



How to Win a Lawsuit in the Early Middle Ages

Activity 1: Examine and Discuss the extracts below taken from Tenth-Century Dispute Records. How do charters tarnish the reputation of previous landowners who had their lands seized by the early English State?

Consider the following:

- Why would you commission someone to draw-up a charter for your newly acquired lands?
- Who wrote these accounts and why?
- What are the similarities and differences between these extracts in terms of:
 - The king's role (do the texts tell us who made the 'legal' decisions in these cases?)
 - How were landowners punished?
 - What information is missing about the landowners and the 'crimes' they committed? Why do you think this information is not included?
- Do you trust these accounts? Can these landowners be labelled as 'guilty' criminals?
- How 'legal' are these texts?
- What is the function of a charter in early medieval property disputes?



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Extract 1: The Bacon Thief

‘For, what the memory of man lets slip, [...] letters preserves; hence it ought to be made known to readers that this aforesaid estate came into the control of my possession through a crime of unspeakable presumption of a certain man, to whom his parents gave the name of Æthelsige, although he disgraced the name by a base and shameful act; the land at Dumbleton forfeited which Æthelsige forfeited into King Æthelred’s possession: it was because he stole the swine of Æthelwine, the son of Ealdorman Æthelmær; then his men rode thither and brought out the bacon from Æthelsige’s house, and he escaped to the wood. And he was then outlawed, and his lands and his goods were assigned to King Æthelred’.

Charter S 886 written in 995.

Charters of Abingdon Abbey (ed. Kelly)

Context

King Æthelred II (reigned 978–1013, 1014–1016) granted his loyal follower Wulfric lands in Gloucestershire. The crown seized these lands from an individual called Æthelsige after he was ‘caught red-handed’ stealing another nobleman’s pig! The charter does not specify who made the decision, but Æthelsige was outlawed and his lands taken by the crown. This charter was designed to protect Wulfric’s ownership of Æthelsige’s forfeited estate.



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Extract 2: The Peterborough 'Witch'

'Here it is declared in this document that Bishop Æthelwold and Wulfstan Ucea have exchanged lands with the knowledge of King Edgar and his councillors [...] the estate at Ailsworth had been forfeited by a widow and her son, because they drove an iron pin into Ælfsige, Wulfstan's father, and it was discovered and the deadly image (doll) was dragged out of her room. Then the woman was taken and drowned at London Bridge, but her son escaped and became an outlaw, and the estate passed to the king, and the king the granted it to Ælfsige, and Wulfstan Ucea, his son, gave it afterwards to Bishop Æthelwold, as is related above.'

S 1377 written sometime between 963 and 975.
Anglo-Saxon Charters (ed. A. J. Robertson)

Context

An unnamed widow, sometimes referred to as the 'Peterborough Witch', and her son lost their lands to the state after an unnamed individual discovered in the widow's bedroom a doll, supposedly modelled on a nobleman called Ælfsige, that had been stabbed with an iron pin. This charter fails to specify whether a court formally tried the widow in a court of law. Was this an example of early medieval 'mob' justice? The widow was executed, and her son had been exiled. King Eadred (reigned 946–955) seized the lands and gave them to the man who was the subject of the 'stabbed doll', Ælfsige. Ælfsige then passed the lands to a nobleman called Wulfstan, who then gave it to Bishop Æthelwold with the permission of one of Eadred's later successors, King Edgar the Peaceful (reigned 959–975).



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Extract 3: The Crimes of Wulfbald

‘These are the crimes by which Wulfbald ruined himself [...] when his father had died, he went to his stepmother’s estate and took everything that he could find there, inside and out, small and great. Then the king sent to him and commanded him to give up what he had seized, but he paid no attention [...] Then the great meeting was held at London [...] Then all the king’s councillors who were there, both ecclesiastics and laymen assigned the whole of Wulfbald’s property of the king, and himself (Wulfbald) likewise to be disposed of as the king desire, either to remain alive or to be condemned to death’.

S 877 written in approximately 996.

Charters of the New Minster, Winchester
(ed. S. Miller)

Context

King Æthelred granted his mother, Ælfthryth, lands in Kent in 996, some of which had been seized from the troublesome thegn Wulfbald. The king commissioned this charter to defend any future challenges to Æthelred’s family’s claim on these estates. Wulfbald ‘illegally’ took ownership of his stepmother’s estate after his father’s death. Wulfbald then ignored Æthelred’s instruction to leave the lands four times in a row and refused to pay the court’s fines. Wulfbald also seized another family member’s estate. A royal council held in London decided that Wulfbald’s properties were to be handed over to the king. They also decided that the king had the authority to decide whether Wulfbald should live or die. Wulfbald eventually died without making ‘amends’ to the crown. The charter fails to tell historians how Wulfbald actually died. Wulfbald’s widow and son then went to another estate and killed Wulfbald’s cousin and his fifteen companions. The crown was then finally able to seize Wulfbald’s estates and redistribute to loyal followers as a reward.



Activity 2: Group Debate

If Wulfbald (or one of the other 'criminals' mentioned in the charters above) asked you to be his barrister today, how would you defend him in court? How would you win back his lands and prove his innocence?

Alternatively, how would you prosecute Wulfbald in court? How would you prove to a present-day jury that he wrongfully seized his stepmother's estate and that he is guilty?

Consider the following:

- There are two sides to every story, but history is recorded by the victors, so we do not have access to **Wulfbald's point of view** – why did he think the lands in Kent belonged to him? Don't be afraid to get creative with the storyline (early medieval claimants certainly did!), think of the points raised by Wulfbald's rivals, such as his family connections to the estate and the concept of **inheritance**.
- **Written Documents** are crucial when proving you have a claim to an early medieval estate, could you create a charter for Wulfbald?
- What **evidence** will you need to make or break his case? Can you gather this evidence from the extracts of Wulfbald's case mentioned above or in the lecture?
- How will you portray **Wulfbald's character** and place him in a positive or negative light depending on whether you are defending or prosecuting him? What could **tarnish** or **strengthen** the reputation of an early medieval noble?
- How do **other actors** behave in this case, such as King Æthelred, the royal councillors, Wulfbald's widow and son?
- How do **present-day** juries decide who is guilty, innocent or who wins a lawsuit? How might our **legal principles differ or resemble early medieval** law-making and punishment of criminals?