imagine that he actually refers to the assembly at London.² I do not, of course, believe that there was no opposition to Edward's succession. The trouble with his father, and the banishment of Godwin and others, are, I think, evidence that some people favoured a Scandinavian candidate. It was Edwin's help in winning such recalcitrant individuals over to Edward that led later chroniclers to assert that Edward owed his throne to the efforts of the great earl.

1. ib., 1, 215-216.

2. Some manuscripts have London in place of Willingham (loc. cit.).

APPENDIX B

Edward's promise of the throne to William

Freeman, while admitting that Edward made some promise to William the Conqueror concerning the succession of the latter to the throne of England,¹ held that "an act of the King and his witan in William's favour is impossible in itself and is confirmed by no kind of evidence."² In his discussion of the question he sifted the evidence thoroughly and refuted in some detail the various assertions of the Norman chroniclers on this subject.³ His whole treatment, however, was coloured by his view of the witenagemot, which he regarded as a kind of Anglo-Saxon house of lords, a corporate body which met regularly two or three times a year and was quite distinct from the counsellors normally in attendance on the king, although some or all of the latter sat in it. Again, his bias in favour of Harold and his dislike of everything Norman are evident in every line he writes on this question. It may be worthwhile to re-examine the whole subject in the light of the conception of the witenagemot advanced in this work.

1. N3, II, 307.

2. Ibid. III, 695.

3. Ibid. III, 677-707.

As Freeman points out, the promise is treated at length, but with much confusion, in the Norman sources. The English sources never mention it, and only one version of the Anglo-Saxon Chronicle mentions the coming of William to England in 1051.¹ From the Norman sources, I do not believe that anything certain can be derived beyond the fact that some promise was given.² From the Anglo-Saxon Chronicle's mention of William's visit, I believe the same may be deduced, and that the promise was made during the visit.³ It must be emphasised that in this matter we are reduced largely to speculation.

There is nothing inherently improbable in Edward making William his heir, whether he acted on his own or with his witan. On my view of the witan, it will, of course, follow that the promise was made with their assent. Indeed Freeman admits this, for he nowhere denied that Edward's "counsellors" acquiesced in the bequest, but denied only that this constituted

1. ASChr, D 1052; Florence of Worcester (1051) also mentions it. The strange silence of the English sources is remarked by Itzenstrup (Normandiets Historie, pp. 36-37): "Det karakteristisk er det, at til iks. det vigtige Spøresmaal om Hertug Vilhelm II har af Kong Edvard Bekender eller af Harald Godvinsøn faaet et Løfte om at det engelske Rige skulde ved Edwards Død gaa over til Vilhelm - saaledes som de normanniske Kilder nævnte, og saaledes som Kravene vitterlig nok lød fra normanniske Side lang Tid før Kong Edwards Bortgang - aldrig bliver behandlet af nogen engelsk Hilde og Kravet bestridt."

2. Personally I find Eric's account the most acceptable, but even it is not wholly so, as Freeman has shown (ibid., III, 680).

3. Cf. ibid., pp. 557-558; ibid., II, 291-311.

an act of the witan. He admits, too, that at the time of William's visit to England in 1051, "everything would tend to suggest the idea both to the king and to the duke,"¹ and that "everything at that moment tended in favour of William's succession."² For, according to Freeman, "at that moment the Norman party were in the full swing of power."³ Later, he states, Edward may have forgotten his promise, "but William never forgot it."⁴

It is indeed true that if William ever received a promise of the throne it was in 1051. The Norman faction was at the height of its power, and if, as seems likely, it was interested in securing the succession for William, this would be the time to do so. It is highly probable that, as Freeman says, William "left the English court, clothed, in his own eyes...with the lawful heirship of the English crown."⁵ Since Edward would not take such an important step without advice, the promise must have been made with the cognisance of such witan - and they must have been numerous on such an important occasion as the visit of the Norman duke - as were in attendance on the

1. HC, II, 307.

2. Loc. cit.

3. Loc. cit.

4. Ibid., p. 308. Alternatively he suggests that Edward may have allowed himself to be convinced that "such a promise was unlawful to make and impossible to fulfil."

5. HC, II, 309.

king.¹ This view is strengthened if one admits that the decision to send for the ætheling Edward was taken with the counsel of the witan, and this seems very probable.

It hardly needs to be remarked, that every act of the king and witan is not necessarily in accord with law. One might expect that any promise made would be deemed illegal when Godwin succeeded in retaining his position. There is, however, no explicit statement to this effect. One might assume that this is implied when it is said that the Frenchmen "counselled evil counsel."² I would hesitate to read this meaning into this statement. On the contrary there are several things that suggest that the arrangement for the succession, made in 1051, was not abrogated in 1052. Godwin, as is well known, obtained permission to return only with the greatest difficulty. He promised everything and, according to one account,³ went so far as to get foreign potentates to intercede for him. Nothing could move the king until civil war was imminent. The witan seem to have finally forced the king to yield. Godwin then appeared as a suppliant before

1. It makes, of course, no difference whether the witan were largely Frenchmen, although there is no need to assume this. The wita whose opinion would carry most weight with the king would be the Norman archbishop of Canterbury.

2. AShr, 3 1052.

3. Vita Eduuardi, p. 405.

him, and was granted the kiss of peace. On what terms? We are not told, but it is not inconceivable that one of them was that Godwin consent to the succession of William to the throne. This would explain the story of William of Poitiers.¹ The triumph of Godwin may not have been as complete as Freeman sometimes asserted.²

On the other hand, it is reasonable to suppose that as time went on and Harold obtained more and more power, he began to devise ways and means to secure his continuance as the real ruler of England.³ This would be impossible if the Norman duke gained the throne of England. As a means to this goal, Harold seems to have adopted the policy of exalting his family and removing dangerous rivals. No other explanation seems

1. Freeman's chief objection to his account was the time element, a difficulty which the above supposition obviates.

2. *ibid.*, III, 681. He himself admits that the "Normans" "when the king died, and who were true to him and all his folk" (*ibid.*, II, 341) were allowed to remain in England. He also says that "the number of Normans who abode in England during the later days of Edward was clearly not small" (*ibid.*, p. 353), and suggests that they came back immediately after the death of Godwin. Did they ever leave? Again, in discussing the return of the exiling Edward, he writes: "and William was still by no means without influence at the English court" (*ibid.*, p. 420). On the other hand it should be noticed that "Prof. Stenton thinks that Godwin's return reduced the Normans in England to political insignificance" (*ibid.*, p. 560).

3. Freeman dates Harold's attempt to thwart William from the day when the former was first called to the head of affairs, i. e., from the time of his father's death (*ibid.*, II, 473). The very necessity of thwarting William suggests that the Duke had some grounds other than ambition for desiring to succeed Edward.

possible for the twice repeated oulary of Alfred in 1015 and 1058.¹ From 1055 on, Harold's brothers are advanced to earldoms. Godwin obtained Northumbria in that year; North secured Alfred's earldom of East Anglia sometime after 1057; Harold himself obtained Balcan's earldom of Hereford at the same time; not long after, Leofwine was given the earldom of Kent, Essex, etc.² With the banishment of Godwin in 1065, Harold's only possible rival in the land was removed.

Yet it does not seem that at first Harold himself aspired to the throne. In 1054 someone conceived the idea of sending for the Atheling Edward, and of designating him as Edward's successor. There are some indications that Harold was the moving spirit in this matter. It is difficult to see how the plan could have been adopted against his wishes. Freeman states: "It is impossible to doubt that the resolution to invite the Atheling was regularly passed by the authority of the King and his Council. No higher authority could have justified such a step...."³ There is, however, no authority for

1. At least in the former instance, Freeman admits that this was the work of Harold (II, ii, 394)

2. On the earldoms see II, ii, 571-585. It is strange that Godwin does not figure in these bestowals at all. The two references to him as comes, cited by Freeman (VI, ii, 570), do not merit serious attention. It is not even definitely known that he held any lands (VI, iv, 752). Can it be that there is some truth in the story that he was given as a hostage to King Edward, who sent him to the Conqueror (VI, iii, 684-687)?

3. NC, ii, 377. I do not know ^{why} it should be assumed that the

this statement, which can no doubt be verified by the witan in this matter. It is not at all certain that Edward was in favour of this move, even though he yielded to the arguments of Harold and his partisans.

There is a further reason to believe that the recall of the etheling was the work of the earl and his followers. Bishop Aldred was sent to the emperor Henry III in 1054, but the etheling did not reach England until 1057. Was there some difficulty? There is reason to think so. It seems that there are good grounds for believing that Harold was on the continent in Flanders in 1056, and that he may have accompanied Baldwin to Cologne in December of that year, where he would meet Pope Victor II. The suggestion has been made that Harold may even have gone to the imperial court at Legensburg.¹ If these suppositions have any validity, they go far to explain why the etheling Edward never saw his royal namesake after reaching England. Freeman suggested that the Norman faction prevented the meeting.²

witan acted with the king in this matter, if it be denied that they could have acted with him in designating William as Edward's heir. Why, if the witan designated the etheling as his successor, was it impossible for the witan to designate Edward as Harthacnut's heir. But Freeman denied their competence in that instance.

1. This information on Harold's presence in Flanders has been uncovered, and these suggestions thrown out, by P. Grierson, "A visit of earl Harold to Flanders in 1056", ib., 11, 90-97.
2. ib., 11, 420.

Is it not as reasonable to think that the king framed in the whole affair. I have no doubt the Norman faction did. There is little reason to believe that Edward took a light view of an oath or a promise. Even Freeman admits that Edward did promise William the crown. Again, he admits that Edward was a saint.¹ Yet he writes: "We can understand how Edward was led to deem his promise null, and to send for the Ethelings as his destined successor."² Would Edward not rather shrink from any such action, especially with the remnants of the Norman faction about him to remind him of his promise? Is it unreasonable to think that it was Edward himself who refused to see, or at least postponed seeing, the Ethelings?³

However that may be, there would seem to be little room for much independent action on the part of the witan in any of the above matters. The chief actors were the King, the Norman faction, Godwin, Harold, and the followers of these earls. There is no action by any body of men, formal or regular assembly known as the witenagemot.

1. ibid., ii, 31-32. The story of Edward's vow to make a pilgrimage to Rome, and his reluctance to break it, may well be fiction, but it is entirely in character.

2. ibid., p. 431.

3. Had it been his project from the beginning, would it not have been reasonable for him to have designated Edgar as his heir when the boy's father died? Harold, on the other hand, the death of the Etheling may have revealed the possibility of his own succession to the throne.

APPENDIX I

Scandinavian Institutions

Scandinavian institutions may throw some light on the nature of the Anglo-Saxon witenagemot. Clearly the Scandinavians who came to England met there a society whose institutions can have differed little from those they were familiar with in Scandinavia. There is nothing to show that they found English court life or institutions vastly different from those of his homeland. Skaldas, such as Grill Skallafinnsson and Gunnlaugr umstunga, seem to have felt at home at the courts of such Anglo-Saxon kings as Athelstan and Athelred the Unready.¹ Gunnlaugr spent Christmas with the latter, but the saga has nothing to say about a large gathering of witan.

Nothing is more certain than that Scandinavian kings were wont to deal with the business of the realm by taking counsel with their courtiers, i. e., their household officers and such dignitaries as happened to be present at court. Business was transacted daily when the king sat with his court about him in the great hall, and audiences were then sought.

1. See ib., II, 127-144, 176; III, 71-74.

An excellent description of the court of St. Olaf at Vidar's is to be found in the Heimskringla:

Olafur konungr lét húsá konungs ark í Víðarvísi. Þar var gör mikil hirðstafa, ok ayrr í bóttum nauðg; hús á konungs var í víðri stofnandi, ok innar frá sat frímæll hirðbyskup hans, en þar n st árir ken ianna hans, en útar frá rággjafar hans; í þáru önduri segat hann sat stallari hans Björn sigri, þar nest ástir. Á þessum menn komu til konungs, var þeim vel skipat. Við eloa skyldi þá þl grekka. Hann skipaði menn á í bjúðustar, svá sem sír konunga var til. Hann hafði með sír lx. hirðmanna ok xxx. gæsta ok setti þeim mál ok líta; hann hafði ok xxx. húskarla, er starfa skyldu í varðinum slíkt er burpti ok til at flytja; hann hafði ok marga þræla. Í varðinum var ok mikill skáli, er hirðmenn sváfu í; þar var ok mikil stofa, er konungr átti hirðstefnur í.... at var sír konungs, at rísa upp snemma um morgna ok klæðask ok taka handlaugar, tæga síðan til kirkju ok hlóva tinnung ok varuntínum ok ganga síðan í stofnunar ok setta menn óða tala þat ornat, er honum þ'tti skylt; hann stefndi til sín rísum ok úríkum ok öllum þeim, er vitrastir váru, hann lét opt telja fyrir sér líg þau, er hákon ávalsteinsfóstri hafði sett í ríndheimi. Hann skipaði lögunum með ráði inna vitrastu manna, tók af óða láði til, þar er honum s'neisk þat; en kristina rétt setti hann með unráði Grímkels byskups ok annara ken ianna....svá kon, at þendr játtu þessum lögun, er konungr setti. 1

1. Heimskringla, pp. 214-215, ff. See the description of the court of St. Olaf ibid. (pp. 514-515), and the following from the thirteenth century Vin's Mirror (p. 181): "If you are to present your request at a time when the king is at the table, get sure information whether he is in good spirits and of good humor. If you should observe that his disposition is somewhat irritable, or that he is displeased about something, or that he has such important affairs to consider that you think your business for that reason cannot be taken up, then let your request wait for the time being and seek to find the king in a better humor some other day. But if you find that he is in such a merry mood and has no business to take up of such importance that you may not very well state your request, still, nevertheless, till he has nearly finished his meal (italics mine).

The decision to include arfrid seems to have been taken by Harold Godfrade after consulting a limited number of courtiers or coun^dllors.¹ Hákon ríki, who had been brought up at the court of the Istan, seems to have consulted with the counsel of a few men.² Only at the alding did the Scandinavian kings meet any of their people. These assemblies were possibly, to begin with, primarily religious in nature but they soon assumed political importance,³ although as late as the time of Hákon ríki they retained some of their religious character.⁴ When important political questions were dealt with at these bing it seems that, although great numbers were present, the deliberations were carried on by the præses, i. e., the king, his earls and chief magnates such as the lawmen. It was these who made the decisions, which were then approved or disapproved by those present.

An excellent example of such proceedings is to be found in 'Lafs saga Hákonar.⁵ This is an account of the Þingsala bing.

1. "Eptir þetta hóf þeir konungur að stefnu stefninga sína og ræðaræðarmenn og talar þar hvor þeirra konungar og jalls blidliga til annars" (Þáttaeyjarbók, iii, 367-368).

2. "Hann var eðr stórvitr þá laraði mikinn þing á laraðetning. Hann setti auðabingslög með ráði þorleifs staka þá hann setti þorleifs lög með ráði þorvaldar jarls þá hann ræðir þing, þeirra þing vitrastir váru" (Heimskringla, s. 76).

3. Cf. Chadwick, Eng. 1066, pp. 377-378.

4. Heimskringla, pp. 76-81.

5. Ibid., pp. 240-242.

the king is seated with his court (hir) about him. The seats
 him are seated an earl and a lawman with the court of the
 former and the huscarls of the latter. Behind them stands
 the body of landowners (landar). When the king has favour
 which peace with Norway have spoken, the king in his own
 opinion in a bitter speech. Thereupon the lawman or earl
 arises to speak with the clash of weapons and the clamor of
 the landowners. He rebukes the king with all his force, urging
 to heed the wishes of his subjects, and threatens him with
 death because his subjects will no longer endure his refusal
 to take peace and his flouting of the law (þola þér eiri
fríð ok líög). Thereupon the king promises to do as his
 people wish, when the earl and the king take counsel
 among themselves, it seems, and settle the business. ¹

In regard to the county courts, the place of the tradi-
 tionary þing, but, at least in the eleventh century, it was not,
 as far as is known, customary for the king to attend these. There
 is therefore reason to suppose that þing did not originally
 have a resemblance to a þing. There is, however, some reason
 for thinking that the þing of 1052 proceedings were

1. þing þí tölbu þí þingjar, konungr ok jarl ok erkrá, ok
þora þá fríð ok sátt af leði dyia-konungs, þá tir því, sem
þreng-konungr þá fir áir ok á ill sendr (Íslendinga, v. 242)

similar to those at the king described in vi, except that the decision to restore Edwin to favour of the king was taken by the king and his counsellors. In the case of the chief men of the realm - the witan - not outside London in the presence of the troops. It is of course argued for us, no doubt, that the chronicler is thinking when he writes: "before all the people of the land,¹ and their share in the proceedings will have been confined to expressions of approval or the public recognition. This point was an extraordinary occasion, with no constitutional significance. The charters, 10, 956 and 788, which refer to witanmen is that which were present, in the one case, the barons (burhweard) of line in the same citizens of that town, and, in the other case, a large number of the citizens of the town. But this example only strengthens the argument that a witanment was essentially a meeting at which the king and his courtiers discussed or decided the affairs of the realm.

1. A. Ehr, p. 1052.

Folkland

Folkland

It is well known that the folkland courts were held in the king's courts and were open to all free men. In each instance, however, the term folkland is interpreted as meaning the king's own land, the land of the crown. For example, it is not unreasonable to think that Edward the Elder was legislating for the special types of land, when he appointed penalties for those who withheld the rights of another holder in folkland or in folkland.¹ Nothing is said as to where cases involving folkland are to be heard. It is evidently a common knowledge. But in cases dealing with folkland, the defendant has to answer under the king's reserve of the law fixed by the plaintiff. In other words, it is not even a knowledge now that cases involving folkland are to be dealt with. Let surely, if folkland is the ordinary land of the country, the rights of its owners will have been protected in the folk courts. At any, of course he argued that this provision is simply an expression of a desire on the king's part to secure better justice for all men. On the other hand, it may be argued that the very

1. Edward, ch. 2.

fact that this provision was written down so that it refers to a specialised type of land holding.

Again, the reference to folkland in the will of the childerm Alfred in the ninth century¹ seems to be most naturally understood as meaning that whereas land held by book might be freely disposed of, folkland is at the disposal of the king. It thus establishes that there is little or no difference, as far as freedom of disposal is concerned, between bookland and ordinary land.² The usual explanation of this passage in the will is that Alfred's son, Ethelwulf, was illegitimate, but this is by no means certain. Even if it were, it would then be necessary to show why illegitimacy was a bar to the inheritance of folkland but not to that of bookland. An equally plausible explanation is that Ethelwulf had held certain lands at the king's disposal retained in the king's hands.³ It is

1. Birch, J. rularium ex hieum, 558.

2. If. Hied, p. 74: "in historical times the holder of folkland (land held in folk-right) seems to have been no less free to dispose of it, possessed of no less absolute property, than he who held book-land."

3. Whewick (writing), no. 159-160) cites an instance from Wulf (ll. 2607 ff.) where the king grants a man land which was formerly in the possession of the grantee's father. In eleventh century times the king had established a right of disposal at the king's will and was not at the disposal of the holder, as may be seen from the tale of the slaying of the king's

of the land if the king refused to give it to the heir. The will states that if he does not do it, he must give part of the land to the wife and the other part to his wife. Does this mean that normally fildland would go to its holder's wife, but that the king has the power to get this aside and give the land to another? Surely this is a rather strange, not to say arbitrary, power for the king to have, i.e., the power to set aside the custom and law of inheritance, even though this is done only at the behest of the testator. On the other hand, if the land reverts to the king, it is impossible to hold that this was normally the procedure in all cases involving land other than that held by fock. It seems an extraordinary limitation on any right of disposal. The right of usufruct that fildland is said to have held by fock-right may lead to considerable difficulties. For does the third case in which the word fildland occurs help much in the elucidation of the term. This is a document describing a transaction whereby Athelbert gave five fildlands at Westwell to his thegn Alulf in return for the same amount

steward at "waldnes by Ashjorn who, to compensate for the slaying, was ordered by the king to take up the stewardship formerly held by the slain man, and to make his domicile on this royal estate at "waldnes (Heimskringla, pp. 200-302). The very frequent practice of granting land for a life or term of years, in fild- or xinn-land, would seem to prove that many royal servants held in this manner (cf. Leirvith, "An episcopal land-tenant of 1254", ibid., xlv, 357-721).

of land at Mersham.¹ The former was to be free of all services except the trinova nec suitis, but to take or take in... into folkland for himself." This need not mean that the king placed the Mersham land in the same category as all land other than bookland. It may mean that he made it part of the royal demesne, subject to the burdens demesne land carried. I am not even at all certain that the words: "7 se gwin dide bet land at Mersham his to folkland 3a hire 3en landum ichwerfed hefdan," should not be understood to mean that after the transfer took place, the king gave the land at Mersham over to Cullif to be held as folkland, reserving to himself "the marshes and the salt-house...and the wald." If he turned it into folkland for himself, what does the reservation mean?

Again, if it be true, as Tolliff's states,² that the holder of folkland was no less free to dispose of it than the holder of bookland, why should there be such emphasis placed on the right of the grantee to dispose of his land to anyone he wished?³ This would be easily understandable if folkland referred to royal estates which, when given outright to an individual, were freed of the customary tithes and services in favour of the king. Finally, what evidence is

1. ibid., 281; ibid., 4.

2. ibid., n. 74.

3. See ibid., n. 90; ibid., n. 304.

there that all land in the land, other than crown land, owed rents and services beyond those of farm service and the repair of bridges and fortifications? ¹

1. In Norway only royal estates seem to have been burdened with rents and services, except, of course, ordinary service which is probably to be regarded as a personal and not a territorial obligation. It is said that Harald Hårfagre confiscated the lands of Earl Hákon and burdened them with rents and services which the earl did not seem to have paid while they were in the possession of the earl ("Hann þar na sína eign að jarðir þær er hákon hafði áttar þetta lítt ári og tekr leigur og skyldur af" (Flateyjarbók, III, 369)). The question of what estate service the king, and especially the king's heirs, claimed to own all lands in the country is a complicated one. The majority of historians seem not to distrust the statement to this effect in Haralds saga hárfagra (ÍF, xxvi, 98), and in any case Hákon III is said to have restored them to their owners (ÍF, xxvi, 150). See the interesting discussion of the problem in ÍF, xxvi, pp. lxiii-lxvi.

BIBLIOGRAPHY

Original Sources

(a) Chronicles, Annals, Florilegia, Sagas, etc.

Abingdon, Chronicon monasterii de, ed., J. Stevenson, London, 1858 (RS), (2 vols.).

Adam of Bremen, Gesta Hammaburgensis ecclesie pontificum, in PI, cxlvi.

Ailred of Rievaulx, Vita S. Edwardi regis et confessoris, in PI, cxcv.

Anglia Sacra, ed., W. Burton, London, 1691 (2 vols.).

Anglo-Saxon Chronicle, The, ed., B. Thorpe, London, 1861 (RS), (2 vols.).

also in Two of the Saxon chronicles parallel, ed., J. Earle and C. Plummer, Oxford, 1892-1899, (2 vols.).

Bayeux tapestry, The, ed., L. Maclagan, London, 1945.

Beowulf and the Fight at Finnsburg, ed., Fr. Klaeber, New York, 1928.

Eadmer, Historia levorum, ed., W. Pule, London, 1844 (RS).

Edward the Confessor, lives of, ed., H. W. Luard, London, 1858 (RS).

Edvardar, S. Einarinn heilaga, in Flateyjarbok, iii.

Edwardi regis et confessoris, Vita S., see Ailred.

Eduardi regis qui apud Westmonasterium requiescit, Vita, in Luard, Lives.

Emmae, Anglorum Reginae, Ricardi I., Regis Normannorum, filiae, encomium, in Historia Anglicanae Selecta Monumenta, ed., F. Maseres, London, 1807. Also in MCH, Scriptures, xix.

Wesham, Chronicon abbatiae de, ed., W. D. Macray, London, 1863 ().

Fjörutífu Íslendinga þattir, ed., Þórleifr Jónsson, Reykjavík, 1904.

Flateyjarbók, Christiania, 1860-1868 (3 vols.).

Florence of Worcester, Florentii Wigorniensis in ecclesiastica historia ex chronicis, ed., R. Thorpe, London, 1848-1849 (2 vols.). Also in MIB.

The chronicle of Florence of Worcester, translated from the Latin by Thomas Forester, London, 1854.

Gaimar, Geoffrey, l'Estorie des Engles, ed., G. D. Hardy and G. R. Martin, London, 1888-1889 (RS).

Giso, The autobiography of Giso of Wells, in ecclesiastical documents: I. A brief history of the bishoprick of Exeter, London, 1840 (Camden Society).

Henry of Huntingdon, Historia Anglorum, ed., H. Arnold, London, 1879 (RS).

Íslensk fornrit, Reykjavík, 1933 onwards.

King's mirror, the, (Speculum regale - Konungs speglur), translated from the Old Norwegian by L. A. Larson, New York, 1917.

Knytlinga saga, ed., Finnur Jónsson, in AGL, Scriptores, xxix.

Monumenta Germaniae Historica, ed., G. H.ertz and others: Scriptores, Hanover, 1826-1913.

Monumenta Historica Britannica, ed., H. Petrie and others, London, 1848.

Ordericus Vitalis, Historia ecclesiastica, in II, clxxxviii.

ecclesiastical history of England and Normandy, trans., Thomas Forester, London, 1853-1856 (4 vols.).

Patrologia Latina, ed., J. P. Migne,

ameseensis, Chronicon abbatiae, ed., W. D. Macray, London, 1866 (RS).

Roger of Hoveden, Chronica regni Roderici Comitis Normannie, ed., W. Stubbs, London, 1866-1871 (RS), (4 vols.).

- Sanctae Crucis, De Inventione, ed., W. Stubbs, ^{Oxford} London, 1861.
- Saxo Grammaticus, The first nine books of the Danish history of, trans., Oliver Elton, London, 1894.
- Scriptores Rerum Danicarum, ed. J. Langebek and others, Copenhagen, 1772-1878 (9 vols.).
- Scriptores X, ed., R. Thysden, London, 1652.
- Snorri Sturluson, Heimskringla, ed., in two parts, Copenhagen, 1911.
- Symeon of Durham, Opera Omnia, ed., T. Arnold, London, 1842-1885 (RS).
- Thomas of Elmham, Historia monasterii S. Augustini Cantuariensis, ed., C. Hardwick, London, 1858 (RS).
- Unedruckte Anglo-Normannische Geschichtsquellen, ed., F. Niebermann, Strassburg, 1879.
- Vallaljóts saga, ed., Valdimar Ástundarson, Reykjavík, 1898.
- William of Junieges, Gesta Normannorum Ducum, ed. G. P. Paris, 1914 (Société de l'histoire de Normandie).
- William of Malmesbury, Willelmi Malmesbiriensis de Gestis pontificum Anglorum libri quinque, ed., W. D. Howells, London, 1870 (RS).
- Willelmi Malmesbiriensis monachi de gestis regum Anglorum libri quinque, ed., R. B. Darlington, London, 1887-1889 (RS), (2 vols.).
- The Vita Wulfstani of William of Malmesbury, ed., R. B. Darlington, London, 1928 (Camden Society, xl).
- William of Malmesbury's Life of St. Wulfstan bishop of Worcester, now rendered into Polish by J. H. Peile, Oxford, 1934.
- William of Poitiers, Gesta Willelmi ducis Normannorum et regis Anglorum, ed., J. A. Giles, London, 1845 (Scriptores rerum gestarum Willelmi Conquestoris). Also in II, cxlix.

(b) Laws and Ecclesiastical Canons

Concilia magnae Britanniae et Hiberniae, ed., D. Wilkins, London, 1737 (4 vols.).

Councils and ecclesiastical documents relating to Great Britain and Ireland, ed., H. Stubbs and A. V. Hadden, Oxford, 1869-1878 (3 vols.).

Gesetze der Angelsachsen, die, ed., F. Liebermann, Halle, 1903-1916 (3 vols.).

Laws and Institutes of England, Ancient, ed., B. Thorpe, London, 1840, (2 vols.).

Laws of the kings of England from Edmund to Henry I, ed., A. J. Robertson, Cambridge 1925.

Geofric missal, The, ed., F. S. Warren, Oxford, 1883.

(c) Land-books, Wills, Writs, Fiscal Surveys etc.

Bury St Edmunds, Feudal documents from the abbey of, ed., R. C. Douglas, London, 1932 (The British Academy records of the social and economic history of England and Wales, viii).

Cartularium Saxonicum, ed., H. de Gray Birch, London, 1885-1893 (3 vols.).

Charters, Anglo-Saxon, ed., H. J. Robertson, Cambridge, 1839.

Codex diplomaticus aevi Saxonici, ed., J. M. Kemble, London, 1839-1848 (6 vols.).

Crawford collection of early charters and documents, the, ed., A. S. Napier and W. H. Stevenson, Oxford, 1895 (Anecdota Oxoniensia, mediaeval and modern series, vii).

Danelaw, Documents illustrative of the social and economic history of the, ed., F. M. Stenton, London, 1920 (The British Academy records of the social and economic history of England and Wales, v).

Diplomatarium Islandicum, Copenhagen and Reykjavik, 1857 onwards.

Documents, Select English historical, ed., F. W. Haver, Cambridge, 1914.

Domesday Book, seu liber censualis Willelmi Primi Regis Anglie, ed., A. Warley and H. Ellis, London, 1783-1816 (4 vols.).

Facsimiles of ancient charters in the British Museum, London, 1873-1878 (4 parts).

Facsimiles of Anglo-Saxon manuscripts, ed., E. H. Snodgrass, Southampton, 1878-1884 (3 parts. Ordnance Survey).

Land-charters and other Saxon documents, A hand-book to, ed., J. Earle, Oxford, 1888.

Lincolnshire Domesday and the Lindsey Survey, The, ed., J. W. Foster and Miss. Longley, Newcastle, 1924 (Lincoln Record Society, xix).

Monasticon Anglicanum, ed., W. Du dale; new enlarged edition by J. Caley, H. Ellis and B. Bandinel, London, 1817-1830 (6 vols. in 8).

Wameseia, Cartularium monasterii de, ed., G. H. Hart and F. A. Lyons, London, 1884-1893 (18).

Regesta rerum Anglo-Normannorum 1066-1154, ed., . . . Davis, Oxford, 1913.

Transcripts of charters relating to the Gilbertine houses of Sixle, Ormsby, Jatley, Bullington and Alvingham, ed., . . . Stenton, Newcastle, 1922 (Incoln Record Society, xviii).

Wigorniensis, Henrici Cartularium ecclesiae, ed., G. Burne, Oxford, 1723 (2 vols.).

Wills, Anglo-Saxon, ed., D. Whitelock, Cambridge, 1930.

"Writs of King Edward the Confessor, Three Westminster", ed., F. B. Harmer, HL, 11.

Modern works

Adams, F. B., Constitutional history of England, New York, 1925.

Amira, Karl von, "Fecht", in Handbuch der germanischen Philologie, III, Strassburg, 1900.

Baldwin, J. F., The king's council in England during the 16th century, Oxford, 1913.

Barraclough, G., The origins of modern Germany, Oxford, 1949.

Bense, J. F., Anglo-Dutch relations from the earliest times to the death of William the third, the Rique, 1925.

Bizelov, M. M., History of procedure in England, London, 1860.

Bloch, Marc, "La Vie de S. Edouard le Confesseur par Albert de Clare", Analecta Bollandiana, XII.

Böhmer, H., Kirche und Staat in England und der Normandie im XI und XII Jahrhundert, Leipzig, 1899.

Brandileone, F., "Early Anglo-Saxon documents", Illinois Law Review, XIII.

Breslau, H., Handbuch der Urkundenlehre für Deutschland und Italien, Leipzig, 1912-1931 (2 vols.).

Brunner, H., Deutsche Rechtsgeschichte, Leipzig, 1906-1928 (2 vols.).

Cambridge medieval history, Cambridge, 1911-1936.

Chadwick, H. Munro, Studies on Anglo-Saxon institutions, Cambridge, 1905.

The origin of the English nation, Cambridge, 1924.

The heroic age, Cambridge, 1926.

Chambers, F. J., Beowulf, Cambridge, 1932.

Cheney, G. H., Handbook of dates, London, 1945.

Chéimes, S. B., English constitutional history, Oxford, 1947.

Clarke, W. W., Medieval representation and consent, London, 1936.

Collingwood, E. H., Scandinavian Britain, London, 1908.

Craster, H. H. L., "Ecclesiastical reform of an early pre-Conquest chronicle", MLH, xl.

Darlington, R. L., "Athelwig, abbot of Evesham", MLH, xlviii.

———, "Ecclesiastical reform in the late Old English period", ML, li.

———, "The last phase of Anglo-Saxon society", History, xxii.

Davis, H. E. D., "The Anglo-Saxon laws", MLH, xxviii.

Deanesly, H., History of the medieval church, London, 1925.

Douglas, D. C., "The Domesday survey", History, xxi.

Dunson, Jón, Rjettarstafa Grænlands n'frendu Íslendinga, Reykjavík, 1947- in progress.

Ekwall, R., Oxford dictionary of English place names, Oxford, 1940.

———, Scandinavians and Celts in the north-west of England, Lund, 1918 (Lund Universitets Årsskrift. N.F. Ård. I, Bd. 14. Nr. 27).

Ellis, J., A general introduction to Domesday Book, London, 1832 (2 vols.).

Feilitzen, G. von, The pre-Conquest personal names of Domesday Book, Uppsala, 1937.

Forssner, T., Continental-Germanic personal names in Old and Middle English times, Uppsala, 1916.

Freeman, E. H., The history of the Norman conquest of England, 3rd ed., Oxford, 1877-1879 (6 vols.).

Galbraith, V. H., "Monastic foundation charters of the eleventh and twelfth centuries", MJ, iv.

Giry, A., Manuel de diplomatique, Paris, 1894 and 1925.

Gneist, R., The history of the English constitution, London, 1886 (2 vols.).

Goebel, J. I., Felony and misdemeanor, New York, 1937.

Green, J. R., The making of England, London, 1861.

The Conquest of England, London, 1883.

Grierson, P., "Relations between England and Flanders before the Norman Conquest", TRPS, xxiii.

"A visit of Earl Harold to Flanders in 1056", JH, li.

Hagstad, M., and Torp, Alf, Gamalnorsk Ordbok med Nynorsk Tyding, Kristiania, 1909.

Hall, Hubert, Studies in English official historical documents, Cambridge, 1908.

Hall, J. R. Clark, A concise Anglo-Saxon dictionary, Cambridge, 1931.

Hardy, T. D., Descriptive catalogue of materials relating to the history of Great Britain and Ireland, London, 1862-1871 (ms), (3 vols. in 4 parts).

Harmer, F. L., "Anglo-Saxon charters and the historian", StJ, xxii.

Haskins, G. H., Norman institutions, Cambridge (U. S. A.), 1918.

Haskins, G. L., The growth of English representative government, Philadelphia, 1948.

Heningham, Eleanor K., "The genuineness of the Vita Eduuardi Regis", Speculum, xxi.

Hodgkin, R. H., History of the Anglo-Saxons, Oxford, 1939 (2 vols.).

Hodgkin, T., The history of England from the earliest times to the Norman Conquest, London, 1906.

Holdsworth, W. S., A history of English law, London, 1927 (7 vols.).

Hunt, W., The English church from its foundation to the Norman Conquest, London, 1899.

Jensen, O., Der Englische Peterspfennig, Heidelberg, 1903.

Jolliffe, J. E. A., The constitutional history of medieval England, London, 1937.

"Northumbrian institutions", JH, xii.

"English Book-right", JH, 1.

Jónsson, Jón, Víkingasaga um herferðir víkinga frá Norðurlöndum, Reykjavík, 1915.

Kemble, J. N., The Saxons in England, London, 1876 (2 vols.).

Kendrick, T. D., A history of the Vikings, London, 1930.

Kern, Fritz, Kinship and law in the Middle Ages, trans., S. B. Chrimes, Oxford, 1939.

Kewles, D., The monastic order in England, Cambridge, 1940.

Larson, I. M., The king's household in England before the Norman Conquest, Madison, 1904 (Bulletin of the University of Wisconsin, 100).

Cnut the Great, New York, 1912.

A history of England and the British Commonwealth, New York, 1932.

"The household of the Norwegian kings in the thirteenth century", AHR, xiii.

"The political policies of Cnut the king of England", AHR, xv.

Iiehermann, F., The national assembly in the Anglo-Saxon period, Halle, 1913.

Linard, J., The history of England from the first invasion by the Romans to the accession of William and Mary in 1688, London, 1883 (10 vols.).

Lunt, W. L., History of England, New York, 1928.

MacDonald, A. J., Lanfranc. A study of his life, work and writing, London, 1926.

Maitland, F. W., Domesday Book and beyond, Cambridge 1897.

The constitutional history of England, Cambridge, 1919.

"Introduction to Memoranda de Parlamento", Maitland Selected Essays, ed., H. D. Hazeltine, J. Lapsley, F. H. Winfield, Cambridge, 1936.

See also Pöllöck.

Marcham, F. G., A history of England, New York, 1937.

McIlwain, C. H., Constitutionalism ancient and modern, New York, 1940.

McKisack, J., The parliamentary representation of the English boroughs during the Middle Ages, Oxford, 1932.

"London and the succession to the crown during the Middle Ages", in Studies in medieval history presented to Frederick Maurice Powicke, ed., R. F. Hunt, E. A. Lantin, F. T. Southern, Oxford, 1948.

Meister, Aloys, Deutsche Verfassungsgeschichte von den Anfängen bis ins 14. Jahrhundert, Leipzig, 1913 (Grundriss der Geschichtswissenschaft, Reihe II, Abteilung 3).

Morris, W. A., The mediaeval English sheriff to 1300, Manchester, 1927.

The constitutional history of England to 1216, New York, 1930.

Morris, W. A., The frankpledge system, New York, 1910.

"The lesser curia regis under the first two Norman kings of England", AHR, xxxiv.

Nordenstreng, F., Vikingafärderna, Stockholm, 1926.

Oman, Sir Charles, England before the Norman Conquest, London, 1937.

Palgrave, Sir Francis, Collected historical works of Sir Francis Palgrave, ed., Sir H. H. Inglis Palgrave, Cambridge, 1919-1922 (10 vols.).

Parker, James, The early history of Oxford 727-1100, Oxford, 1885.

Pedler, G. H., The Anglo-Saxon episcopate of Cornwall; with some account of the bishops of Crediton, London, 1856.

Phillipps, Sir Thomas, "Three old charters", Archæologia, xxvi.

Pollock, F., and Maitland, F. W., History of English law, Cambridge, 1898 (2 vols.).

Poole, R. L., The exchequer in the twelfth century, Oxford, 1912.

Historical atlas of modern Europe, Oxford, 1896-1900.

Purlitz, F., König und Witenagemot bei den Angelsachsen, Bremen, 1892.

Ramsay, Sir J. H., The foundations of England, London, 1906 (2 vols.).

Robinson, J. A., Flete's History of Westminster, Cambridge, 1909.

"The church of Edward the Confessor at Westminster", Archæologia, lxii.

Round, J. H., Feudal England, London, 1895.

Round, J. H., "The officers of Edward the Confessor", ES,
xix.

Safn til sögu Íslands, Kaupmannahöfn and Reykjavík, 1856 on-
wards.

Schmitz-Kallenberg, I., see Thommen.

Schramm, P. E., A history of the English coronation, Oxford,
1937.

Searle, F. L., Onomasticon Anglo-Saxonicum, Cambridge, 1897.
Anglo-Saxon bishops, kings and nobles, Cam-
bridge, 1899.

Southern, R. W., "The first Life of Edward the Confessor",
ES, lviii.

Steenstrup, J. C. H. F., Danelag, København, 1882 (Normann-
erne, iv).

Normandiets Historie under d. svv
første Hertuger 911-1066, København, 1925 (K. Danske Viden-
skabernes Selskab, Skrifter, Hist.-Fil. Avd.,ække 7, 5:1).

Stenton, F. M., William the Conqueror and the rule of the
Normans, London 1908 and 1925.

Types of manorial structure in the northern
Danelaw, Oxford, 1910.

The early history of the abbey of Abingdon,
Oxford, 1913.

The first century of English feudalism, Ox-
ford, 1932.

Anglo-Saxon England, Oxford, 1943.

"The Danes in England", Proceedings of the
British Academy, xiii.

"The foundations of English history", ES,
ix.

Stenton, F. M., "The historical bearing of place-name studies", TRHS, xxi-xxv.

"English families and the Norman conquest", TRHS, xxvi.

"Early English history", TRHS, xxviii.

Stephens, Geo., "Some account of Scandinavian runic stones which speak of Knut the Great, king of all the North", Archæologia, xliii.

Stephenson, C., "The origin and significance of feudalism", AHR, xlvi.

"Feudalism and its antecedents in England", AHR, xlviii.

Stevenson, W. H., "The Old English charters to St Denis", EHR, vi.

Stubbs, W., The constitutional history of England, Oxford, 1874-1878 (3 vols.).

Taylor, H., The origin and growth of the English constitution, New York, 1890.

Thierry, A., History of the Conquest of England by the Normans, trans., Wm. Hazlitt, London, 1847 (2 vols.).

Thommen, R., and Schmitz-Kallenberg, L., Urkundenlehre, Leipzig, 1913 (Grundriss der Geschichtswissenschaft, Band I, Abteilung 2).

Torp, Alf, see Hagstad.

Tout, T. F., Chapters in the administrative history of mediæval England, Manchester, 1920-1933 (6 vols.).

Turner, G. J., "Bookland and Folkland", in Historical essays in honour of James Tait, Manchester, 1933.

Turner, Sharon, The history of the Anglo-Saxons from the earliest period to the Norman Conquest, London, 1828 (3 vols.).

The Victoria history of the counties of England, London, 1900 onwards.

Vigfusson, F., An Icelandic-English dictionary, Oxford, 1874.

Vinogradoff, P., English society in the eleventh century, Oxford, 1908.

White, A. B., The making of the English constitution 449-1485, New York, 1925.

Whitelock, D., "wulfstan and the laws of Inut", MH, lxiii.

Wilkinson, J., "Freeman and the crisis of 1051", BJRL, xxii.

"Northumbrian separatism in 1065 and 1066", BJRL, xxiii.

Zinkeisen, F., "The Anglo-Saxon courts of law", Political Science Quarterly, x.



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Univ Thesee, Ph.D., 1949. Oleson, W.J. - The
T Witenagemot in the reign of Edward the Confes-
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