

= Leges Henrici Primi =

The Leges Henrici Primi or Laws of Henry I is a legal treatise , written in about 1115 , that records the legal customs of medieval England in the reign of King Henry I of England . Although it is not an official document , it was written by someone apparently associated with the royal administration . It lists and explains the laws , and includes explanations of how to conduct legal proceedings . Although its title implies that these laws were issued by King Henry , it lists laws issued by earlier monarchs that were still in force in Henry 's reign ; the only law of Henry that is included is the coronation charter he issued at the start of his reign . It covers a diverse range of subjects , including ecclesiastical cases , treason , murder , theft , feuds , assessment of danegeld , and the amounts of judicial fines .

The work survives in six manuscripts that range in date from about 1200 to around 1330 , belonging to two different manuscript traditions . Besides the six surviving manuscripts , three others were known to scholars in the 17th and 18th centuries , but have not survived to the present day . Two other separate copies may also have existed . The complete work itself was first printed in 1644 , but an earlier partial edition appeared in 1628 . The Leges is the first legal treatise in English history , and has been credited with having the greatest effect on the views of English law before the reign of King Henry II than any other work of its kind .

= = Background and similar works = =

The Leges Henrici Primi or Laws of Henry I is not merely a compilation of laws but an integrated legal treatise , the first such in the history of England , written in the Latin language about 1115 . It records the legal customs of medieval England . It was part of a small group of similar writings devoted to legal procedures that were written for royal administrators . Besides the Leges , other works of this type produced at this time were the Quadripartitus , parts of the Leges Edwardi Regis , the Instituta Cnuti , and the Consiliatio Cnuti . It is possible the Leges Willhelmi was also written during this time period . It is the longest of the legal tracts from its time , and made some effort to be comprehensive .

= = Authorship and title = =

The Leges was written between 1114 and 1118 by an unknown Norman , who is very likely to be the author of another legal work , the Quadripartitus , although some historians , including H. G. Richardson and G. O. Sayles , argue that the two works were by different authors . The Leges was probably part of a project including the Quadripartitus , the two works being part of a planned work in four volumes to cover not only the laws of the writer 's own time , but previous laws of the Anglo - Saxon monarchs , as well as how to handle legal cases . As part of both works , the author has included the Charter of Liberties , which was King Henry 's coronation charter promising not to follow the administrative and legal policies of his predecessor , King William I . About a third of the material in the Leges is also in the Quadripartitus . There is evidence that the author of the two works had been a member of the household of Gerard , who had been chancellor under Kings William I and William II before becoming Archbishop of York under Henry I. The work was likely composed at Winchester .

Usually the work has been known as the Leges Henrici Primi , or Laws of Henry the First . It gained that name from the inscription " De libertate ecclesie et totius Anglie obseruanda leges Henrici primi " which occurs on five of the six extant manuscripts . The sixth manuscript adds " filii conquestoris " at the end of the inscription . The historian Felix Lieberman called the work Leges Henrici , but the fuller title of Leges Henrici Primi is generally used to help differentiate which Henry is being referred to .

= = Contents = =

The work is not a law code issued by King Henry , but a compilation of already extant legislation that was still current during his reign . It is not a comprehensive listing of all laws that were in force during the early 11th century . It begins with Henry 's Charter of Liberties , which he issued after his coronation , and this is the only actual legal document reproduced in the Leges . Some discussions of juridical matters then follow , then a long treatment of ecclesiastical issues . The rest of the treatise is concerned with non @-@ ecclesiastical subjects , including cases of injury , theft , murder , and feuds . Procedural topics are included , such as how summonses to court should be formed , what notices need to be made before judicial procedures , how adjournments should be handled , and other such concerns . There is no strong organizational framework to the entirety of the Leges , which leads the author to repeat subjects as well as treating some subjects less than adequately .

The law code recognised the difference between the laws of the Danelaw , the old Kingdom of Mercia , and the lands of the Kingdom of Wessex . It also set out a list of legal proceedings that could only be tried before the king or his officials , the cases of which were known as " royal pleas " or " pleas of the crown " ; they included serious crimes such as treason , murder , rape , robbery , arson , and some types of theft . Treasure trove and salvage from wrecks were also matters of interest to the crown . Other royal cases involved counterfeiters or false judgement , or violent acts against the king himself or his household and servants . The king also reserved the right to hear appeals from other courts conducted by local authorities or by his nobles . The tract also set out who should attend the shire court , ruling that the local bishop and earl , as well as the sheriff and local barons , among others , should attend .

The work assumes that the royal legal system would still address some issues that later would have been dealt with by ecclesiastical courts . Clergy are not only to take part in the shire court , but could be summoned to answer charges in the court . It also sets out the various courts that were established and their jurisdiction . It takes for granted that the Anglo @-@ Saxon laws of England are still in effect . It also addresses the administration of forest law under Henry I. Another new concern in the Leges is law covering the roadways and highways .

Another area covered by the work is royal finance , with the Leges setting out the rate of Danegeld , at a rate of one shilling per hide . It also covers judicial fines , setting forth a fine of 46 marks as the penalty for committing murder . The author of the work criticised the royal justices , calling them greedy . It sets out elaborate procedures for the conduct of murder cases , or *murdum* .

The Leges also devoted some effort to the theory of the law , and attempted to make generalisations about legal procedures and practices . It also contains a number of dicta which became cliches , such as " who unknowingly offends will knowingly amend " and " witness is not needed as to what did not occur , but as to what an accused claims did occur " .

= = Manuscripts = =

The work comes down to the present day in two manuscript traditions , neither one of which contains many manuscripts . There are six surviving manuscripts between the two traditions ? that of the manuscript Sc and its copies , and the " London group " . The Sc group is composed of the Sc manuscript itself , which probably dates from about 1225 , and its copy , Hg , which was written about 1250 . Sc is currently part of the Red Book of the Exchequer held by the Public Record Office . Hg is held by the British Library and is catalogued as Hargrave 313 . It consists of folios 5 through 14a of the manuscript .

Four other extant manuscripts belong to the " London " tradition , and three other now @-@ lost manuscripts are also known to have belonged to this grouping . The surviving manuscripts are known as K , Co , Or , and Rs . The three lost manuscripts have been assigned the names of Gi , Sl , and Tw . K is a manuscript currently in the British Library , and was part of the Cotton Library before becoming part of the British Museum then the British Library . Given the catalogue name of Cotton Claudius D II , it is the only illuminated manuscript of the Leges and dates to around 1310 . Co is currently in the Corpus Christi College , Cambridge Library and was part of the Parker Library in the 16th century before being bequeathed to Corpus Christi on Parker 's death . This manuscript dates to around 1320 and is catalogued as Corpus Christi College 70 . The Leges occupies folios

108 through 170 . The manuscript Or was originally part of the Oriel College , Oxford Library but is now part of the Bodleian Library . It dates from around 1330 and is catalogued as Oriel College 46 . The last extant manuscript is Rs , which is currently in the John Rylands Library in Manchester . It was written about 1201 and is catalogued as Rylands lat.155.

The three known but now @-@ lost manuscripts included Gi , which was known in 1721 and was owned by the London Guildhall . It was used by David Wilkins to compile his 1721 work *Leges Anglo @-@ Saxonicae* as well by Henry Spelman to correct manuscripts used in the *Epistola Eleutherii* . The SI manuscript belonged to John Selden in the 17th century , but it is unclear when it was created . It was used by Roger Twysden in his edition of the *Leges Henrici Primi* . The last securely known lost manuscript is the Tw manuscript , and was used by Twysden in his edition of the *Leges* , and was perhaps owned by him also .

Possibly two other manuscripts existed but little is known about them . One is often designated Sp , and was used by Spelman for his 1625 *Glossarium Archaiologicum* , for which he used three manuscripts of the *Leges* ? Sc , K and one that he does not name but has subsequently been designated as Sp . It appears to have belonged to the London grouping , and may have been Gi rather than a separate manuscript , although Spelman 's description and usage is unclear as to which possibility is most likely . The other possible manuscript was one that Wilkins referred to as " quod iudetur fuisse Archiepiscopi aut Monachorum Cantuar . " but it has not been found in searches of the Lambeth Library and the various Canterbury repositories .

Besides the medieval manuscripts , there are three early modern transcriptions of the work ? one from the 16th century now at the Cambridge University Library as manuscript Dd.VI 38 , the second at Trinity College , Cambridge from the 17th century , catalogued as Cambridge O.10,20 , and the last in the British Library as Harley 785 , also dating from the 17th century .

= = Publishing history = =

The first complete printed edition of the *Leges* was in 1644 , as an appendix to a new edition of the *Archaionomia* prepared by Abraham Wheelock . The actual text of the *Leges* was edited by Twysden . Prior to this , two other scholars , William Lambarde and Spelman , had intended to produce printed editions of the *Leges* , but were unable to follow through on the project . A portion of the *Leges* had earlier appeared in Edward Coke 's *Institutes of the Laws of England* in 1628 . Another edition appeared in 1721 , with Wilkins ' publication of the *Leges Anglo @-@ Saxonicae* , which built on the work of William Somner between 1645 and 1652 . In 1776 , David Hoüard reprinted Wilkins ' text of the *Leges* in the *Traites sur les coutumes anglo @-@ normandes* , and in 1789 another reproduction of Wilkins ' text appeared in Paulus Canciani 's *Barbarorum Legs Antiquae* .

What is considered the first scholarly discussion of the *Leges* appeared in 1827 by George Phillips , who did not reproduce the entire text in his *Englische Reichsund Rechtsgeschichte* , but did provide a couple of extracts along with a discussion of the sources of the work and a description of the work . In 1840 , the Record Commission published an edition of the text that had been edited by Richard Price and Benjamin Thorpe . The next major production of the *Leges* was Felix Liebermann who produced three volumes of *Gesetze der Angelsachsen* between 1903 and 1916 , with the *Leges* being one of the legal treatises being reproduced in the *Gesetze* . A modern translation , with the original Latin text on pages facing the translation , was published in 1972 by the Clarendon Press and edited by L. J. Downer , and includes updated commentary and manuscript information .

= = Legacy and influence = =

The work is an important historical source for the study of the Middle Ages . An edition was published along with other 12th @-@ century legal treatises , in the *Die Gesetze der Angelsachsen* , and more recently it has been studied by the historian L. J. Downer . The historian Patrick Wormald says of the *Leges* that it " has had more effect on views of English law before Henry II than any other " .