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Few Words

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CURIOSITIES OF THE LAW

A FEW WORDS

HAMSOCKNE

In ancient Anglo-Saxon days, the crime of housebreaking or burglary was called *hamsockne*. *Ham* meant "home", being root of the German *hame* or *heim* and of our English *home* and *hamlet*. *Sockne* meant "breaking", this respectable saxon verb surviving in our slang phrase "a *sock* on the jaw". Although slang words often become accepted in a language, an accepted word usually continues so or dies completely and it is rare to find it degenerate into despised slang.

The ancient punishment for *hamsockne* was death, according to Chap. I, sec. 11, of the *Mirroure of Justices*, written about 1300 A. D.; and that continued to be the punishment for some centuries after the name died and burglary, once an alternative, became the sole name of the crime.

RAPE

The original meaning in English of "rape" was to snatch, seize, or hurry, with no idea of sexual relations involved. This was the significance of *rappa*, *rappē*, *rapen*, and *raffen* in Swedish, Danish, Dutch and Old English, and German respectively. The English word came from these northern sources, and not from the Latin *rapere* which has the same meaning; but the philological similarity is one of many interesting indications that in prehistoric times the Latins and the northern tribes branched from a single racial source.

The very early Anglo-Saxon law used "rape" in its common and historic meaning, it being the crime of the forcible taking of the personal property of another. Sometime prior to the Norman conquest the English conversationally extended "rape" to cover the forcible taking of sexual relations with a woman, and that the law followed is evidenced by the ancient *Mirroure of Justices*: "Rape is done two ways, that is to _____s, and

of women." This legal extension of the word was approved and codified in a statute of Edward I. It was obviously clumsy to have one name for two distinct crimes, so rape very soon became limited to the sexual taking of women, there being numerous other captions to cover the taking of things. The law very early extended the true root of the word, and held it rape to have intercourse with a female under ten years of age even though she consented and no element of force or seizing was involved.

In our modern English rape still retains its original meaning as a forcible seizure of anything, although it is more commonly used in the new strict legal sense.

ABJURATION

In early English law a criminal could not be touched while in a church, the holy sanctuary being a legal as well as a spiritual protection. This common law principle is set down and discussed in Chap. XVII of Britton, a compilation written about 1300 by the order of Edward I.

The law ordered the coroner to call at once at the sanctuary and call on the criminal to give himself up for trial on a plea of "not guilty", or to confess and abjure the realm. If the offender refused both alternatives, his lands and chattels were at once seized and forfeited, he was outlawed, the church was guarded, and after forty days no one could bring him food or drink so that he was forced out or starved. For feeding the outlaw a clergyman would be banished and a layman put to death.

By the choice of confession and abjuration of the realm, the accused forfeited his property and banished himself, but escaped trial or further punishment in a day when about one-hundred and fifty crimes were punished by the death penalty. He was allowed to carry out his abjuration or banishment by choosing a port of departure from England, and while going to such port he was under the protection of the King. Says Edward, speaking through Britton; "Let them go with a wooden cross in their hands, barefooted, ungirded, and bareheaded, in their coat only. And we forbid anyone under peril of life and limb to kill them so long as they are on their road pursuing their journey." A modern novelist, whose name escapes me, has given a glimpse of a criminal protected by his abjuration, walking in terror just ahead of the man he has wronged whilst the latter bears a huge