

CHAPTER VIII.

Battle of Ethandune.—Alfred's and Guthrum's Peace.—Laws of Alfred.—Alfred as an Administrator.—Alfred as an Instructor.—Improvement of Alfred's kingdom.—Renewed attacks of the Danes.—The land freed from invaders.—Alfred's Character.—Judicial subdivisions of the kingdom.—Frank-pledge.—Courts of Justice.—Tenure of Lands.

THE enamelled ornament of gold which was dug up at Athelney, —the marshy spot which Alfred fortified at the confluence of the Thone and the Parret—bears the inscription, "Alfred commanded me to be wrought." It is regarded as a genuine relic. It is treasured in the Ashmolean Museum at Oxford, as a most valuable evidence of the historical truth of the description of the locality from which Alfred burst forth upon the invaders of his country. The Anglo-Saxon Chronicle tells of this event in a few simple words: "Then, in the seventh week after Easter, he rode to Ecbryht's-stone, on the east of Selwood; and there came to meet him all the men of Somerset, and the men of Wiltshire, and that portion of the men of Hampshire which was on this side of the sea; and *they were joyful at his presence.*" With these plain but most impressive words we may associate the "old legends of the monkish page" in our memories; and believe that they long kept up amongst the people, the reverence for their national hero which has lived through a thousand years.

The battle of Ethandune,* which quickly followed the joyful greeting of the men of Wessex to their recovered king, was one of those decisive conflicts which entirely change the position of two contending powers. At the beginning of the year 878, the Danes were at Chippenham, a royal town of the West Saxons. The king had fled no one knew whither. The invaders sat down as if their possession were never to be disturbed. In Devonshire, as we have mentioned, the Danes had sustained a signal defeat at this period. But in Wiltshire they overran the country at their pleasure. In that year Easter fell on the 23rd of March. Alfred was

* Conjectured to be Edington, near Westbury.

in Athelney. On this small space of rising ground, defended in the spring time by the waters of the Thone and the Parret, and by the impassable marshes, was the king's camp of refuge. To cross from that little island of alder-wood to the more inland country, the fugitive Saxons would be compelled to traverse many a mile in boats. As the spring advanced, the floods would abate, and the swampy ground would afford a firmer footing. Seven weeks after that Easter—that is, in the middle of May,—Alfred and his few followers had marched to Egbert-stone.* He showed himself to the assembled people; and there soon gathered round him a formidable band. It was the secrecy and the suddenness of this movement which saved the kingdom of the West Saxons. No doubt many a trusty messenger had gone forth from the island of the Somersetshire marshes to stir up the spirit of the people. Even Alfred himself might have undertaken this perilous errand. There must have been some organisation to precede such an individual enterprise as that which the Saxon king had undertaken, after five months of danger and humiliation. But in all such cases it is the presence of the man, hoping everything, daring everything, which commands success. Once more the Saxon population was in arms. They had a leader. They gathered round their lost king with a rapture that cast away fear and doubt. He encamped for one night. At the earliest dawn he was again on his march, and again encamped at night-fall. On the third day came the shock of battle at Ethandune. The Danes had come out from their camp to meet the host that had so suddenly sprung up. They appeared in overpowering numbers; but the Saxons met them in dense array. After an obstinate fight the Danes fled to their fortress. To the edge of their camp the king pursued, carrying terror with him in unsparing slaughter. Shutting themselves up in their fastnesses, they ventured no other fight in the open field. But the whole country was roused. On every side the Dane was beleaguered. No supplies could reach his starving soldiers; and after fourteen days of terrible privation, Guthrum, the conqueror of East Anglia, offered to give hostages, and quit the kingdom of Wessex. Alfred had conquered peace. But he had higher objects than the humiliation of his enemy. The Danes had too secure possession of East Anglia to be easily driven out. There, they had become settlers and cultivators. They had entered into the nationality of England. They desired to enter into the community of Christian States, and to renounce the hea-

* Brixton Deverill, in Wiltshire.

thedom which they had brought from the great seats of northern superstition. Guthrum, the king, seven weeks after his submission, was baptised with thirty of his officers; Alfred being his sponsor, and he receiving the name of Athelstan. There can be no doubt of the wisdom of this reconciliation. East Angliā had been long peopled with Danish tribes, who had become Christians; and the new settlers were as strangers amongst them, in their heathendom. The conversion of Guthrum made them one people. Alfred, in entering into treaty with these settlers, was making an advance towards a complete nationality which was to be perfected in the fulness of time by common religion and common laws.

The treaty of peace between the Saxons and the Danes—"Alfred's and Guthrum's Peace"—contains much fewer provisions than the treaties of modern times. The land boundaries between the territories are first defined. There is nothing said of the evacuation of territory into which the Danes had obtruded; nor of the adoption of the Christian faith. The setting out of boundaries assumes the one; and the oaths upon which the peace was sworn were made in the name of those who "seek of God's mercy." There was to be equal justice for English and Danish: "If a man be slain, we estimate all equally dear." The same principles of Teutonic law applied to both people. "If a king's thane be accused of man-slaying, if he dare to clear himself, let him do that with twelve king's thanes." If any one accuse that man who is of less degree than the king's thane, let him clear himself with eleven of his equals, and with one king's thane. This number of twelve to clear a man from a capital charge may have given rise to the notion of trial by jury amongst the Saxons. On the contrary, the twelve persons were to be witnesses of the innocence of the accused.* There is a clause in this treaty which clearly indicates that the Saxon and the Danish people were at feud, and that it was dangerous to rely upon peaceful and neighbourly intercourse between them. It was ordained that, "neither bond nor free might go to the host without leave, no more than any of them to us." If there was to be traffic amongst them, with cattle and with goods, hostages were to be given in pledge of peace, and as evidence that those who went to the strangers' camp or frontier went for lawful purposes.† Such regulations exhibit a remarkable picture of society, in which man-slaying and plunder were especially to be provided against. They tell us of

* See page 126.

† "As evidence whereby it may be known that the party has a clean back."

some of the difficulties which the Saxon king and his ealdormen and sheriffs had to contend with, in reducing the land to civil obedience after a condition approaching to anarchy; and how absolutely necessary was a wise and vigorous ruler to prevent the few remaining sparks of civilization being trodden out.

The repose which Alfred had won by his courage and policy, and which was, for some years, in a great degree uninterrupted, was dedicated by him to two great objects,—the establishment of order, and the removal of ignorance. The Saxon king now presents himself to our view as invested with a more exclusive power than appertained to the old Teutonic rulers. Although chosen from a peculiar royal race, the sovereign was anciently little elevated above his ealdormen. A higher value was set upon his life; and a higher bōt, or compensation, was to be paid to him by offenders. But in Alfred's laws, in which the principle of compensation was ascribed to the influence of Christianity, instead of to the old institutions of the Saxon people, the bōt was expressly set aside in the case of treason. The king has therefore been accused of "anti-national and despotic tendencies."* This accusation appears to be somewhat unmerited. The peculiar character of Alfred's code, differing in that respect from the "dooms" which had preceded it, is the incorporation of the commandments delivered to Moses, and the precepts of Christ, with the enactments that belonged to the social condition of the Anglo-Saxon people. Many of the minor laws of the Hebrew legislator are also copied with slight variation.† But the great Christian law of mercy and justice is also enacted: "That which ye will that other men do not unto you, do ye not that to other men;" and it is added, "From this one doom a man may remember that he judge every one righteously; he need heed no other doom-book." In the religious sanctions and obligations of Alfred's laws, we trace the distinct incorporation of the Church with the State. In the increased sanctity attached to the person of the king, we see how a dominant monarchical power had grown out of the mere chieftainship of the earlier rulers. That Alfred was a cautious legislator is manifest from his own declaration in promulgating this code: "I, Alfred, king, gathered these together, and commanded many of them to be written which our forefathers held, those which to me seemed good; and many of those which seemed

* Kemble's Saxons, vol. ii. p. 208.

† The first forty-eight clauses of Alfred's Dooms are from the Book of Exodus, chapters xx, to xxiii.

to me not good, I rejected them, by the counsel of my witan, and in other wise commanded them to be holden. For I durst not venture to set down in writing much of my own, for it was unknown to me what of it would please those who should come after us.* If some of the laws of Alfred appear very strange to us, from our want of knowledge of the minuter particulars of the Saxon social state, we can have no doubt that they were thoroughly practical. The king implies that he had conceived much of his own—a system, probably, less Teutonic than the code he adopted. But in the true spirit of legislation he was unwilling to make any violent innovations. If the Teutonic laws of Alfred are, for the most part, inapplicable to the modern condition of society, the spirit in which they were promulgated has been faithfully preserved amongst us. Whatever we hold most valuable in our constitution has been secured to us by the same care, which existed ten centuries ago, to preserve what seemed good, to reject what seemed not good, to repair with watchfulness, and to add with caution.

It is as a vigilant administrator, rather than as an original legislator, that the civil merits of Alfred are chiefly to be estimated. There are doubts whether Trial by Jury formed any part of the Saxon institutions; but it is sufficiently clear that the modern functions of a jury formed no part of the practice of the public assemblies in which causes were tried. There was a presiding officer in such courts—the ealdorman, the sheriff, or some inferior functionary. Alfred is said to have appointed judges distinct from the general authorities of the shires or hundreds. But the duties of those judges, whether especially selected or otherwise, were simply presidential. There was no evidence to balance, circumstantial or direct. When an accused person was put upon his deliverance, he might choose to rest upon testimony of character. He made oath as to his own innocence, and called upon a certain number of neighbours whose "worth," or money value, was duly assessed, to give the like testimony. If a sufficient number made oath to the same effect, the accused was free. But if the compurgation, as it was called, failed, he had then to appeal to the "judgment of God," in going through ordeals. There were various forms of ordeal. The hand was plunged into boiling water; a red-hot iron was carried nine paces. If no injury appeared after three days, the accused was declared innocent. If compurgation and ordeal failed to acquit him, then was bōt to be made for the lesser offences. For

* Ancient Law; and Institutes, p. 26.

the 'boteles' crimes there was capital punishment. Every offence, and its penalty, were exactly defined. When, therefore, we read, that in the courts of Alfred's earls and officers there was perpetual complaint of their decisions; that all, except the guilty, desired the personal judgment of the king; that the king inquired into all judgments, whether they were just or unjust; that he summoned unjust judges before him and rebuked them for their misdoings either through corruption or ignorance, telling the ignorant judges that they had neglected the studies of the wise; * we are at a loss to understand how the sagacity of the king or the blindness of the judges could have advanced or retarded the equal administration of laws so narrow and so absolute. There is something behind. The whole system of ordeal was necessarily open to the grossest frauds; and it was, probably, to their detention that Alfred applied his own acuteness, and demanded the vigilance of others, to call forth righteous judgments out of such fallible means of discovering the truth. But there was a difficulty in the administration even of this rude justice, which demanded some sagacity. Various districts and kingdoms had come under the West-Saxon rule, and amongst these, various customary laws had prevailed. There were Kentish laws, Mercian laws, Danish laws, which prevented uniformity of judgment, and were especially embarrassing to judges so ignorant as Asser has described those of Alfred's time to have been. The king's unremitting efforts seem to have been directed,—first, to correct the ignorance of those in authority, to whom he said, "I marvel at your insolence, who, by God's gift and mine, have taken upon yourselves the ministry and rank of wise men, but have neglected the study and labour of wisdom. Now, it is my command that ye either give up at once the administration of those secular powers which ye enjoy, or pay a much more devoted attention to the study of wisdom." † If this be despotism, it is a despotism devoutly to be prayed for, even in the nineteenth century. But Alfred knew that, in the general spread of knowledge, the rulers of the people could not remain ignorant. In that interval of rest which followed the submission of the Danes, in 878, the king gathered around him learned men from various districts. They read to him; they interpreted to him. In 884, he induced Asser, a Welsh monk, to reside with him during a part of the year. "I came into Saxony," Asser tells us, "from the extreme limits of western Britain, summoned by the king. After I had set out, I arrived through

* See Asser, at the end of the Life.

† Asser.

many wide-intervening ways, in the country of the South Saxons, which is called in Saxon, Suthseaxe (Sussex), guided by some of that nation. There I first saw him in the royal vill called Dene.* After being kindly received by him, in the course of conversation he earnestly entreated me to devote myself to his service, to give myself wholly up to him, and for his love to relinquish all my possessions on the other side of the Severn. He promised to compensate me richly, as he actually did." The learned Welshman would not forego his native cloister; but he promised to return, and give half his time to the king's companionship. In one sojourn of eight months, Asser says, "I translated and read to him whatever books he wished, which were within our reach; for it was his peculiar and perpetual custom, day and night, amidst all his afflictions of mind and body, either to read books himself, or to have them read to him by others." In due time Alfred, himself, became a teacher. No one ever devoted himself to the business of authorship with greater earnestness and a higher sense of duty, than this remarkable Saxon. During the fourteen years which had followed the peace with Guthrum, although he was exposed to occasional incursions of the northern pirates, his great works were the establishment of order, the consolidation of his kingdom, and the improvement of his people. With what heart he laboured in building up civilization upon general knowledge, is best shown by his own Preface to Gregory's Pastorals, one of the works which he translated from Latin into Saxon, a copy of which he sent to each bishop's see, with the injunction that it should remain in the minster, unless the bishop took it with him, "or it be lent somewhere until somebody write another copy." In the age before printing this was the only practicable method of multiplying books. What Alfred thus did was for example, as well as for the direct improvement to be derived from that particular book. The learning of the clergy had degenerated. He laments that "formerly people came hither to this land in search of wisdom and teaching, and we must now obtain them from without, if we must have them." He then describes the inability of the priests to make their breviaries intelligible to the general population.† He next exhorts Bishop Wulsige, to whom he addressed this Preface, that he bestow the wisdom which God gave him wherever he can bestow it. The mode by which he proposes to make knowledge more general, is that of translation.

* Supposed to be East Dean, or West Dean, near Chichester. † See p. 104.

The Scriptures had been translated from Hebrew into Greek and Latin and other tongues. "Therefore, it appears to me better, if you think so, that we also, for some books which seem most needful for all men to understand, that we translate them into that language that we can all understand, and cause, as we very easily may with God's help, if we have the leisure, that all the youth that is now in the English nation of free men, such as have wealth to maintain themselves, may be put to learning, while they can employ themselves in nothing else, till at first they can read well English writing. Afterwards let people teach further in the Latin tongue those whom they will teach further and ordain to higher degree. When I thought how the learning of the Latin language before this was decayed through the English people, though many could read English writing, then I began among other divers and manifold affairs of this kingdom to translate into English the book which is named in Latin *Pastoralis*, and in English *Herdsman's Book*, sometimes word for word, sometimes meaning for meaning, as I learnt it of Plegmund my archbishop, and of Asser my bishop, and of Grimbold my presbyter, and of John my presbyter. After I had then learnt it so that I understood it as well as my understanding could allow me, I translated it into English."* The modesty, the zeal, the common sense of this beautiful specimen of Anglo-Saxon prose (the version being as literal as possible) will be manifest to every reader. Perhaps some may think that if the spirit of this teacher, who lived in what we call a barbarous age, had descended upon those who have governed the people since his times, we, in this so-called civilised age, should not have to lament as he lamented, that "we have loved only the name of being Christians, and very few the duties."

The intellectual labour of this king was incessant. In the narrative of Asser we see the inner life of the diligent student; but we see also the ever-present responsibilities of the unconquerable king. The Danes, under their great leader Hasting, are blockading the Loire, in 882. Suddenly they turn to England, having concluded a truce with France. Alfred has learned the true defence of the island, and defeats his enemies at sea. In 884 they land in Kent, and besiege Rochester. Alfred is there with his army, and drives them back to their ships. He has again rest. The internal improvements of the country is his chief care. He finds new

* We take these passages from Mr. Wright's version in "Biographia Britannica Literaria."

religious establishments. He establishes schools in the various towns. He builds fortresses. He repairs roads. He reconstructs cities, especially London, out of the ashes of a desolating warfare. But amidst all this earnest work, he has time for his books. He translates Boetius,* interspersing the original with constant additions from his own rich thoughts. Bede's English History is rendered by him from Latin into Saxon; and so is the ancient History of Orosius, to the geographical portions of which he made interesting additions. Some of the original copies of these works are still preserved. Other translations are ascribed to him. He evidently laboured upon a systematic principle in the diffusion of knowledge. He saw what the great body of his countrymen required; and he also knew what would interest them. The Pastoral of Pope Gregory was a plain treatise on the duties of the parochial clergy. It was not addressed to the learned; but was a practical manual for those who were the natural instructors of the laity. It was, in English, "The Herdsman's Book." For the people themselves he prepared works of history and geography. Orosius gave him a summary of ancient history, from the earliest times to the Roman age of Honorius, A.D. 416. But that history was written by a Christian, and Orosius constantly holds up the Christian virtues, in opposition to the violations of justice and humanity, which are rarely blamed by the Heathen historians. Bede's Ecclesiastical History furnished Alfred with the most authentic record of the past annals of his own country. In Orosius there is a short summary of geographical knowledge, to which Alfred made some valuable additions, of especial interest to his countrymen. Two northern navigators came to the king, and from their personal relations he prepared a clear and concise statement of the northernmost countries, from which the Saxon race sprang. He tells, on their authority, of the waste lands which the Fins inhabit, obtaining a precarious subsistence by hunting and fishing; of wealthy men, whose possessions consisted of rein-deer; of seas where the walrus and the whale were in abundance; of Eastland and the Esthonians, where there are many towns, and where the rich drank mare's milk, and the poor and the slaves drank mead. He describes the coasts of Scandinavia with singular precision. How true all this is we know at the present day. The royal teacher published no wild stories, such as are found in other Saxon writers who came after him, of

* This Latin book, "De Consolatione Philosophiæ," was written early in the sixth century, and was very popular in the middle ages.

people with dogs' heads, boars' tusks, and horses' manes; of headless giants, or those with two faces on one head. Truth was in itself, as it always will be, the best foundation for interesting narrative. Add to these books the pure morality which Alfred disseminated in his Boetius, and we have the model of a just system of popular instruction. Works such as these, large and general in their views, were especially adapted to an insular people, and were wisely added to their national legends and songs. The king himself held communication, as much as it were possible, with the distant world. He corresponded with Rome, by ambassadors and by letters. He maintained a communication with the patriarch of Jerusalem; and, what strikes us as most remarkable, he sent a bishop with bounteous gifts, to the Syrian Christians in India. The overland journey to the coasts of Malabar was not an easy undertaking in those days. When we regard this man's manifold exertions, we naturally ask how these tasks were accomplished. The answer is given by the familiar story of his lantern-clock. He strictly apportioned his time to the performance of his several duties. To note the progress of the day and night, he caused wax-candles to be made of equal weight and size, so that six candles would burn for twenty-four hours. Minuter divisions of time were marked on each candle. But the wind blowing through the churches in which he worshipped, and the halls and tents in which he studied, made the exposed tapers irregular monitors. He remedied the difficulty by inventing the horn-lantern.

Thus passed, in comparative tranquillity, the life of the industrious king, from his thirtieth to his forty-fourth year. Children were growing up around him. Ethelfled, his eldest daughter, who was married to the Earl of Mercia, inherited the heroic spirit of her father. Edward, the elder son, succeeded to his father's throne. There was another son, and two other daughters. Asser describes the great care bestowed on their education. Alfred provided amply for his children, both on "the spear side and the spindle side," as his will expresses. But he made an especial provision for the preponderating wealth and power of his eldest son. That great inheritance of kingly dominion, built upon national independence, was preserved for a century, by Alfred's courage, sagacity and perseverance. His work was not ended when Guthrum, the Dane, who had made several ineffectual attempts to shake off his allegiance, died in 890. There was another Northman even more dangerous than the piratical King of East Anglia. During the few years of

rest which England had won by Alfred's exertions, France was purchasing exemption from plunder by paying tribute. At the same period the countries of the Rhine, the Scheldt, and the Meuse, were overrun by the invaders. The opulent towns were pillaged and burnt. Trèves, Cologne, Maestricht, Tolbiac, Liege, Aix-la-Châpelle, and many other strong and rich cities, that had flourished from the Roman times, were sacked and destroyed. The whole country of the Netherlands suffered in the same way. The wide-spreading ruin was again threatening England. But Alfred was at his post. No more quiet studies. No more friendly colloquies with Asser about ancient literature. No jotting-down of striking passages in his daily note-book. In 894, Alfred was, substantially, the king of all England. In that year the Danes, who had previously established a landing in the mouth of the Thames, effected another landing in Kent. Alfred was not unprepared. He did not call out the whole adult population to meet the invaders, but had made a wise provision for the due cultivation of the land, by calling out half the population for military service, leaving the other half in their homes. Each half, in its turn, exercised the duties of war and of industry. During the interval of peace he had also created a navy. There were two Danish armies to encounter. The one was posted on the Swale, near Milton; the other was on the coast. The whole fertile lands of Kent lay exposed to their ravages. On the Essex coast were the doubtful East Anglians, who would follow the fortunes of Hasting if they led to victory. Alfred threw himself between the two armies. The Dane saw his danger, and resorted to negotiation. He agreed to leave the country, and sent to the king two of his sons as hostages. But he meditated treachery. The hostages had been returned by the confiding Saxon. Then the army which had been landed in Kent suddenly marched across the country; but before a junction could be effected, Alfred pursued that army to Farnham, and defeated the Northmen in a general engagement. The enemy fled through Essex, and finally took refuge in the Isle of Mersey, at the mouth of the Colne. The king blockaded the fugitive remnant; but, in the meanwhile, some of the colonists of East Anglia fitted out a great armament, and, sailing along the southern coast, attacked Exeter. Another fleet, coasting round the northern parts of the island, reached the Bristol Channel. Hasting, who had remained in the Swale, now sailed up the Thames, and devastated Mercia. But wherever the enemy was, there was Alfred. He drove him out of

Exeter. He cleared Mercia of its ravagers, and they again fled to the Isle of Mersey. They had established an alliance in East Anglia, and, with powerful reinforcements, the next year marched across the country, and took possession of Chester. Again was Alfred after them; and again he drove them to the east. They towed their ships up the Thames into the Lea, where they fortified themselves. The Londoners attacked them, but were repulsed. It was the approaching harvest-time of 896, and Alfred brought up his army to prevent the invaders from gathering the corn. The Danes rested securely in their strong position, while the king appeared to be inactive. He was accomplishing one of those original conceptions of military genius which, in all ages, have characterised the few great masters of strategy, who stand apart from those ordinary commanders who regard war as a mere trial of physical strength, in which superiority of numbers is alone wanting to ensure victory. The Danish ships were in the Lea; the army was close at hand in its entrenchments. Alfred turned the course of the river below his enemy's position. The channel by which the Danes could bring out their vessels became dry.* The labourers upon the new cuts were protected by Alfred's fortified encampment. The invading army then marched through the midland counties to the Severn, and the Londoners seized the deserted vessels. Hasting entrenched himself at Bridgenorth during the ensuing winter; but the spirit of the invaders was broken, and Hasting left the country. The coast was still harassed by frequent descents of the piratical enemy. The great general now became, as Southey terms him, "The first English admiral." He was not a routine administrator, adhering to old models. The Saxon ships, as ordinarily built, were inferior to the æses of the Northmen, as their vessels were termed. The Anglo-Saxon Chronicle describes Alfred's preparation for naval warfare: "Then King Alfred commanded long ships to be built to oppose the æses; they were full nigh twice as long as the others; some had sixty oars, and some had more; they were both swifter and steadier, and also fighter than the others. They were shapen neither like the Frisian nor the Danish; but so as it seemed to him that they would be most efficient." With these ships Alfred went forth to his sea-fights. He swept the coast wherever the marauders appeared, and with a terrible severity he executed the men he captured as pirates. They were pirates, upon

* Camden says, that the Lea, by this operation, was obstructed for seven hundred years, till its navigation was restored by Lord Burleigh.

the largest scale that had been ever seen; and their system had become intolerable throughout Europe. The great enemy was at length completely overcome. The Danish raven was no more seen on the English shores. The flag was triumphant that "has braved a thousand years the battle and the breeze." Alfred secured his kingdom's peace in 897. Within four years, in 901, he was called, "where the wicked cease from troubling and the weary are at rest."

The history of England during the days of Alfred has necessarily been the biography of one man; for the character of one ruler never more completely influenced the destinies of his country. Alfred saved England from foreign domination. He raised her in the scale of nations, and maintained her in the fellowship of Christian communities. He was the first who clearly saw that there was a people to be instructed and civilized. He ruled over a small state, but his exertions had a world-wide influence. The Saxon people never forgot him. In three generations after his death, in the first year of the eleventh century, they were subdued by the same Danes that he had driven out; and in another century came a greater conquest and a heavier yoke. But Alfred saved his own race from destruction; and whatever were to be the after-fortunes of that race, the indomitable courage, the religious endurance, the heart and hope of this man, under every trial, constituted a precious bequest to the crown and to the nation. The energy of the warrior king was emulated by his immediate descendants, if they could not attempt to combine in so eminent a degree the contemplative with the active principle, as he had combined them. But he presented to his own time, and to all coming time, a model which, to a certain extent, represents our national character, in its union of reflection with action. The world of thought and the world of deed are not with us separated, as with some nations. This notion of the impress of Alfred's character upon the Anglo-Saxon race, or of Alfred presenting a type of that race, may be fanciful; but, at any rate, the leading principle of duty, as the end of life, still survives amongst us. It is our battle-cry and our household precept. In many respects we live in a selfish age, in which duty and interest are confounded; with most of us pretentious, and with too many unscrupulous. We may be better by being tried by adversity, as this Alfred was tried. But whatever may be our vices and shortcomings, we are yet able to do honour to the great Saxon, who, in no boastful spirit, wrote of himself:—"This I can now truly say,

that so long as I lived I have striven to live worthily, and after my death to leave my memory to my descendants in good works."

The character of Alfred has a strong hold upon our affections; and much of this may proceed from the circumstance that we see more of his private life, through his attached biographer, than of the individuality of any other of the kings of that obscure period. In our eyes he is not an abstraction, as most others of the race of Woden appear to us. Alfred is not always present in armour and purple—the crown on his head and the sword in his hand. We see him afflicted with disease, but never bowed down by despondency and inaction. He is amongst his children, who reverence him as father and king, but love him as friend and companion. He is gossiping with artificers about their various callings; looking after his falconers and dog-keepers; trying mechanical experiments; and reciting old Saxon poems at his social board. He is at prayer openly in the churches; and secretly he humbly kneels on the steps of the altar to pour out his heart to Him who is "the stem and foundation of all blessings." * He is reading in his plainly-furnished chamber, where the wind sings through the coarse hangings, as he looks exultingly upon the lantern which shields his solitary taper. He is discussing with Asser the exact meaning of a Latin passage, and finally transcribes it in his note-book. He is reckoning his revenues, setting aside one portion for his military and civil service; another for public works; and another for religious purposes, for education, and for the poor. We see him exhorting those in authority to do their duty, mildly and moderately reproving such as had neglected the just discharge of their functions. We see him affable and pleasant to all, and eagerly curious to enlarge his knowledge by familiar questions. We may be quite sure that he was too wise to be always playing the king and the sage; and we perceive distinctly that, like all the really great men that ever lived, he was essentially simple and practical in the higher as well as humbler concerns of life. His character can very well afford to bear the charges of the monastic writers, that in his early years he was proud, severe, even dissolute. It is in the conquest of the passions that the resolute will first asserts itself; and after that conquest the light breaks, and all is calm and beauty. Adversity has no degradation, and prosperity no danger, when that struggle is over.

Hume says of Alfred, "That he might render the execution of

* Words added by Alfred to Boetius.

justice strict and regular, he divided all England into counties; those counties he subdivided into hundreds; and the hundreds into tithings." This statement is found in some of the chroniclers. The words of Malmesbury are these: "Since, from the example of the barbarians, the natives themselves began to lust after rapine, insomuch that there was no safe intercourse without a military guard, he (Alfred) appointed centuries, which they call 'hundreds' and 'decennaries,' that is to say, tithings; so that every Englishman, living according to law, must be a member of both. If any one was accused of a crime, he was obliged immediately to produce persons from the hundred and tithing to become his surety; and whosoever was unable to find such surety must dread the severity of the laws. If any who was implicated made his escape, either before or after he had found surety, all persons of the hundred and tithing paid a fine to the king." Ingulphus asserts that Alfred divided the kingdom into counties, hundreds, and tithings. There were, unquestionably, many large divisions of the various Saxon kingdoms before the time of Alfred; and the attribution to him of the subdivisions of hundreds and tithings is held to be of those conjectures which made the Saxon "darling" the origin of nearly all that was good in the ancient institutions. Mr. Kemble says, "Not one word in corroboration of it is to be found in Asser or any other contemporaneous authority." The very able author of the Introduction to the Census of 1851, observes,—“Some modern writers attempt to set aside the testimony of these Chroniclers” (Malmesbury and Ingulphus), “on the ground that they are unsupported by contemporary annals. They appear to forget that the Saxon Chronicle omits much that is in the elaborate life of Alfred by Asser, whose narrative terminates abruptly (A. D. 887), fourteen years before Alfred’s death (901); and therefore no more exhausts the administrative measures than it exhausts the military achievements of the great king. The methodical division of his revenue, of his attendants into companies, and of his time, is described by Asser; and the division of the kingdom into hundreds and tithings is of the same artificial character.” But Mr. Kemble maintains that the system existed long before Alfred was born, not only in other German lands, but amongst ourselves. The earlier portion of Mr. Kemble’s excellent work,* is to show how the system grew up. The settlers plant themselves upon the land, either by force, or in peaceful occupa-

* Saxons in England.

tion of the vacant districts. The bond of family is first regarded. Each family has a hide of land,—some thirty cultivable acres. It is bookland—private property. Other families cluster around, for the protection and comfort of society. Ten families make a tithing. A wider personal or territorial division is found necessary for administrative purposes. A hundred families form a considerable community; and hence the hundreds. But for the purposes of general government there must be a still more extended circle. Each tithing or hundred has its folkland—land in common—wood, heath, marsh—originally the mark or boundary of the small community. The Ga, or Scir (shire), is the larger division; the forest, the river, the mountain, separating one wide district from another. It is incontestable that these divisions, and sub-divisions, at first personal and subsequently territorial, grew necessarily out of the very earliest condition of Saxon society; and in this point of view it may be denied that Alfred originated them. Mr. Kemble, however, to a certain extent, admits the general belief: “I am unwilling to incur the responsibility of declaring the tradition absolutely without foundation: on the contrary it seems probable that Alfred may have found it necessary, after the dreadful confusion and devastation of the Danish wars, to make a new muster or regulation of the tithings, nay, even to cause in some respects, a new territorial division to be established upon the old principle; and this is the more credible, since there is reason to believe that the same causes had rendered a new definition of boundaries generally necessary, even in the case of private estates.”* We may add that Ingulphus says that Alfred had an Inquisition taken, which is the model of the Doomsday Survey; but there is no trace of such a survey in our public records.

The system of surety described by Malmesbury is known to us by the common name of Frank-pledge. Its real meaning is, the pledge of peace. Through an early mistake of one Saxon word for another—*Fneoborh* for *Frisborh*—it has become frank-pledge or free pledge. It is, on the contrary, the enforced pledge to keep the king’s peace. The institution is clearly described in the laws called Edward the Confessor’s:

“Another peace, the greatest of all, there is, whereby all are maintained in firmer state, to wit in the establishment of a guarantee, which the English call Frithborgas, with the exception of the men of York, who call it Tenmannetale, that is, the number of ten

* Saxons in England, book i. chap. ix.

men. And it consists in this, that in all the vills throughout the kingdom, all men are bound to be in a guarantee by tens, so that if one of the ten men offend, the other nine may hold him to right. But if he should flee, and they allege that they could not have him to right, then should be given them by the king's justice a space of at least thirty days and one; and if they could find him they might bring him to justice. But for himself, let him out of his own restore the damage he has done, or if the offence be so grave, let justice be done upon his body. But if within the aforesaid term he could not be found, since in every frithborh there was one headman whom they called frithborghed, then this headman should take two of the best men of his frithborh, and the headman of each of the three frithborhs most nearly neighbouring to his own, and likewise two of the best in each, if he can have them; and so with the eleven others he shall, if he can, clear both himself and his frithborh both of the offence and flight of the aforesaid malefactor. Which if he cannot do, he shall restore the damage done out of the property of the doer, so long as this shall last, and out of his own and that of his frithborh; and they shall make amends to the justice according as it shall be by law adjudged them. And, moreover, the oath which they could not complete with the *venue*, the nine themselves shall make, viz., that they had no part in the offence. And if at any time they can recover him, they shall bring him to the justice, if they can, or tell the justice where he is.*

The system of surety has necessarily become extinct in a condition of society where every man is master of his own actions till he comes under the cognisance of the law. Yet in this system of peace-pledge there is much to admire. It bound the individual members of a small community in a common fellowship, and a common interest in the due administration of justice. The universal submission of the English people to the authority of law is one of the most remarkable of their characteristics. Something of this ready acknowledgment of the supremacy of a moral power stronger than physical force, operating for the universal benefit, may be attributed to this Saxon institution. Words survive customs: My neighbour is my neah borh—my nigh pledge. In a law proceeding of our own time, the *venue* where the action is laid is where the witnesses are at hand, to speak of their own knowledge as to what happened in their vicinage. These are the successors of the old sworn compurgators, who were *jurati*, or jurors, but not in our

* Kemble's Saxons in England, vol. i. p. 249.

modern sense. When in our courts of justice a witness is called to character, there stands the representative of the Saxon neighbour, who is performing, in a lesser degree of responsibility, the same office of kindness which the compurgator performed in the days of Alfred. In the tithings or gylds, there were small courts of arbitration or police; and the men of the tithing appear, in their monthly meetings, to have observed, especially in London, those festive greetings without which municipal or national business amongst us is still supposed to be imperfectly performed. The hundred was a collection of ten tithings; and it had its monthly meetings also as a court of justice, but one of limited powers. The hundred was principally part of a system of police for the maintenance of peace. At this day when a riotous destruction of property cannot be redressed by the damages imposed upon a known offender or offenders, the sufferer goes for compensation to the hundred. But the great court was the shire court. The administrative officers of this system were,—1. The "Ealdorman." He was sometimes called duke; and, next to that of the king, his was the highest authority. When long experience was held to be the best test of wisdom, the name Ealdorman, as the word Seigneur, implied a man of mature years,—the elder, or senior. His civil duty was to hold a shire-moot twice a year, in which he presided, in association with the bishop. The ealdorman had the highest judicial and executive authority in his shire, probably without appeal. We read of Alfred reproving unjust and ignorant judges, but we have no statement that he reversed their decisions. The dignity was not hereditary; though the ealdorman necessarily belonged to the class of nobles. We have already spoken of the ealdorman as a military leader. 2. The "Scírgeréfa"—the shire-reeve—the sheriff. This officer was, in a great degree, the deputy of the ealdorman; and he was also subject to the control of the bishop. But he was, practically, the county-court judge. The sheriff was also the fiscal officer of his district. He was appointed by the king, and could be removed by the king.* 3. In towns—fortified places—there was a "burhgeréfa"—borough-reeve. 4. Beyond these officers, there were special reeves, exercising certain functions, as the reeve, or steward, of the king, or ealdorman, or bishop, and having judicial power in various courts inferior to the county-court. The principle of administration which was enforced as the duty of these officers is thus set forth in the laws of King Edward,

* Kemble, vol. ii. p. 165.

the son and successor of Alfred:—"King Edward commands all the reeves; that ye judge such dooms as ye know to be most righteous, and as it in the doom-book stands. Fear not on any account to pronounce folk-right; and that every suit have a term when it shall be brought forward, that ye then may pronounce." In the last clause the injunction is repeated: "I will that each reeve have a gemot always once in four weeks; and so do, that every man may be worthy of folk-right;* and that every suit have an end and term when it shall be brought forward." In these just principles and comprehensive arrangements for securing order and administering justice, we see an approach to the complete establishment of legal authority above the more ancient principle of feud and private revenge for individual wrong. But the right of aggrieved persons and of their kinsmen to interfere with the sober course of public law was acknowledged even by Alfred in his "dooms." The right of private war preceding the remedy of the law is distinctly set forth: "We also command, that the man who knows his foe to be home-sitting, fight not before he demand justice of him. If he have such power that he can beset his foe, and besiege him within, let him keep him within for seven days, and attack him not, if he will remain within." The siege and the battle were not likely to be far separated. In the same clause it is said,—“After the same wise, may a man fight on behalf of his born kinsman, if any wrongfully attack him, except, indeed, against his lord; that we permit not.” It is from the laws, in all times, that we can best understand the condition of society; and here we see the state of warfare still contending against the state of order.

Amidst all the wrongs and tumults that must naturally have arisen out of the most partial admission of the right of personal or family feud, it is remarkable how little we can trace any private violence about inheritance, or the boundaries of landed property. Men were fighting and litigating about stolen cattle, but the tenure of land seems to have been secured upon safe and uniform principles. In the will of Alfred he states that he went to his witan, and showed them King Ethelwulf's his father's will, and they admitted its validity, and guaranteed such settlement of lands as he should think fit to make. But it is probable that such a solemn act of testamentary disposition was only necessary in the case of the king. In the case of private estates the boundaries and the right of succession, or the integrity of purchase, were probably re-

* Have his right by law.

corded in some legal form. Private land was book-land—land recorded in a written book, or charter. But the transfer of land was effected by a simplicity of arrangement which the ingenuity of civilisation has raised into a complicated and expensive system that makes us look with some regret upon the days before title-deeds. A turf cut from the sward, and handed over to the purchaser by the vendor, was the good old Saxon conveyance of land. The delivering the key of a door gave the possession of a dwelling. More solemn testimonials of the assignment of property were sometimes given. Ulfus, a thane of Northumbria, lays his ivory drinking-horn upon the altar of the minster of York, and there it still remains as the title of the church to the "Terra Ulfu," which the Chapter holds. These formalities took place in the presence of witnesses. Some of the evidence of rightful possession might in course of time be subject to doubt; and bulky and complex documents came at last to stand in the place of the delivery by the turf and the drinking-horn, and the simple registration. The progress of civilisation made the change. But we have carried the change into uncivilisation when we hold that whilst a chattel, be it of the value of thousands of pounds, may be transferred without expense, an acre of freehold land cannot be sold without paying half its value for parchment, and with the possibility that in the next generation the title may become a matter of dispute which the High Court of Chancery may be called upon to settle. The evil is of some standing. Burton, at the beginning of the seventeenth century, writes—"Our forefathers, as a worthy chorographer of ours (Camden) observes, had wont, with a few golden crosses, and lines in verse, made all conveyances assurances. And such was the candor and integrity of succeeding ages, that a deed, as I have oft seen, to convey a whole manor, was *implicite* contained in some twenty lines, or thereabouts. . . . But now many skins of parchment will scarce serve turn. He that buys and sells a house must have a house full of writings."*

* Anatomy of Melancholy, ed. 1652, p. 51.